

LEGISLATIVE DOCUMENT SAMPLE BOOK



Legislative Council Service
July 23, 2018

LEGISLATIVE DOCUMENT SAMPLE BOOK

Legislative Council Service

Legislative Council Service
411 State Capitol
Santa Fe, NM 87501
202.187179

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Part A
Bills — Basics

HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

TITLE STARTS HERE; TITLE IS CAPITALIZED; MARGINS ARE THE SAME AS
FOR THE TEXT; PHRASES ARE SEPARATED BY SEMICOLONS; TITLE ENDS
WITH A PERIOD.

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

5 → **SECTION 1.** [NEW MATERIAL] SECTION HEADINGS ARE
CAPITALIZED.--The beginning of each section is indented five
spaces; section designations are bold and capitalized; and
indentations are as follows:

10 → A. ten spaces for a subsection, and the body of the
subsection is not indented;

15 → (1) fifteen spaces for a paragraph, and the
body of the paragraph is not indented;

20 → (a) twenty spaces for a subparagraph, and
then: 1) items, which are not indented and run on in

.599902.1

Bill Format

1 1/4"

the sentence; and 2) if there is an Item 1), there must be an Item 2); and

(b) if there is a Subparagraph (a), there must be a Subparagraph (b); and

(2) if there is a Paragraph (1), there must be a Paragraph (2).

B. If there is a Subsection A, there must be a Subsection B.

SECTION 2. [NEW MATERIAL] FEES.--Tables and lists are indented five spaces:

5 → General hamster license.....\$ 5.00
Guppy license..... 3.50.

SECTION 3. Section 17-4-29 NMSA 1978 (being Laws 1912, Chapter 85, Section 80, as amended) is amended to read:

5 → "17-4-29. FLOATING LOGS IN FISH STREAM--RESTOCKING--PENALTY.--All persons floating logs, timber, [~~lumber~~] ties or poles in any stream containing game fish shall, for each [~~mile~~] ten miles of the stream used, [~~annually~~] semiannually deposit one thousand trout fry or fingerlings at times and places designated by the department of game and fish. Any person failing to comply with the provisions of this section is guilty of a misdemeanor."

→ - 2 -

[No page number on first page. Page numbers succeeding page 1 are centered in the un-numbered line directly below the 202 number. The page number on the last page is centered in the next line below ending text, or, if text ends on line 25, in the un-numbered line directly below the 202 number.]

.599902.1 ← 202 number: Should be on every page on the un-numbered "ghost" line 26.

underscored material = new
[bracketed material] = delete

2/5/19

_____ BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PUBLIC SALARIES; PROVIDING A MINIMUM SALARY FOR
STATE EMPLOYEES AND PUBLIC SCHOOL EMPLOYEES; PROVIDING SALARY
INCREASES; MAKING APPROPRIATIONS.

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

SECTION 1. Section 10-7-9 NMSA 1978 (being Laws 1974,
Chapter 10, Section 2) is amended to read:

"10-7-9. MINIMUM SALARY RATE.--Every state employee and
every person regularly employed at a state educational
institution named in Article 12, Section 11 of the constitution
of New Mexico [~~constitution~~], except student employees as
defined by the [~~board of educational finance~~] higher education
department, shall receive a minimum salary [~~at a rate equal to~~
~~at least four hundred dollars (\$400) per month~~] of sixteen
thousand dollars (\$16,000) per year."

.210053.1

"Prepped" Bill, Ready for Introduction

SENATE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO PUBLIC SALARIES; PROVIDING A MINIMUM SALARY FOR
STATE EMPLOYEES AND PUBLIC SCHOOL EMPLOYEES; PROVIDING SALARY
INCREASES; MAKING APPROPRIATIONS.

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

SECTION 1. Section 10-7-9 NMSA 1978 (being Laws 1974,
Chapter 10, Section 2) is amended to read:

"10-7-9. MINIMUM SALARY RATE.--Every state employee and
every person regularly employed at a state educational
institution named in Article 12, Section 11 of the constitution
of New Mexico [~~constitution~~], except student employees as
defined by the [~~board of educational finance~~] higher education
department, shall receive a minimum salary [~~at a rate equal to~~
~~at least four hundred dollars (\$400) per month~~] of sixteen
thousand dollars (\$16,000) per year."

.210053.1

HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

FOR THE PUBLIC SCHOOL CAPITAL OUTLAY OVERSIGHT TASK FORCE

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL CODE TO
PROVIDE FOR OWNERSHIP OF CERTAIN CHARTER SCHOOL FACILITIES UNDER
CERTAIN CONDITIONS; AUTHORIZING RECONCILIATION OF MULTIPLE
AMENDMENTS TO THE SAME SECTION OF LAW.

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

SECTION 1. Section 22-8B-4.2 NMSA 1978 (being Laws 2005,
Chapter 221, Section 3 and Laws 2005, Chapter 274, Section 2, as
amended) is amended to read:

"22-8B-4.2. CHARTER SCHOOL FACILITIES--STANDARDS.--

A. The facilities of a charter school that is
approved on or after July 1, 2005 and before July 1, 2015 shall
meet educational occupancy standards required by applicable New
Mexico construction codes.

B. The facilities of a charter school whose [...]

.208838.3

underscored material = new
[bracketed material] = delete

Committee Endorsement — State Agency or Governor's Bill

HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

ENDORSED BY THE PUBLIC SCHOOL CAPITAL OUTLAY
OVERSIGHT TASK FORCE

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL CODE TO
PROVIDE FOR OWNERSHIP OF CERTAIN CHARTER SCHOOL FACILITIES UNDER
CERTAIN CONDITIONS; AUTHORIZING RECONCILIATION OF MULTIPLE
AMENDMENTS TO THE SAME SECTION OF LAW.

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

SECTION 1. Section 22-8B-4.2 NMSA 1978 (being Laws 2005,
Chapter 221, Section 3 and Laws 2005, Chapter 274, Section 2, as
amended) is amended to read:

"22-8B-4.2. CHARTER SCHOOL FACILITIES--STANDARDS.--

A. The facilities of a charter school that is
approved on or after July 1, 2005 and before July 1, 2015 shall
meet educational occupancy standards required by applicable New
Mexico construction codes.

B. The facilities of a charter school whose [...]
.208838.3SA

underscored material = new
[bracketed material] = delete

Amend Section vs. Enact Section in Assigned Area of the NMSA

1/19/19

HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO AGRICULTURE; ESTABLISHING STATE PREEMPTION OF THE
REGULATION OF AGRICULTURAL AND VEGETABLE SEEDS.

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

SECTION 1. Section 76-10-11 NMSA 1978 (being Laws 1967,
Chapter 68, Section 1) is amended to read:

"76-10-11. SHORT TITLE.--~~[This act]~~ Sections 76-10-11
through 76-10-22 NMSA 1978 may be cited as the "New Mexico Seed
Law".

SECTION 2. A new section of the New Mexico Seed Law is
enacted to read:

"[NEW MATERIAL] STATE PREEMPTION.--Except as otherwise
authorized in Chapter 76, Article 10 NMSA 1978, a city, county or
other political subdivision of the state or a home rule
municipality or county shall not adopt or continue in effect

.208691.2

underscored material = new
[bracketed material] = delete

Amend Section vs. Enact Section in Assigned Area of the NMSA

any ordinance, rule, regulation or statute regulating
agricultural or vegetable seeds, including the cultivation,
harvest, production, processing, certification, labeling,
inspection, analyzing, testing, sampling, classification,
designation, advertising, sale, storage, transportation,
distribution, possession, notification of use, planting or
other use of agricultural or vegetable seeds."

- 2 -

underscored material = new
[bracketed material] = delete

.208691.2

HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO REAL PROPERTY; PROHIBITING THE USE OF STATE LAND FOR
THE CONSTRUCTION OF A BARRIER ORDERED OR SOUGHT BY THE FEDERAL
GOVERNMENT ON THE STATE'S BORDER WITH MEXICO; DECLARING AN
EMERGENCY.

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

SECTION 1. [NEW MATERIAL] NO STATE LAND FOR A NEW BORDER
BARRIER.--No real property owned or held in trust by the state
shall be used, sold, leased, eased, transferred or otherwise
disposed of for use as a site for the construction of a new
barrier ordered or sought by the federal government on the
border of the state of New Mexico and the Mexican states of
Chihuahua and Sonora. This section shall not prevent the
construction of a barrier to prevent the movement of livestock.

SECTION 2. APPLICABILITY.--The provisions of this [...]
.209472.2

underscored material = new
[bracketed material] = delete

9/17/18

HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO THE COURTS; AMENDING COMPOSITION OF THE SUPREME COURT BUILDING COMMISSION; TRANSFERRING AUTHORITY FOR THE SUPREME COURT LAW LIBRARY AND APPOINTMENT AUTHORITY FOR THE SUPREME COURT LAW LIBRARIAN TO THE SUPREME COURT; CONSOLIDATING PROVISIONS PERTAINING TO THE SUPREME COURT LAW LIBRARIAN; PROVIDING FOR A CONSOLIDATED APPROPRIATION; RECOMPILING SECTIONS OF THE NMSA 1978 PERTAINING TO THE PROPERTY OF THE SUPREME COURT LAW LIBRARY; REPEALING SECTIONS OF THE NMSA 1978 RELATING TO THE SUPREME COURT LAW LIBRARY.

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

SECTION 1. A new Section 34-2-11 NMSA 1978 is enacted to read:

"34-2-11. [NEW MATERIAL] SUPREME COURT LAW LIBRARY.--The supreme court shall have the management, control and

.208910.7SA

underscored material = new
[bracketed material] = delete

1 supervision of the supreme court law library and shall:

2 A. have the right to prescribe rules for the
3 management and control of the supreme court law library, as in
4 its judgment is fit and proper for the safety, care and custody
5 of the library and its shelving, books, documents and archives
6 and for the convenience and accommodation of the patrons of the
7 library;

8 B. order and purchase all books for the library for
9 which an appropriation is made;

10 C. have full and complete management of the
11 financial affairs of the library;

12 D. meet from time to time, select from opinions of
13 the supreme court and designate to the clerk of the supreme
14 court the opinions that shall be officially reported and
15 published;

16 E. supervise, amend and correct all syllabi or
17 headnotes for published opinions; and

18 F. trade, barter and exchange books and periodicals
19 in the supreme court law library for other books and
20 periodicals of equal or similar value."

21 SECTION 2. Section 18-1-6 NMSA 1978 (being Laws 1915,
22 Chapter 47, Section 5, as amended) is recompiled as Section
23 34-2-12 NMSA 1978 and is amended to read:

24 "34-2-12. PAYMENT OF ACCOUNTS.--The secretary of finance
25 and administration shall draw warrants on the state [...]

.208910.7SA

Amending Sections — Bracketing and Underscoring — Example

HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO CRIME; INCREASING THE PENALTIES FOR CERTAIN CRIMES
WHEN COMMITTED IN AN EVACUATION ZONE; DEFINING "EVACUATION
ZONE".

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

SECTION 1. Section 30-1-12 NMSA 1978 (being Laws 1963,
Chapter 303, Section 1-13) is amended to read:

"30-1-12. DEFINITIONS.--As used in the Criminal Code:

A. "another" or "other" means any other human
being or legal entity, whether incorporated or unincorporated,
including the United States, the state [~~of New Mexico~~] or any
subdivision [~~thereof~~] of the state;

B. "anything of value" means any conceivable thing
of the slightest value, tangible or intangible, movable or
immovable, corporeal or incorporeal, public or private. The

.208989.2

underscored material = new
[bracketed material] = delete

Amending Sections — Bracketing and Underscoring — Example

term is not necessarily synonymous with the traditional legal term "property";

C. "deadly weapon" means any firearm, whether loaded or unloaded; or any weapon ~~[which]~~ that is capable of producing death or great bodily harm, including but not restricted to any types of daggers, brass knuckles, switchblade knives, bowie knives, poniards, butcher knives, dirk knives and all such weapons with which dangerous cuts can be given or with which dangerous thrusts can be inflicted, including swordcanes, ~~[and]~~ any kind of sharp pointed canes, ~~[also]~~ slingshots, slung shots, bludgeons; or any other weapons with which dangerous wounds can be inflicted;

D. "evacuation zone" means an area designated as an evacuation zone by local or state officials in response to a natural or industrial disaster, whether naturally occurring or human-caused, that poses a significant threat to public safety or property;

~~[D-]~~ E. "great bodily harm" means an injury to the person ~~[which]~~ that creates a high probability of death, ~~[or which]~~ causes serious disfigurement or ~~[which]~~ results in permanent or protracted loss or impairment of the function of any member or organ of the body;

~~[E-]~~ F. "lawful custody or confinement" means the holding of any person pursuant to lawful authority, including without limitation actual or constructive custody of prisoners

.208989.2

Amending Sections — Bracketing and Underscoring — Example

temporarily outside a penal institution, reformatory, jail,
prison farm or ranch;

~~[F.]~~ G. "official proceeding" means a proceeding
heard before any legislative, judicial, administrative or other
governmental agency or official authorized to hear evidence
under oath, including any referee, hearing examiner,
commissioner, notary or other person taking testimony or
depositions in any proceeding;

~~[G.]~~ H. "peace officer" means any public official
or public officer vested by law with a duty to maintain public
order or to make arrests for crime, whether that duty extends
to all crimes or is limited to specific crimes;

~~[H.]~~ I. "person" means any human being or legal
entity, incorporated or unincorporated, including the United
States, the state ~~[of New Mexico]~~ or any subdivision ~~[thereof]~~
of the state;

~~[I.]~~ J. "public employee" means any person
receiving remuneration for regular services rendered to the
state or any of its political subdivisions; and

~~[J.]~~ K. "public officer" means any elected or
appointed officer of the state or any of its political
subdivisions, ~~[and]~~ whether or not ~~[he]~~ the public officer
receives remuneration for ~~[his]~~ the public officer's services."

SECTION 2. Section 30-14-1 NMSA 1978 (being Laws 1963,
Chapter 303, Section 14-1, as amended) is amended to read:

.208989.2

Amending Sections — Bracketing and Underscoring — Example

1 "30-14-1. CRIMINAL TRESPASS.--

2 A. Criminal trespass consists of knowingly entering
3 or remaining upon posted private property without possessing
4 written permission from the owner or person in control of the
5 land. The provisions of this subsection do not apply if:

6 (1) the owner or person in control of the land
7 has entered into an agreement with the department of game and
8 fish granting access to the land to the general public for the
9 purpose of taking any game animals, birds or fish by hunting or
10 fishing; or

11 (2) a person is in possession of a landowner
12 license given to ~~[him]~~ the person by the owner or person in
13 control of the land that grants access to that particular
14 private land for the purpose of taking any game animals, birds
15 or fish by hunting or fishing.

16 B. Criminal trespass also consists of knowingly
17 entering or remaining upon the unposted lands of another
18 knowing that such consent to enter or remain is denied or
19 withdrawn by the owner or occupant ~~[thereof]~~ of the lands.
20 Notice of no consent to enter shall be deemed sufficient notice
21 to the public and evidence to the courts by the posting of the
22 property at all vehicular access entry ways.

23 C. Criminal trespass also consists of knowingly
24 entering or remaining upon lands owned, operated or controlled
25 by the state or any of its political subdivisions knowing that

.208989.2

Amending Sections — Bracketing and Underscoring — Example

1 consent to enter or remain is denied or withdrawn by the
2 custodian [~~thereof~~] of the lands.

3 D. Any person who enters upon the lands of another
4 without prior permission and injures, damages or destroys any
5 part of the realty or its improvements, including buildings,
6 structures, trees, shrubs or other natural features, is guilty
7 of a misdemeanor and [~~he~~] shall be liable to the owner, lessee
8 or person in lawful possession for civil damages in an amount
9 equal to double the value of the damage to the property
10 injured or destroyed.

11 E. [~~Whoever~~] Any person who commits criminal
12 trespass is guilty of a misdemeanor, [~~Additionally~~] except
13 that:

14 (1) any person who violates the provisions of
15 Subsection A, B or C of this section, when in connection with
16 hunting, fishing or trapping activity, shall have [~~his~~] the
17 person's hunting or fishing license revoked by the state game
18 commission for a period of not less than three years, pursuant
19 to the provisions of Section 17-3-34 NMSA 1978; and

20 (2) any person who commits criminal trespass
21 in an evacuation zone, if the person knows that the person is
22 in an evacuation zone, is guilty of a fourth degree felony.

23 F. [~~Whoever~~] Any person who knowingly removes,
24 tampers with or destroys any "no trespass" sign is guilty of a
25 petty misdemeanor, except that, when the damage to the sign

.208989.2

Amending Sections — Bracketing and Underscoring — Example

1 amounts to more than one thousand dollars (\$1,000), [~~he or she~~]
2 the person is guilty of a misdemeanor and shall be subject to
3 imprisonment in the county jail for a definite term less than
4 one year or a fine not more than one thousand dollars (\$1,000)
5 or to both such imprisonment and fine in the discretion of the
6 judge.

7 G. This section, as amended, shall be published in
8 all issues of "Big Game Hunt Proclamation" as published by the
9 department of game and fish."

10 SECTION 3. Section 30-14-8 NMSA 1978 (being Laws 1981,
11 Chapter 34, Section 2) is amended to read:

12 "30-14-8. BREAKING AND ENTERING.--

13 A. Breaking and entering consists of the
14 unauthorized entry of any vehicle, watercraft, aircraft,
15 dwelling or other structure, movable or immovable, where entry
16 is obtained by fraud or deception, or by the breaking or
17 dismantling of any part of the vehicle, watercraft, aircraft,
18 dwelling or other structure, or by the breaking or dismantling
19 of any device used to secure the vehicle, watercraft, aircraft,
20 dwelling or other structure.

21 B. [~~Whoever~~] Any person who commits breaking and
22 entering is guilty of a fourth degree felony, except that any
23 person who commits breaking and entering in an evacuation zone,
24 if the person knows that the person is in an evacuation zone, is
25 guilty of a third degree felony."

.208989.2

Amending Sections — Bracketing and Underscoring — Example

1 SECTION 4. Section 30-15-1 NMSA 1978 (being Laws 1963,
2 Chapter 303, Section 15-1) is amended to read:

3 "30-15-1. CRIMINAL DAMAGE TO PROPERTY.--

4 A. Criminal damage to property consists of
5 intentionally damaging any real or personal property of another
6 without the consent of the owner of the property. [~~Whoever~~]

7 B. Any person who commits criminal damage to property
8 is guilty of a petty misdemeanor, except that [~~when~~]:

9 (1) if the criminal damage to property is
10 committed in an evacuation zone, and the person knows that the
11 person is in an evacuation zone, the person is guilty of a
12 misdemeanor;

13 (2) if the damage to the property amounts to
14 more than one thousand dollars (\$1,000), [~~he~~] the person is
15 guilty of a fourth degree felony; and

16 (3) if the damage to the property amounts to
17 more than one thousand dollars (\$1,000) and the criminal damage
18 to property is committed in an evacuation zone, and the person
19 knows that the person is in an evacuation zone, the person is
20 guilty of a third degree felony."

21 SECTION 5. Section 30-16-1 NMSA 1978 (being Laws 1963,
22 Chapter 303, Section 16-1, as amended) is amended to read:

23 "30-16-1. LARCENY.--

24 A. Larceny consists of the stealing of anything of
25 value that belongs to another.

.208989.2

Amending Sections — Bracketing and Underscoring — Example

1 B. ~~[Whoever]~~ Any person who commits larceny when
2 the value of the property stolen is two hundred fifty dollars
3 (\$250) or less is guilty of a petty misdemeanor, except that,
4 if the larceny is committed in an evacuation zone, and the
5 person knows that the person is in an evacuation zone, the
6 person is guilty of a misdemeanor.

7 C. ~~[Whoever]~~ Any person who commits larceny when
8 the value of the property stolen is over two hundred fifty
9 dollars (\$250) but not more than five hundred dollars (\$500) is
10 guilty of a misdemeanor, except that, if the larceny is
11 committed in an evacuation zone, and the person knows that the
12 person is in an evacuation zone, the person is guilty of a
13 fourth degree felony.

14 D. ~~[Whoever]~~ Any person who commits larceny when
15 the value of the property stolen is over five hundred dollars
16 (\$500) but not more than two thousand five hundred dollars
17 (\$2,500) is guilty of a fourth degree felony, except that, if
18 the larceny is committed in an evacuation zone, and the person
19 knows that the person is in an evacuation zone, the person is
20 guilty of a third degree felony.

21 E. ~~[Whoever]~~ Any person who commits larceny when
22 the value of the property stolen is over two thousand five
23 hundred dollars (\$2,500) but not more than twenty thousand
24 dollars (\$20,000) is guilty of a third degree felony.

25 F. Any person who commits larceny in an evacuation

.208989.2

Amending Sections — Bracketing and Underscoring — Example

1 zone, if the person knows that the person is in an evacuation
2 zone, when the value of the property stolen is over two
3 thousand five hundred dollars (\$2,500) is guilty of a second
4 degree felony.

5 [F.—Whoever] G. Any person who commits larceny
6 when the value of the property stolen is over twenty thousand
7 dollars (\$20,000) is guilty of a second degree felony.

8 [G.—Whoever] H. Any person who commits larceny
9 when the property of value stolen is livestock is guilty of a
10 third degree felony regardless of its value.

11 [H.—Whoever] I. Any person who commits larceny
12 when the property of value stolen is a firearm is guilty of a
13 fourth degree felony when its value is less than two thousand
14 five hundred dollars (\$2,500)."

15 SECTION 6. Section 30-16-3 NMSA 1978 (being Laws 1963,
16 Chapter 303, Section 16-3, as amended) is amended to read:

17 "30-16-3. BURGLARY.--Burglary consists of the
18 unauthorized entry of any vehicle, watercraft, aircraft,
19 dwelling or other structure, movable or immovable, with the
20 intent to commit any felony or theft therein.

21 A. Any person who, without authorization, enters a
22 dwelling house with intent to commit any felony or theft
23 therein is guilty of a third degree felony, except that, if the
24 dwelling house is located in an evacuation zone, and the person
25 knows that the dwelling house is located in an evacuation zone,

.208989.2

Amending Sections — Bracketing and Underscoring — Example

1 the person is guilty of a second degree felony.

2 B. Any person who, without authorization, enters
3 any vehicle, watercraft, aircraft or other structure, movable
4 or immovable, with intent to commit any felony or theft therein
5 is guilty of a fourth degree felony, except that, if the
6 vehicle, watercraft, aircraft or other structure, movable or
7 immovable, is located in an evacuation zone, and the person
8 knows that the vehicle, watercraft, aircraft or other
9 structure, movable or immovable, is located in an evacuation
10 zone, the person is guilty of a third degree felony."

11 SECTION 7. Section 30-16-4 NMSA 1978 (being Laws 1963,
12 Chapter 303, Section 16-4) is amended to read:

13 "30-16-4. AGGRAVATED BURGLARY.--

14 A. Aggravated burglary consists of the unauthorized
15 entry of [~~any~~] a vehicle, watercraft, aircraft, dwelling or
16 other structure, movable or immovable, with intent to commit
17 [~~any~~] a felony or theft [~~therein~~] in it and the person
18 [~~either~~]:

19 [~~A.~~] (1) is armed with a deadly weapon;

20 [~~B.~~] (2) after entering, arms himself or
21 herself with a deadly weapon; or

22 [~~C.~~] (3) commits a battery upon [~~any~~] a person
23 while in [~~such~~] the place or in entering or leaving [~~such~~] the
24 place. [~~Whoever~~]

25 B. Any person who commits aggravated burglary is

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Amending Sections — Bracketing and Underscoring — Example

1 guilty of a second degree felony, except that, if the
2 aggravated burglary is in an evacuation zone, and the person
3 knows that the person is in an evacuation zone, the person is
4 guilty of a first degree felony."

5 SECTION 8. Section 30-16D-1 NMSA 1978 (being Laws 1978,
6 Chapter 35, Section 91, as amended by Laws 2009, Chapter 253,
7 Section 1 and by Laws 2009, Chapter 261, Section 1) is amended
8 to read:

9 "30-16D-1. UNLAWFUL TAKING OF A VEHICLE OR MOTOR
10 VEHICLE.--

11 A. Unlawful taking of a vehicle or motor vehicle
12 consists of a person taking any vehicle or motor vehicle as
13 defined by the Motor Vehicle Code intentionally and without
14 consent of the owner. [~~Whoever~~]

15 B. Any person who commits unlawful taking of a
16 vehicle or motor vehicle is guilty of a:

17 (1) fourth degree felony for a first offense;

18 (2) third degree felony for a first offense
19 committed in an evacuation zone, if the person knows that the
20 person is in an evacuation zone;

21 [~~(2)~~] (3) third degree felony for a second
22 offense; [~~and~~]

23 (4) second degree felony for a second or
24 subsequent offense committed in an evacuation zone, if the
25 person knows that the person is in an evacuation zone; and

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Amending Sections — Bracketing and Underscoring — Example

1 [~~(3)~~] (5) second degree felony for a third or
2 subsequent offense.

3 [~~B.~~] C. The consent of the owner of the vehicle or
4 motor vehicle to its taking shall not in any case be presumed
5 or implied because of the owner's consent on a previous
6 occasion to the taking of the vehicle or motor vehicle by the
7 same or a different person.

8 [~~C.~~] D. Nothing in this section shall be construed
9 to prohibit the holder of a lien duly recorded with the motor
10 vehicle division of the taxation and revenue department from
11 taking possession of a vehicle to which possession the
12 lienholder is legally entitled under the provisions of the
13 instrument evidencing the lien. A holder of a duly recorded
14 lien who takes possession of a vehicle without the knowledge
15 of the owner of the vehicle shall immediately notify the local
16 police authority of the fact that the holder has taken
17 possession of the vehicle."

18 **SECTION 9. EFFECTIVE DATE.**--The effective date of the
19 provisions of this act is July 1, 2019.

20 - 12 -
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underscored material = new
[bracketed material] = delete

Effective Date

11/8/18

HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

FOR THE MILITARY AND VETERANS' AFFAIRS COMMITTEE

AN ACT

RELATING TO CRIMINAL OFFENSES; CREATING THE CRIME OF
MISREPRESENTATION OF MILITARY SERVICE; PROVIDING A PENALTY.

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

SECTION 1. [NEW MATERIAL] MISREPRESENTATION OF MILITARY
SERVICE--PENALTY.--Misrepresentation of military service
consists of a person misrepresenting that person's self as
having served or currently serving in the United States armed
forces for the intentional taking of anything of value based on
the person's military service. Whoever commits
misrepresentation of military service is guilty of a
misdemeanor.

SECTION 2. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2019.

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underscored material = new
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SENATE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO THE NEW MEXICO FINANCE AUTHORITY; TEMPORARILY
REQUIRING REPORTING OF ECONOMIC DEVELOPMENT REVOLVING FUND
PROJECT AND FUND STATUS; TEMPORARILY REMOVING THE REQUIREMENT
FOR SPECIFIC PRIOR AUTHORIZATION OF PROJECTS FOR ECONOMIC
DEVELOPMENT REVOLVING FUND FUNDING.

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

SECTION 1. Section 6-25-6 NMSA 1978 (being Laws 2003,
Chapter 349, Section 6, as amended) is amended to read:

"6-25-6. NEW MEXICO FINANCE AUTHORITY--ADDITIONAL POWERS
AND DUTIES.--

A. To implement a program to assist eligible
entities in financing projects, the authority has the powers
specified in this section.

B. State projects receiving financing assistance
.183539.2SA

underscored material = new
[bracketed material] = delete

Delayed Effective Date — Repeal and Enact Same Section

1 with money in the fund shall first be approved by law. To
2 protect public money in the fund or other public resources,
3 rules of the authority relating to state projects shall include
4 provisions to ensure achievement of the economic development
5 goals of the state project and shall describe the means of
6 recovering public money or other public resources if an
7 eligible entity defaults on its obligations to the authority.

8 C. Standard projects shall be approved by the
9 authority pursuant to rules approved by the New Mexico finance
10 authority oversight committee.

11 D. The authority may:

12 (1) issue project revenue bonds on behalf of
13 an eligible entity, payable from the revenues of a project and
14 other revenues authorized as security for the bonds, to finance
15 a project on behalf of an eligible entity;

16 (2) make loans from the fund for projects to
17 eligible entities that establish one or more dedicated sources
18 of revenue to repay the loan from the authority;

19 (3) enter into loan participation agreements
20 from the fund for projects, whether in the form of an interest
21 rate buy-down, the purchase of loans or portions of loans
22 originated and underwritten by third-party lenders or other
23 similar arrangements;

24 (4) provide loan guarantees from the fund for
25 projects;

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Delayed Effective Date — Repeal and Enact Same Section

1 (5) make, execute and enforce all contracts
2 necessary, convenient or desirable for purposes of the authority
3 or pertaining to project revenue bonds, economic development
4 revolving fund bonds, loans, loan participations or loan
5 guarantees and the Statewide Economic Development Finance Act
6 and pay the reasonable value of services rendered to the
7 authority pursuant to the contracts;

8 (6) purchase and hold loans and loan
9 participations in the fund at prices and in a manner determined
10 by the authority;

11 (7) sell loans and loan participations
12 acquired or held by the authority in the fund at prices and in a
13 manner determined by the authority;

14 (8) prescribe the form of application or
15 procedure required of an eligible entity to apply for financing
16 assistance;

17 (9) fix the terms and conditions of the
18 financing assistance, including the priority of lien and type of
19 collateral or other security, and enter into agreements with
20 eligible entities with respect to financing assistance;

21 (10) fix, revise from time to time, charge and
22 collect fees and other charges in connection with the issuance
23 of bonds; the making, purchase, participation in or guarantee of
24 loans; and the review of proposed financing assistance to an
25 eligible entity, whether or not the financing assistance is

.183539.2SA

Delayed Effective Date — Repeal and Enact Same Section

provided;

(11) employ architects, engineers, accountants and attorneys; construction and financial experts; and such other advisors, consultants and agents as may be necessary in its judgment, and fix and pay their compensation;

(12) to the extent allowed under its contracts with the holders of bonds of the authority, consent to modification of the rate of interest, time and payment of installments of principal or interest, security or any other term of financing assistance;

(13) consider the ability of the eligible entity to secure financing for a project from other sources and the costs of that financing;

(14) acquire fee simple, leasehold, mortgagor's or mortgagee's interests in real or personal property and sell, mortgage, convey, lease or assign that property for authority purposes; and

(15) in the event of default by an eligible entity, enforce its rights by suit, mandamus and all other remedies available under law.

E. The authority shall adopt rules subject to approval of the New Mexico finance authority oversight committee to:

(1) establish procedures for applying for financing assistance;

.183539.2SA

Delayed Effective Date — Repeal and Enact Same Section

- 1 (2) establish credit qualifications for
2 eligible entities and establish terms and conditions for
3 financing assistance;
- 4 (3) establish economic development goals for
5 projects in consultation with the department;
- 6 (4) establish methods for determining
7 quantifiable benefits;
- 8 (5) provide safeguards to protect public money
9 and other public resources provided for a state project;
- 10 (6) establish procedures by which the
11 authority requests approval by law for state projects receiving
12 financing assistance with money in the fund; and
- 13 (7) establish fees to pay the costs of
14 evaluating, originating and administering financing assistance.

15 F. The authority shall coordinate with the
16 department to provide staffing and other assistance to the
17 department in carrying out the department's responsibilities
18 and activities pursuant to the Statewide Economic Development
19 Finance Act.

20 G. The authority shall report no less than
21 quarterly to the legislature and the New Mexico finance
22 authority oversight committee on applications considered by the
23 authority for funding of standard projects; on projects
24 approved for funding by the authority; and on the status of the
25 economic development revolving fund, pursuant to rules of the

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Delayed Effective Date — Repeal and Enact Same Section

authority approved by the New Mexico finance authority
oversight committee."

SECTION 2. Section 6-25-6 NMSA 1978 (being Laws 2003,
Chapter 349, Section 6, as amended by Section 1 of this act) is
repealed and a new Section 6-25-6 NMSA 1978 is enacted to read:

"6-25-6. [NEW MATERIAL] NEW MEXICO FINANCE AUTHORITY--
ADDITIONAL POWERS AND DUTIES.--

A. To implement a program to assist eligible
entities in financing projects, the authority has the powers
specified in this section.

B. Projects receiving financing assistance with
money in the fund shall first be approved by law. To protect
public money in the fund or other public resources, rules of
the authority relating to state projects shall include
provisions to ensure achievement of the economic development
goals of the state project and shall describe the means of
recovering public money or other public resources if an
eligible entity defaults on its obligations to the authority.

C. Standard projects shall be approved by the
authority pursuant to rules approved by the New Mexico finance
authority oversight committee.

D. The authority may:

(1) issue project revenue bonds on behalf of
an eligible entity, payable from the revenues of a project and
other revenues authorized as security for the bonds, to finance
.183539.2SA

Delayed Effective Date — Repeal and Enact Same Section

1 a project on behalf of an eligible entity;

2 (2) make loans from the fund for projects to
3 eligible entities that establish one or more dedicated sources
4 of revenue to repay the loan from the authority;

5 (3) enter into loan participation agreements
6 from the fund for projects, whether in the form of an interest
7 rate buy-down, the purchase of loans or portions of loans
8 originated and underwritten by third-party lenders or other
9 similar arrangements;

10 (4) provide loan guarantees from the fund for
11 projects;

12 (5) make, execute and enforce all contracts
13 necessary, convenient or desirable for purposes of the authority
14 or pertaining to project revenue bonds, economic development
15 revolving fund bonds, loans, loan participations or loan
16 guarantees and the Statewide Economic Development Finance Act
17 and pay the reasonable value of services rendered to the
18 authority pursuant to the contracts;

19 (6) purchase and hold loans and loan
20 participations in the fund at prices and in a manner determined
21 by the authority;

22 (7) sell loans and loan participations acquired
23 or held by the authority in the fund at prices and in a manner
24 determined by the authority;

25 (8) prescribe the form of application or

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Delayed Effective Date — Repeal and Enact Same Section

1 procedure required of an eligible entity to apply for financing
2 assistance;

3 (9) fix the terms and conditions of the
4 financing assistance, including the priority of lien and type of
5 collateral or other security, and enter into agreements with
6 eligible entities with respect to financing assistance;

7 (10) fix, revise from time to time, charge and
8 collect fees and other charges in connection with the issuance
9 of bonds; the making, purchase, participation in or guarantee of
10 loans; and the review of proposed financing assistance to an
11 eligible entity, whether or not the financing assistance is
12 provided;

13 (11) employ architects, engineers, accountants
14 and attorneys; construction and financial experts; and such
15 other advisors, consultants and agents as may be necessary in
16 its judgment, and fix and pay their compensation;

17 (12) to the extent allowed under its contracts
18 with the holders of bonds of the authority, consent to
19 modification of the rate of interest, time and payment of
20 installments of principal or interest, security or any other
21 term of financing assistance;

22 (13) consider the ability of the eligible
23 entity to secure financing for a project from other sources and
24 the costs of that financing;

25 (14) acquire fee simple, leasehold, mortgagor's
183539.2SA

Delayed Effective Date — Repeal and Enact Same Section

1 or mortgagee's interests in real or personal property and
2 sell, mortgage, convey, lease or assign that property for
3 authority purposes; and

4 (15) in the event of default by an eligible
5 entity, enforce its rights by suit, mandamus and all other
6 remedies available under law.

7 E. The authority shall adopt rules subject to
8 approval of the New Mexico finance authority oversight
9 committee to:

10 (1) establish procedures for applying for
11 financing assistance;

12 (2) establish credit qualifications for
13 eligible entities and establish terms and conditions for
14 financing assistance;

15 (3) establish economic development goals for
16 projects in consultation with the department;

17 (4) establish methods for determining
18 quantifiable benefits;

19 (5) provide safeguards to protect public
20 money and other public resources provided for a state project;

21 (6) establish procedures by which the
22 authority requests approval by law for projects receiving
23 financing assistance with money in the fund; and

24 (7) establish fees to pay the costs of
25 evaluating, originating and administering financing

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Delayed Effective Date — Repeal and Enact Same Section

assistance.

F. The authority shall coordinate with the department to provide staffing and other assistance to the department in carrying out the department's responsibilities and activities pursuant to the Statewide Economic Development Finance Act."

SECTION 3. EFFECTIVE DATE.--

A. The effective date of the provisions of Section 1 of this act is July 1, 2019.

B. The effective date of the provisions of Section 2 of this act is July 1, 2021.

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underscored material = new
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.183539.2SA

SENATE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO COUNTIES; PROVIDING FOR QUALIFICATIONS TO SERVE AS
SHERIFF; CONFORMING SECTION 29-7-6.1 NMSA 1978 (BEING LAWS
1993, CHAPTER 255, SECTION 7, AS AMENDED) TO THESE
QUALIFICATIONS.

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

SECTION 1. A new section of Chapter 4, Article 41 NMSA
1978 is enacted to read:

"NEW MATERIAL SHERIFF--QUALIFICATIONS.--

A. In addition to other requirements imposed by
law, in order to be elected or appointed as a sheriff, a person
shall meet the following qualifications:

(1) have at least five years of professional
law enforcement experience that may include military law
enforcement experience;

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underscored material = new
[bracketed material] = delete

Contingent Effective Date — Certification

1 (2) be a resident of the state for one year
2 and a resident of the county for which the person is seeking to
3 be elected or appointed sheriff;

4 (3) hold a certificate attesting to completion
5 of a basic law enforcement training program pursuant to Section
6 29-7-6.1 NMSA 1978; and

7 (4) not have been recalled from public office.

8 B. If a sheriff does not maintain a residence in
9 the county in which the sheriff was elected or appointed, the
10 sheriff shall be deemed to have resigned.

11 C. A voter may challenge the candidacy for election
12 to the office of sheriff of any person seeking nomination on
13 the grounds that the person seeking nomination does not meet
14 the qualification requirements of Subsection A of this section.
15 The challenge shall be made by filing a petition in the
16 district court within ten days after the day for filing a
17 declaration of candidacy, which petition shall be heard in the
18 same manner as provided in Subsection F of Section 1-8-26 NMSA
19 1978."

20 SECTION 2. Section 29-7-6.1 NMSA 1978 (being Laws 1993,
21 Chapter 255, Section 7, as amended) is amended to read:

22 "29-7-6.1. COUNTY SHERIFFS--TRAINING REQUIREMENT.--

23 A. Every county sheriff elected or appointed to
24 office prior to July 1, 2019, except sheriffs who have
25 previously been awarded a certificate attesting to completion

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Contingent Effective Date — Certification

1 of a basic law enforcement training program, shall participate
2 in and complete an administrative law enforcement training
3 program no later than twelve months after the date the sheriff
4 assumes office as a county sheriff. Beginning on July 1,
5 2019, no person may be elected or appointed to the office of
6 sheriff without having a certificate attesting to completion
7 of a basic law enforcement training program.

8 B. The director shall establish the administrative
9 law enforcement training program for county sheriffs, subject
10 to review and approval by the executive committee of the
11 sheriff's affiliate of the New Mexico association of counties.

12 C. A county sheriff's per diem, mileage and
13 tuition expenses attributed to attendance at the
14 administrative law enforcement training shall be paid for by
15 the governing body of the county served by that sheriff."

16 SECTION 3. CONTINGENT EFFECTIVE DATE.--The provisions of
17 this act shall become effective upon certification by the
18 secretary of state that the constitution of New Mexico has
19 been amended as proposed by a joint resolution of the first
20 session of the fifty-fourth legislature, entitled "A JOINT
21 RESOLUTION PROPOSING TO AMEND ARTICLE 10 OF THE CONSTITUTION
22 OF NEW MEXICO BY ADDING A NEW SECTION TO PROVIDE FOR
23 QUALIFICATIONS FOR COUNTY SHERIFFS AS PROVIDED BY LAW EXCEPT
24 FOR COUNTIES INCORPORATED PURSUANT TO ARTICLE 10, SECTION 5 OF
25 THE CONSTITUTION OF NEW MEXICO."

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Contingent Effective Date — Notification

SENATE BILL

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

AN ACT

RELATING TO HIGHER EDUCATION; TRANSFERRING CONTROL AND
OVERSIGHT OF LUNA COMMUNITY COLLEGE TO NEW MEXICO HIGHLANDS
UNIVERSITY IF LUNA COMMUNITY COLLEGE LOSES ITS ACCREDITATION;
PROVIDING FOR THE ACCEPTANCE OF CREDITS EARNED AT LUNA
COMMUNITY COLLEGE BY NEW MEXICO HIGHLANDS UNIVERSITY.

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

SECTION 1. Section 21-3-7 NMSA 1978 (being Laws 1893,
Chapter 19, Section 6, as amended) is amended to read:

"21-3-7. POWERS--SUPERINTENDENT--STUDIES--ADMISSION OF
STUDENTS.--[~~SEC. 172. Said~~]

A. The boards of regents of New Mexico highlands
university and western New Mexico university shall have full
and complete power and control over their respective [~~normal~~
~~schools~~] universities. Each board shall employ a

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underscored material = new
[bracketed material] = delete

Contingent Effective Date — Notification

1 superintendent or principal for ~~[such school]~~ the university
2 who shall have the supervision and control of the ~~[school]~~
3 university under such rules ~~[and regulations]~~ as may be
4 provided by ~~[such]~~ the board. ~~[Such]~~ The board shall determine
5 and provide as to what branches of learning shall be taught in
6 ~~[such school]~~ the university and ~~[the]~~ their classification and
7 order ~~[of the same]~~ and shall also direct the number of
8 teachers that shall be employed and ~~[shall]~~ determine the
9 compensation to be paid to the superintendent and teachers.
10 ~~[Such]~~ The board shall also prescribe upon what terms and
11 conditions pupils shall be admitted to ~~[such school]~~ the
12 university, but no pupils shall be admitted who are not
13 residents of this state, except on payment of a tuition fee to
14 be prescribed by the board of regents for each term.

15 B. The board of regents of New Mexico highlands
16 university shall have full and complete power and control over
17 the institution previously named Luna community college. All
18 pupils at the institution previously named Luna community
19 college shall be admitted to New Mexico highlands university,
20 and all credits earned by pupils at the institution previously
21 named Luna community college shall be counted as credits earned
22 at New Mexico highlands university. All degrees and
23 certificates issued by the institution previously named Luna
24 community college may be issued by New Mexico highlands
25 university." [...]

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Contingent Effective Date — Notification

[... continued]

property, buildings, furnishings, assets, equipment,
functions, appropriations, money, records, furniture,
equipment, supplies and other property directly related to
Luna community college shall be transferred to New Mexico
highlands university.

B. On the effective date of this act, all
contracts, contractual obligations and liabilities related to
Luna community college shall be transferred to New Mexico
highlands university.

C. On the effective date of this act, all
statutory references to Luna community college shall be deemed
to be references to New Mexico highlands university.

SECTION 7. CONTINGENT EFFECTIVE DATE--NOTIFICATION.--The
effective date of the provisions of this act is July 2, 2018
if Luna community college is no longer accredited by an
accrediting agency approved by the higher education department
on or before July 2, 2018. The higher education department
shall notify the New Mexico compilation commission and the
director of the legislative council service immediately upon
the department's knowledge that Luna community college is no
longer accredited by an accrediting agency approved by the
department.

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.209465.1

underscored material = new
[bracketed material] = delete

HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO THE COURTS; AMENDING COMPOSITION OF THE SUPREME
COURT BUILDING COMMISSION; TRANSFERRING AUTHORITY FOR THE
SUPREME COURT LAW LIBRARY AND APPOINTMENT AUTHORITY FOR THE
SUPREME COURT LAW LIBRARIAN TO THE SUPREME COURT; CONSOLIDATING
PROVISIONS PERTAINING TO THE SUPREME COURT LAW LIBRARIAN;
PROVIDING FOR A CONSOLIDATED APPROPRIATION; RECOMPILING
SECTIONS OF THE NMSA 1978 PERTAINING TO THE PROPERTY OF THE
SUPREME COURT LAW LIBRARY; REPEALING SECTIONS OF THE NMSA 1978
RELATING TO THE SUPREME COURT LAW LIBRARY.

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

SECTION 1. A new Section 34-2-11 NMSA 1978 is enacted to
read:

"34-2-11. [NEW MATERIAL] SUPREME COURT LAW LIBRARY.--The
supreme court shall have the management, control and

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underscored material = new
[bracketed material] = delete

Recompile a Section

1 supervision of the supreme court law library and shall:

2 A. have the right to prescribe rules for the
3 management and control of the supreme court law library, as in
4 its judgment is fit and proper for the safety, care and custody
5 of the library and its shelving, books, documents and archives
6 and for the convenience and accommodation of the patrons of the
7 library;

8 B. order and purchase all books for the library for
9 which an appropriation is made;

10 C. have full and complete management of the
11 financial affairs of the library;

12 D. meet from time to time, select from opinions of
13 the supreme court and designate to the clerk of the supreme
14 court the opinions that shall be officially reported and
15 published;

16 E. supervise, amend and correct all syllabi or
17 headnotes for published opinions; and

18 F. trade, barter and exchange books and periodicals
19 in the supreme court law library for other books and
20 periodicals of equal or similar value."

21 **SECTION 2.** Section 18-1-6 NMSA 1978 (being Laws 1915,
22 Chapter 47, Section 5, as amended) is recompiled as Section
23 34-2-12 NMSA 1978 and is amended to read:

24 "34-2-12. PAYMENT OF ACCOUNTS.--The secretary of finance
25 and administration shall draw warrants on the state treasurer
26 .208910.7SA

Recompile a Section

1 in payment of all accounts [~~which shall~~] of the supreme court
2 law library that have been audited by [~~said board of trustees~~]
3 the chief justice and justices of the supreme court or their
4 designees, to the extent of the appropriations made for such
5 purposes but for no more."

6 SECTION 3. A new Section 34-2-13 NMSA 1978 is enacted to
7 read:

8 "34-2-13. [NEW MATERIAL] SUPREME COURT LAW LIBRARIAN--
9 APPOINTMENT--DUTIES--BOND--PROHIBITIONS--FINES.--

10 A. The supreme court law library shall be under the
11 care and custody of a librarian who shall be appointed by the
12 supreme court and shall hold office at its pleasure.

13 B. The librarian shall have the custody and charge
14 of all books, archives, maps, charts, engravings and all other
15 things properly belonging to the library or directed to be
16 deposited in the library.

17 C. The librarian, before taking office, shall give
18 bond to the state of New Mexico in the sum of two thousand
19 dollars (\$2,000), with sufficient surety or sureties, for the
20 faithful performance of the librarian's duties, for the
21 preservation and safe delivery of all property committed to the
22 librarian's care to the librarian's successor and for the
23 faithful paying over of all funds coming into the librarian's
24 hands as librarian. The bond shall be approved by the chief
25 justice of the supreme court and be filed with the [...]

.208910.7SA

Recompile a Section to a Short Title Act

12/7/18

HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO HIGHER EDUCATION; ENACTING THE LEGISLATIVE LOTTERY
TUITION WAIVER ACT; PROVIDING FOR A TUITION WAIVER CONDITIONED
ON THE ATTAINMENT OF A FOUR-YEAR DEGREE; AMENDING, REPEALING,
RECOMPILING AND ENACTING SECTIONS OF THE NMSA 1978; DECLARING
AN EMERGENCY.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1
through 5 of this act may be cited as the "Legislative Lottery
Tuition Waiver Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Legislative Lottery Tuition Waiver Act:

A. "community college" means a branch community
college of a state educational institution or a community
college or technical and vocational institute established

.196145.1

underscored material = new
[bracketed material] = delete

Recompile a Section to a Short Title Act

1 pursuant to Chapter 21, Article 13 or 16 NMSA 1978,
2 respectively;

3 B. "comprehensive institution" means eastern New
4 Mexico university, western New Mexico university, New Mexico
5 highlands university or northern New Mexico college;

6 C. "department" means the higher education
7 department;

8 D. "fund" means the lottery tuition fund;

9 E. "legislative lottery tuition waiver" means a
10 conditional waiver for tuition costs incurred by a qualified
11 student attending any public post-secondary educational
12 institution;

13 F. "public post-secondary educational institution"
14 means a community college, comprehensive institution, research
15 institution or state educational institution;

16 G. "qualified student" means a student who meets
17 eligibility requirements pursuant to the Legislative Lottery
18 Tuition Waiver Act and department rules; who graduated with a
19 diploma from a public or accredited private New Mexico high
20 school; who completed a home school program in the state; or
21 who received a high school equivalency credential in the state
22 and, within thirty months, the student:

23 (1) was accepted for entrance to and attended
24 a public post-secondary educational institution; or

25 (2) began service in the United States armed

.196145.1

Recompile a Section to a Short Title Act

1 forces and within one year of completion of honorable service
2 or medical discharge from the service attended a public post-
3 secondary educational institution;

4 H. "research institution" means the university of
5 New Mexico, New Mexico state university or New Mexico institute
6 of mining and technology; and

7 I. "state educational institution" means an
8 institution of higher education enumerated in Article 12,
9 Section 11 of the constitution of New Mexico.

10 SECTION 3. [NEW MATERIAL] LEGISLATIVE LOTTERY TUITION
11 WAIVER--AUTHORIZED--QUALIFIED STUDENTS--CONDITIONS OF WAIVER.--

12 A. To the extent that funds are made available by
13 the legislature from the fund, the boards of regents or
14 governing bodies of public post-secondary educational
15 institutions shall provide legislative lottery tuition waivers
16 to qualified students attending their respective public post-
17 secondary educational institutions:

18 (1) after completion of the first semester of
19 full-time enrollment with a grade point average of 2.5 or
20 higher on a 4.0 scale at a public post-secondary educational
21 institution;

22 (2) for up to seven semesters of attendance at
23 a comprehensive institution, research institution or state
24 educational institution or three semesters of attendance at a
25 community college followed by four semesters of attendance at a

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Recompile a Section to a Short Title Act

comprehensive institution, research institution or state educational institution; provided that the seven semesters of eligibility for legislative lottery tuition waivers may be completed in up to five academic years;

(3) for each semester that the qualified student:

(a) maintains residency in New Mexico;

(b) maintains a grade point average of 2.5 or higher on a 4.0 scale;

(c) completes twelve or more credit hours; and

(d) meets any additional eligibility requirements established in rule by the department; and

(4) provided that the qualified student signs a contract:

(a) acknowledging that the legislative lottery tuition waiver is conditioned upon the qualified student's attainment of a bachelor of science or bachelor of arts degree within five academic years of initial enrollment at a public post-secondary educational institution; and

(b) agreeing to the terms of repayment in the event the qualified student fails to earn a bachelor of science or bachelor of arts degree within two years after the last date of enrollment at a public post-secondary educational institution.

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Recompile a Section to a Short Title Act

1 B. Notwithstanding the eligibility provisions for a
2 qualified student set forth in this section, the department, in
3 consultation with a student with disabilities and the office at
4 a public post-secondary educational institution that serves
5 students with disabilities, shall review the minimum credit
6 hours and the maximum number of consecutive semesters required
7 for eligibility in this section and adjust either or both as
8 deemed reasonable and appropriate, based on the needs of the
9 student with disabilities who requires and requests an
10 accommodation. In no case, however, shall fewer than six
11 credit hours per semester be required, and in no case shall
12 eligibility extend beyond fourteen consecutive semesters.

13 **SECTION 4. [NEW MATERIAL] LEGISLATIVE LOTTERY TUITION**
14 **WAIVER--CONTRACT FOR CONDITIONAL WAIVER--TERMS.--**

15 A. The legislative lottery tuition waiver shall be
16 evidenced by a contract between the qualified student and the
17 department acting on behalf of the state. The contract shall
18 provide for the payment by the state of the costs of tuition
19 and shall be conditioned on the qualified student's attainment
20 of a four-year degree pursuant to Section 3 of the Legislative
21 Lottery Tuition Waiver Act.

22 B. In the event the qualified student fails to meet
23 the requirements of Section 3 of the Legislative Lottery
24 Tuition Waiver Act, the amount of waived tuition costs shall
25 become payable:

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Recompile a Section to a Short Title Act

(1) as a loan with principal-bearing interest at the rate of seven percent per year;

(2) two years after the last date of enrollment at a public post-secondary educational institution;

(3) in monthly increments in the amount and for the term set by the department in each contract; and

(4) with such other provisions and conditions as determined by the department and contained in the contract.

SECTION 5. Section 6-24-23 NMSA 1978 (being Laws 1995, Chapter 155, Section 23, as amended) is recompiled in the Legislative Lottery Tuition Waiver Act and is amended to read:

"LOTTERY TUITION FUND CREATED--PURPOSE.--

A. The "lottery tuition fund" is created in the state treasury. The fund shall be administered by the ~~[commission on higher education]~~ department. Earnings from investment of the fund shall accrue to the credit of the fund. Any balance in the fund at the end of any fiscal year shall remain in the fund for appropriation by the legislature as provided in this section.

B. Money in the ~~[lottery tuition]~~ fund ~~[is]~~ shall be appropriated by the legislature to the ~~[commission on higher education]~~ department for distribution to New Mexico's public post-secondary educational institutions to provide tuition assistance for ~~[New Mexico resident undergraduates as provided by law]~~ qualified students as provided in the Legislative

.196145.1

Recompile a Section to a Short Title Act

Lottery Tuition Waiver Act."

SECTION 6. Section 21-13-10 NMSA 1978 (being Laws 1963, Chapter 17, Section 9, as amended) is amended to read:

"21-13-10. BOARD DUTIES.--

A. It is the duty of the community college board to determine financial and educational policies of the community college. The community college board shall provide for the management of the community college and execution of these policies by selecting a competent president for the community college, and, upon the president's recommendation, the board shall employ other administrative personnel, instructional staff or other personnel as may be needed for the operation, maintenance and administration of the community college.

B. The community college board shall have the power to fix tuition and fee rates for resident and nonresident students of the community college district, to accept gifts, to accept federal aid, to purchase, hold, sell and rent property and equipment and to promote the general welfare of the institution for the best interest of educational service to the people of the community college district.

~~[C. To the extent that funds are made available by the legislature from the lottery tuition fund, the community college board shall award legislative lottery scholarships for qualified resident students attending their respective institutions.]~~

.196145.1

Recompile a Section to a Short Title Act

1 ~~D. The legislative lottery scholarships authorized~~
2 ~~in this section shall apply only to full time resident students~~
3 ~~who, immediately upon completion of a high school curriculum at~~
4 ~~a public or accredited private New Mexico high school or upon~~
5 ~~receiving a graduate equivalent diploma, are accepted for~~
6 ~~entrance to and attend a community college. Each legislative~~
7 ~~lottery scholarship shall be awarded for up to two consecutive~~
8 ~~years beginning the second semester of the recipient's first~~
9 ~~year of enrollment, provided that the recipient has maintained~~
10 ~~residency in New Mexico and maintained a grade point average of~~
11 ~~2.5 or higher on a 4.0 scale during the first semester of full~~
12 ~~time enrollment.~~

13 ~~E. The higher education department shall prepare~~
14 ~~guidelines setting forth explicit student continuing~~
15 ~~eligibility criteria and guidelines for administration of the~~
16 ~~legislative lottery scholarship program. Guidelines shall be~~
17 ~~distributed to community college boards to enable a uniform~~
18 ~~availability of the resident student lottery tuition~~
19 ~~scholarships.~~

20 ~~F. For purposes of the legislative lottery~~
21 ~~scholarship program as it applies to students with disabilities~~
22 ~~who may require special accommodations, the higher education~~
23 ~~department, in consultation with the student and the office at~~
24 ~~the community college that serves students with disabilities,~~
25 ~~shall review both the definition of "full time" and the maximum~~

.196145.1

Recompile a Section to a Short Title Act

~~number of consecutive semesters of eligibility and adjust
either or both as deemed reasonable and appropriate, based on
the student's disability needs. In no case, however, shall
"full time" mean fewer than six credit hours per semester, and
in no case shall eligibility extend beyond fourteen consecutive
semesters.]~~"

SECTION 7. REPEAL.--Sections 21-1-4.3, 21-1-4.4 and
21-16-10.1 NMSA 1978 (being Laws 1996, Chapter 71, Sections 3,
4 and 6, as amended) are repealed.

SECTION 8. EMERGENCY.--It is necessary for the public
peace, health and safety that this act take effect immediately.

- 9 -

.196145.1

underscored material = new
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Recompile a Section and Enact or Amend a New Section
Temporary Provision for Recompiled Sections

10/17/18

SENATE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO PROPERTY INTERESTS; UPDATING AND MAKING TECHNICAL
REVISIONS TO THE UNIFORM PROBATE CODE; ENACTING AND RECOMPILING
SECTIONS OF THE NMSA 1978.

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

SECTION 1. Section 45-2-805 NMSA 1978 (being Laws 1975,
Chapter 257, Section 2-804, as amended) is recompiled as
Section 45-2-807 NMSA 1978 and a new Section 45-2-805 NMSA 1978
is enacted to read:

"45-2-805. [NEW MATERIAL] REFORMATION TO CORRECT
MISTAKES.--The district court may reform the terms of a
governing instrument, even if unambiguous, to conform the terms
to the transferor's intention if it is proved by clear and
convincing evidence what the transferor's intention was and
that the terms of the governing instrument were affected by a

.182520.2

underscored material = new
[bracketed material] = delete

Recompile a Section and Enact or Amend a New Section
Temporary Provision for Recompiled Sections

1 mistake of fact or law, whether in expression or inducement."

2 **SECTION 2.** Section 45-2-806 NMSA 1978 (being Laws 1973,
3 Chapter 276, Section 8) is recompiled as Section 45-2-808 NMSA
4 1978 and a new Section 45-2-806 NMSA 1978 is enacted to read:

5 "45-2-806. [NEW MATERIAL] MODIFICATION TO ACHIEVE
6 TRANSFEROR'S TAX OBJECTIVES.--To achieve the transferor's tax
7 objectives, the district court may modify the terms of a
8 governing instrument in a manner that is not contrary to the
9 transferor's probable intention. The district court may
10 provide that the modification has retroactive effect."

11 **SECTION 3. TEMPORARY PROVISION--RECOMPILATION.--**
12 Sections 46-10-3 through 46-10-5 NMSA 1978 (being Laws 2001,
13 Chapter 290, Sections 3 through 5) are recompiled as Sections
14 45-2-1103 through 45-2-1105 NMSA 1978. Sections 46-10-7
15 through 46-10-11 NMSA 1978 (being Laws 2001, Chapter 290,
16 Sections 7 through 11) are recompiled as Sections 45-2-1107
17 through 45-2-1111 NMSA 1978. Sections 46-10-13, 46-10-14 and
18 46-10-16 (being Laws 2001, Chapter 290, Sections 13, 14 and 16)
19 are recompiled as Sections 45-2-1113, 45-2-1114 and 45-2-1116
20 NMSA 1978.

21 **SECTION 4. TEMPORARY PROVISION--RECOMPILATION.--**

22 A. Sections 46B-1-101 through 46B-1-103 NMSA 1978
23 (being Laws 2007, Chapter 135, Sections 101 through 103) are
24 recompiled as Sections 45-5B-101 through 45-5B-103 NMSA 1978.

25 B. Sections 46B-1-105 through 46B-1-123 NMSA 1978

.182520.2

Recompile a Section and Enact or Amend a New Section
Temporary Provision for Recompiled Sections

(being Laws 2007, Chapter 135, Sections 105 through 123) are
recompiled as Sections 45-5B-105 through 45-5B-123 NMSA 1978.

C. Sections 46B-1-201 through 46B-1-217 NMSA 1978
(being Laws 2007, Chapter 135, Sections 201 through 217) are
recompiled as Sections 45-5B-201 through 45-5B-217 NMSA 1978.

D. Sections 46B-1-301 and 46B-1-302 (being Laws
2007, Chapter 135, Sections 301 and 302) are recompiled as
Sections 45-5B-301 and 45-5B-302 NMSA 1978.

E. Sections 46B-1-401 through 46B-1-403 NMSA 1978
(being Laws 2007, Chapter 135, Sections 401 through 403) are
recompiled as Sections 45-5B-401 through 45-5B-403 NMSA 1978.

- 3 -

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.182520.2

Repeal Sections (NMSA)

SENATE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO TAXATION; SHORTENING THE AMOUNT OF TIME TO CLAIM A
TAX CREDIT OR A REFUND OF OVERPAID TAX TO LESS THAN ONE YEAR;
REDUCING THE RATE OF THE GROSS RECEIPTS TAX, COMPENSATING TAX,
GOVERNMENTAL GROSS RECEIPTS TAX, MUNICIPAL GROSS RECEIPTS TAX
AND COUNTY GROSS RECEIPTS TAX; REQUIRING THE TAXATION AND
REVENUE DEPARTMENT TO ADJUST THE GROSS RECEIPTS TAX RATE
DEPENDING ON THE REVENUE COLLECTED FROM THAT TAX; PROVIDING FOR
A FLAT INCOME TAX RATE OF TWO AND ONE-HALF PERCENT ON TAXABLE
INCOME ABOVE CERTAIN LEVELS; REMOVING PERMISSION OF A TAX
INCREMENT DEVELOPMENT DISTRICT TO ISSUE BONDS AGAINST AN
INCREMENT OF THE GROSS RECEIPTS TAX; REPEALING CERTAIN CREDITS,
DEDUCTIONS AND EXEMPTIONS PURSUANT TO THE INCOME TAX ACT AND
THE GROSS RECEIPTS AND COMPENSATING TAX ACT; PROVIDING THAT A
PERSON WITHOUT PHYSICAL PRESENCE IN THE STATE THAT HAS LESS
THAN ONE HUNDRED THOUSAND DOLLARS (\$100,000) IN GROSS RECEIPTS

.209312.1

underscored material = new
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Repeal Sections (NMSA)

1 IS NOT ENGAGING IN BUSINESS PURSUANT TO THE GROSS RECEIPTS AND
2 COMPENSATING TAX ACT; REPEALING THE CORPORATE INCOME AND
3 FRANCHISE TAX ACT, THE ESTATE TAX ACT, THE MOTOR VEHICLE EXCISE
4 TAX ACT, THE LEASED VEHICLE GROSS RECEIPTS TAX ACT, THE TAX ON
5 BOATS, CERTAIN LOCAL OPTION GROSS RECEIPTS TAXES, THE
6 SUPPLEMENTAL MUNICIPAL GROSS RECEIPTS TAX ACT, THE LOCAL
7 HOSPITAL GROSS RECEIPTS TAX ACT, THE COUNTY CORRECTIONAL
8 FACILITY GROSS RECEIPTS TAX ACT, THE SPECIAL COUNTY HOSPITAL
9 GASOLINE TAX ACT AND CERTAIN TAX CREDIT ACTS; REPLACING COUNTY
10 OBLIGATIONS TO THE COUNTY-SUPPORTED MEDICAID FUND AND SAFETY
11 NET CARE POOL FUND WITH STATE OBLIGATIONS; PROVIDING TEMPORARY
12 AMNESTY FROM PENALTIES AND INTEREST ON TAXES NOT PAID;
13 PROVIDING THAT THE REPEAL OF CERTAIN TAXES SHALL NOT IMPAIR
14 OUTSTANDING BONDS OR LOAN GUARANTEES; AMENDING, REPEALING AND
15 ENACTING SECTIONS OF THE NMSA 1978.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. Section 3-31-1 NMSA 1978 (being Laws 1973,
19 Chapter 395, Section 3, as amended) is amended to read:

20 "3-31-1. REVENUE BONDS--AUTHORITY TO ISSUE--PLEDGE OF
21 REVENUES--LIMITATION ON TIME OF ISSUANCE.--

22 A. In addition to any other law and constitutional
23 home rule powers authorizing a municipality to issue revenue
24 bonds, a municipality may issue revenue bonds pursuant to
25 Chapter 3, Article 31 NMSA 1978 for the purposes [...]

.209312.1

Repeal Sections (NMSA)

[continued...]

1 B. If a taxpayer has claimed and been awarded a
2 tax credit being repealed by Section 74 of this act but a
3 portion of the credit claimed remains unused, the taxpayer
4 may claim the unused portion, including amounts that could
5 have been carried forward pursuant to those sections being
6 repealed as they were in effect prior to the effective date
7 of this act.

8 SECTION 73. REPEAL.--

9 A. Section 5-15-21 NMSA 1978 (being Laws 2006,
10 Chapter 75, Section 21, as amended) is repealed.

11 B. Sections 5-15A-1 through 5-15A-3 NMSA 1978
12 (being Laws 2007, Chapter 310, Section 1 and Laws 2007,
13 Chapter 313, Section 1; Laws 2007, Chapter 310, Section 2 and
14 Laws 2007, Chapter 313, Section 2; and Laws 2007, Chapter
15 310, Section 3 and Laws 2007, Chapter 313, Section 3) are
16 repealed.

17 C. Section 5-16-13 NMSA 1978 (being Laws 2006,
18 Chapter 15, Section 13) is repealed.

19 D. Section 6-21-5.1 NMSA 1978 (being Laws 1998,
20 Chapter 65, Section 1) is repealed.

21 E. Sections 7-1-6.4, 7-1-6.46, 7-1-6.47,
22 7-1-6.52, 7-1-6.57, 7-1-6.60 and 7-1-69.2 NMSA 1978 (being
23 Laws 1983, Chapter 211, Section 9, Laws 2004, Chapter 116,
24 Sections 1 and 2, Laws 2005, Chapter 104, Section 1, Laws
25 2007, Chapter 361, Section 1, Laws 2010, Chapter 31, [...]

.209312.1

HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO THE NATURAL GAS EMERGENCY INVESTIGATION TASK FORCE;
REPEALING LAWS 2011, CHAPTER 2, WHICH CREATED THE NATURAL GAS
EMERGENCY INVESTIGATION TASK FORCE; DECLARING AN EMERGENCY.

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

SECTION 1. REPEAL.--Laws 2011, Chapter 2, Sections 1 and
2 are repealed.

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

.196075.1

underscored material = new
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Part B
***Bills — Money, Taxes &
Capital Outlay***

7/22/18

SENATE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

MAKING AN APPROPRIATION FOR PLANNING, DESIGN, STUDIES AND
CONSTRUCTION REQUIRED TO RENOVATE MORPHY LAKE DAM.

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

SECTION 1. APPROPRIATION.--Two million dollars
(\$2,000,000) is appropriated from the general fund to the
office of the state engineer for expenditure in fiscal year
2020 for planning, design, flood hazard studies and
construction required to renovate Morphy Lake dam. Any
unexpended or unencumbered balance remaining at the end of
fiscal year 2020 shall revert to the general fund.
.209697.1

underscored material = new
[bracketed material] = delete

Appropriation — Multiple Years — Reverting

HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

MAKING AN APPROPRIATION TO THE INTERSTATE STREAM COMMISSION FOR
A WEATHER MODIFICATION PROGRAM IN LEA AND ROOSEVELT COUNTIES.

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

SECTION 1. APPROPRIATION.--One hundred eighty-five
thousand dollars (\$185,000) is appropriated from the general
fund to the interstate stream commission for expenditure in
fiscal years 2020 and 2021 for a weather modification program in
Lea and Roosevelt counties. Any unexpended or unencumbered
balance remaining at the end of fiscal year 2021 shall revert to
the general fund.

.209669.1

underscored material = new
[bracketed material] = delete

HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

MAKING AN APPROPRIATION TO THE NEW MEXICO DEPARTMENT OF
AGRICULTURE FOR ERADICATION OF THE PECAN WEEVIL.

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

SECTION 1. APPROPRIATION.--Two hundred fifty thousand
dollars (\$250,000) is appropriated from the general fund to the
board of regents of New Mexico state university for expenditure
in fiscal year 2020 and subsequent fiscal years for the New
Mexico department of agriculture to undertake activities
directed at pecan weevil detection, eradication and mitigation.
Any unexpended or unencumbered balance remaining at the end of
a fiscal year shall not revert to the general fund.

.209828.1

underscored material = new
[bracketed material] = delete

Appropriation — Multiple Years — Multiple Amounts — Reverting

HOUSE RULES AND ORDER OF BUSINESS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 330

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
MAKING APPROPRIATIONS FROM THE NEW MEXICO UNIT FUND TO THE
INTERSTATE STREAM COMMISSION FOR WATER PROJECTS IN SOUTHWEST
NEW MEXICO.

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

SECTION 1. APPROPRIATIONS.--

A. The following amounts are appropriated from the
New Mexico unit fund to the interstate stream commission for
expenditure in fiscal years 2020 through 2024 for the following
purposes:

(1) twelve million dollars (\$12,000,000) to
fully implement the regional water project providing bulk water
supplies to the communities of Hurley, Bayard, Santa Clara,
Silver City and intervening public drinking water systems;

.210443.3

underscored material = new
[bracketed material] = delete

Appropriation — Multiple Years — Multiple Amounts — Reverting

HRC/HB 330

1 (2) thirty-four million dollars (\$34,000,000)
2 to construct water trust board-approved water supply projects
3 in the southwest New Mexico regional water planning area that
4 meet a water supply demand and are included in the approved
5 southwest New Mexico council of governments' infrastructure
6 capital improvements plans for fiscal years 2020 through 2024;

7 (3) three million five hundred thousand
8 dollars (\$3,500,000) to contract with the bureau of geology and
9 mineral resources at the New Mexico institute of mining and
10 technology to collect new ground water and geologic data to
11 increase understanding of the hydrogeologic framework and
12 ground water quality and to develop improved ground water flow
13 models of the Mimbres basin aquifer system, which will provide
14 a scientific basis to increase the resilience of public water
15 supplies from that aquifer system; and

16 (4) five hundred thousand dollars (\$500,000)
17 to evaluate and plan alternatives for the city of Deming for a
18 remote well field in a comparatively stable area of the Mimbres
19 basin aquifer, based on the work produced by the bureau of
20 geology and mineral resources pursuant to the appropriation
21 made in Paragraph (3) of this subsection.

22 B. All New Mexico unit fund payments for water
23 supply infrastructure projects in southwest New Mexico shall
24 require at least ten percent, but no more than twenty percent,
25 in matching funds provided by the local project sponsor.

.210443.3

Appropriation — Multiple Years — Multiple Amounts — Reverting

HRC/HB 330

C. Any unexpended or unencumbered balance remaining
from projects funded in Subsection A of this section at the end
of fiscal year 2024 shall revert to the New Mexico unit fund.

- 3 -

underscored material = new
[bracketed material] = delete

.210443.3

HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO TELECOMMUNICATIONS; CREATING THE LIBRARY BROADBAND
INFRASTRUCTURE FUND; MAKING AN APPROPRIATION.

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

SECTION 1. [NEW MATERIAL] LIBRARY BROADBAND
INFRASTRUCTURE FUND--CREATED.--

A. The "library broadband infrastructure fund" is
created in the state treasury. The fund consists of money
appropriated by the legislature, federal money granted to the
state for the purposes of the fund, income from investment of
the fund and money otherwise accruing to the fund. Money in
the fund shall not revert to any other fund at the end of a
fiscal year. The department of information technology shall
administer the fund, and money in the fund is appropriated to
the department of information technology to provide:

.202296.1

underscored material = new
[bracketed material] = delete

Create a Fund

1 (1) matching money for grants to bring
2 broadband infrastructure to public, tribal and school
3 libraries;

4 (2) support for grant application preparation
5 and compliance; and

6 (3) mapping and support materials for
7 broadband.

8 B. Money in the fund shall be disbursed on warrants
9 signed by the secretary of finance and administration pursuant
10 to vouchers signed by the secretary of information technology
11 or the secretary's authorized representative.

SECTION 2. APPROPRIATION.--

13 A. One million dollars (\$1,000,000) is appropriated
14 from the general fund to the library broadband infrastructure
15 fund for expenditure in fiscal year 2020 and subsequent fiscal
16 years to provide:

17 (1) matching money for grants to bring
18 broadband infrastructure to public, tribal and school
19 libraries;

20 (2) support for grant application preparation
21 and compliance; and

22 (3) mapping and support materials for
23 broadband.

24 B. Any unexpended or unencumbered balance remaining
25 at the end of a fiscal year shall not revert to the [...]

.209296.1

Create a Tax Credit — Personal Income Tax Credit

HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO TAXATION; CREATING THE ENERGY STORAGE SYSTEM INCOME
TAX CREDIT AND ENERGY STORAGE SYSTEM CORPORATE INCOME TAX
CREDIT; PROVIDING A DELAYED REPEAL.

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

SECTION 1. A new section of the Income Tax Act is enacted
to read:

"[NEW MATERIAL] ENERGY STORAGE SYSTEM INCOME TAX CREDIT.--

A. A taxpayer who is not a dependent of another
individual and who installs an energy storage system on the
taxpayer's property after January 1, 2019 and before January 1,
2025 may apply for, and the department may allow, a credit
against the taxpayer's tax liability imposed pursuant to the
Income Tax Act subject to the provisions of this section. The
tax credit provided by this section may be referred to as the
.209300.1

Create a Tax Credit — Personal Income Tax Credit

1 "energy storage system income tax credit".

2 B. The purpose of the energy storage system income
3 tax credit is to encourage research, development and
4 installation of electricity storage facilities.

5 C. The taxation and revenue department shall allow
6 an energy storage system income tax credit only for an
7 installed system that is certified by the energy, minerals and
8 natural resources department. The energy storage system income
9 tax credit shall not exceed the lesser of:

10 (1) five thousand dollars (\$5,000) for an
11 energy storage system installed on the taxpayer's residential
12 property;

13 (2) seventy-five thousand dollars (\$75,000)
14 for an energy storage system installed on the taxpayer's
15 commercial property; or

16 (3) thirty percent of the total cost of
17 installation of the energy storage system, regardless of the
18 type of property.

19 D. The taxation and revenue department shall allow
20 a maximum annual aggregate of seven hundred fifty thousand
21 dollars (\$750,000) in energy storage system income tax credits
22 and energy storage system corporate income tax credits,
23 pursuant to Section 2 of this act, per fiscal year on a first-
24 come, first-served basis. Completed applications for the
25 credit shall be considered in the order received by the

.209300.1

Create a Tax Credit — Personal Income Tax Credit

1 taxation and revenue department. If the maximum annual
2 aggregate is met in a fiscal year, the taxation and revenue
3 department shall notify the energy, minerals and natural
4 resources department that no other energy storage systems may
5 be certified for that fiscal year.

6 E. A taxpayer may claim an energy storage system
7 income tax credit for the taxable year in which the taxpayer
8 installs an energy storage system. The taxation and revenue
9 department shall not allow more than one energy storage system
10 income tax credit per year for each taxpayer. To receive the
11 tax credit, a taxpayer shall apply to the taxation and revenue
12 department on forms and in the manner prescribed by that
13 department. The application shall include the certification
14 made by the energy, minerals and natural resources department
15 pursuant to Subsection I of this section.

16 F. That portion of an energy storage system income
17 tax credit that exceeds a taxpayer's income tax liability for
18 the taxable year in which the credit is claimed shall not be
19 refundable and shall not be carried forward to any other
20 taxable year.

21 G. Married individuals filing separate returns for
22 a taxable year for which they could have filed a joint return
23 may each claim only one-half of the energy storage system
24 income tax credit that would have been claimed on a joint
25 return.

.209300.1

Create a Tax Credit — Personal Income Tax Credit

1 H. A taxpayer may be allocated the right to claim
2 an energy storage system income tax credit in proportion to the
3 taxpayer's ownership interest if the taxpayer owns an interest
4 in a business entity that is taxed for federal income tax
5 purposes as a partnership and that business entity has met all
6 of the requirements to be eligible for the credit. The total
7 credit claimed by all members of the partnership or a limited
8 liability company shall not exceed the allowable credit
9 pursuant to Subsection C of this section.

10 I. The energy, minerals and natural resources
11 department shall adopt rules establishing procedures to provide
12 certification of an energy storage system installed on a
13 taxpayer's property for purposes of obtaining an energy storage
14 system income tax credit, including a process for providing
15 notice to taxpayers if the maximum annual aggregate amount
16 pursuant to Subsection D of this section has been met.
17 Completed applications for certification shall be considered in
18 the order received by the energy, minerals and natural
19 resources department.

20 J. A taxpayer allowed a tax credit pursuant to this
21 section shall report the amount of the credit to the taxation
22 and revenue department in a manner required by that department.

23 K. The taxation and revenue department shall
24 compile an annual report on the energy storage system income
25 tax credit that shall include the number of taxpayers approved

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Create a Tax Credit — Corporate Income Tax Credit

by the energy, minerals and natural resources department to receive the credit, the number and aggregate amount of credits approved and applied against income tax liability and any other information necessary to evaluate the effectiveness of the credit. Each year that the credit is in effect, the taxation and revenue department shall compile and present the annual reports to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the effectiveness and cost of the tax credit and whether the tax credit is performing the purpose for which it was created.

L. As used in this section, "energy storage system" means a system used to store electrical energy, or mechanical, chemical or thermal energy that was once electrical energy, for use as electrical energy at a later date or in a process that offsets electricity used at peak times."

SECTION 2. A new section of the Corporate Income and Franchise Tax Act is enacted to read:

"[NEW MATERIAL] ENERGY STORAGE SYSTEM CORPORATE INCOME TAX CREDIT.--

A. A taxpayer that files a New Mexico corporate income tax return and installs an energy storage system on the taxpayer's property after January 1, 2019 and before January 1, 2025 may apply for, and the department may allow, a credit against the taxpayer's tax liability imposed pursuant to the Corporate Income and Franchise Tax Act subject to the

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Create a Tax Credit — Corporate Income Tax Credit

1 provisions of this section. The tax credit provided by this
2 section may be referred to as the "energy storage system
3 corporate income tax credit".

4 B. The purpose of the energy storage system
5 corporate income tax credit is to encourage research,
6 development and installation of electricity storage facilities.

7 C. The taxation and revenue department shall allow
8 an energy storage system corporate income tax credit only for
9 an installed system that is certified by the energy, minerals
10 and natural resources department. The energy storage system
11 corporate income tax credit shall not exceed the lesser of:

12 (1) seventy-five thousand dollars (\$75,000)
13 for an energy storage system installed on the taxpayer's
14 property; or

15 (2) thirty percent of the total cost of
16 installation of the energy storage system, regardless of the
17 type of property.

18 D. The taxation and revenue department shall allow
19 a maximum annual aggregate of seven hundred fifty thousand
20 dollars (\$750,000) in energy storage system corporate income
21 tax credits and energy storage system income tax credits,
22 pursuant to Section 1 of this act, per fiscal year on a first-
23 come, first-served basis. Completed applications for the
24 credit shall be considered in the order received by the
25 taxation and revenue department. If the maximum annual

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Create a Tax Credit — Corporate Income Tax Credit

1 aggregate is met in a fiscal year, the taxation and revenue
2 department shall notify the energy, minerals and natural
3 resources department that no other energy storage systems may
4 be certified for that fiscal year.

5 E. A taxpayer may claim an energy storage system
6 corporate income tax credit for the taxable year in which the
7 taxpayer installs an energy storage system. The taxation and
8 revenue department shall not allow more than one energy storage
9 system corporate income tax credit per year for each taxpayer.
10 To receive the tax credit, a taxpayer shall apply to the
11 taxation and revenue department on forms and in the manner
12 prescribed by that department. The application shall include
13 the certification made by the energy, minerals and natural
14 resources department pursuant to Subsection G of this section.

15 F. That portion of an energy storage system
16 corporate income tax credit that exceeds a taxpayer's corporate
17 income tax liability for the taxable year in which the credit
18 is claimed shall not be refundable and shall not be carried
19 forward to any other taxable year.

20 G. The energy, minerals and natural resources
21 department shall adopt rules establishing procedures to provide
22 certification of an energy storage system installed on a
23 taxpayer's property for purposes of obtaining an energy storage
24 system corporate income tax credit, including a process for
25 providing notice to taxpayers if the maximum annual aggregate

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Create a Tax Credit — Reporting Requirement (Subsection I)

1 amount pursuant to Subsection D of this section has been met.
2 Completed applications for certification shall be considered in
3 the order received by the energy, minerals and natural
4 resources department.

5 H. A taxpayer allowed a tax credit pursuant to this
6 section shall report the amount of the credit to the taxation
7 and revenue department in a manner required by that department.

8 I. The taxation and revenue department shall
9 compile an annual report on the energy storage system corporate
10 income tax credit that shall include the number of taxpayers
11 approved by the energy, minerals and natural resources
12 department to receive the credit, the number and aggregate
13 amount of credits approved and applied against corporate income
14 tax liability and any other information necessary to evaluate
15 the effectiveness of the credit. Each year that the credit is
16 in effect, the taxation and revenue department shall compile
17 and present the annual reports to the revenue stabilization and
18 tax policy committee and the legislative finance committee with
19 an analysis of the effectiveness and cost of the tax credit and
20 whether the tax credit is performing the purpose for which it
21 was created.

22 J. As used in this section, "energy storage system"
23 means a system used to store electrical energy, or mechanical,
24 chemical or thermal energy that was once electrical energy, for
25 use as electrical energy at a later date or in a process that

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Create a Tax Credit — Delayed Repeal — Applicability

offsets electricity used at peak times."

SECTION 3. DELAYED REPEAL.--Sections 1 and 2 of this act are repealed effective January 1, 2026.

SECTION 4. APPLICABILITY.--The provisions of this act apply to taxable years beginning on or after January 1, 2019.

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Create a Tax Deduction

SENATE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO TAXATION; CREATING A DEDUCTION FROM GROSS RECEIPTS
FOR CONSTRUCTION SERVICES TO IMPLEMENT A FIGHTER AIRCRAFT PILOT
TRAINING MISSION PROJECT AT A NEW MEXICO MILITARY INSTALLATION.

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

SECTION 1. Section 7-9-106 NMSA 1978 (being Laws 2007,
Chapter 172, Section 8) is repealed and a new Section 7-9-106
NMSA 1978 is enacted to read:

"7-9-106. [NEW MATERIAL] DEDUCTION--CONSTRUCTION SERVICES
AND EQUIPMENT.--

A. Prior to July 1, 2023, receipts from construction
services to implement a fighter aircraft pilot training mission
project at a New Mexico military installation pursuant to
contracts entered into with the United States department of
defense may be deducted from gross receipts; provided that the

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1 military installation is located in a class B county with a
2 population greater than sixty thousand according to the most
3 recent federal decennial census.

4 B. The purpose of the deduction provided by this
5 section is to encourage the permanent relocation of fighter
6 aircraft squadrons from other states to a military
7 installation in New Mexico.

8 C. A taxpayer allowed a deduction pursuant to this
9 section shall report the amount of the deduction separately in
10 a manner required by the department.

11 D. The department shall compile an annual report
12 on the deduction provided by this section that shall include
13 the number of taxpayers that claimed the deduction, the
14 aggregate amount of deductions claimed and any other
15 information necessary to evaluate the effectiveness of the
16 deduction. The department shall present the annual report to
17 the revenue stabilization and tax policy committee and the
18 legislative finance committee with an analysis of the
19 effectiveness and cost of the deduction and whether the
20 deduction is performing the purpose for which it was created."

21 SECTION 2. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2019.

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24
25

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Amend a Tax Bracket (Table)

HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO TAXATION; CREATING NEW INCOME TAX BRACKETS;
REPEALING AN OUTDATED VERSION OF SECTION 7-2-7 NMSA 1978 (BEING
LAWS 2005 (1ST S.S.), CHAPTER 3, SECTION 2).

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

SECTION 1. Section 7-2-7 NMSA 1978 (being Laws 2005,
Chapter 104, Section 4) is amended to read:

"7-2-7. INDIVIDUAL INCOME TAX RATES.--The tax imposed by
Section 7-2-3 NMSA 1978 shall be at the following rates for any
taxable year beginning on or after January 1, [~~2008~~] 2020:

A. For married individuals filing separate returns:

If the taxable income is:	The tax shall be:
Not over \$4,000	1.7% of taxable income
Over \$4,000 but not over \$8,000	\$68.00 plus 3.2% of
	excess over \$4,000

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Amend a Tax Bracket (Table)

1	Over \$8,000 but not over \$12,000	\$196 plus 4.7% of
2		excess over \$8,000
3	Over \$12,000 <u>but not over \$120,000</u>	\$384 plus 4.9% of
4		excess over \$12,000
5	<u>Over \$120,000 but not over \$240,000</u>	<u>\$5,676 plus 6.2% of</u>
6		<u>excess over \$120,000</u>
7	<u>Over \$240,000</u>	<u>\$13,116 plus 6.5% of</u>
8		<u>excess over \$240,000.</u>

9 B. For heads of household, surviving spouses and
10 married individuals filing joint returns:

11	If the taxable income is:	The tax shall be:
12	Not over \$8,000	1.7% of taxable income
13	Over \$8,000 but not over \$16,000	\$136 plus 3.2% of
14		excess over \$8,000
15	Over \$16,000 but not over \$24,000	\$392 plus 4.7% of
16		excess over \$16,000
17	Over \$24,000 <u>but not over \$240,000</u>	\$768 plus 4.9% of
18		excess over \$24,000
19	<u>Over \$240,000 but not over \$480,000</u>	<u>\$11,352 plus 6.2% of</u>
20		<u>excess over \$240,000</u>
21	<u>Over \$480,000</u>	<u>\$26,232 plus 6.5% of</u>
22		<u>excess over \$480,000.</u>

23 C. For single individuals and for estates and
24 trusts:

25 If the taxable income is: The tax shall be:

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Amend a Tax Bracket (Table)

1	Not over \$5,500	1.7% of taxable income
2	Over \$5,500 but not over \$11,000	\$93.50 plus 3.2% of
3		excess over \$5,500
4	Over \$11,000 but not over \$16,000	\$269.50 plus 4.7% of
5		excess over \$11,000
6	Over \$16,000 <u>but not over \$160,000</u>	\$504.50 plus 4.9% of
7		excess over \$16,000
8	<u>Over \$160,000 but not over \$320,000</u>	<u>\$7,560.50 plus 6.2% of</u>
9		<u>excess over \$160,000</u>
10	<u>Over \$320,000</u>	<u>\$17,480.50 plus 6.5% of</u>
11		<u>excess over \$320,000.</u>

12 D. The tax on the sum of any lump-sum amounts
13 included in net income is an amount equal to five multiplied
14 by the difference between:

15 (1) the amount of tax due on the taxpayer's
16 taxable income; and

17 (2) the amount of tax that would be due on an
18 amount equal to the taxpayer's taxable income and twenty
19 percent of the taxpayer's lump-sum amounts included in net
20 income."

21 SECTION 2. REPEAL.--That version of Section 7-2-7 NMSA
22 1978 (being Laws 2005 (1st S.S.), Chapter 3, Section 2) is
23 repealed.

24 SECTION 3. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is January 1, 2020.

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HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

ENDORSED BY THE NEW MEXICO
FINANCE AUTHORITY OVERSIGHT COMMITTEE

AN ACT

RELATING TO FINANCE; AUTHORIZING THE NEW MEXICO FINANCE
AUTHORITY TO MAKE LOANS FOR PUBLIC PROJECTS FROM THE PUBLIC
PROJECT REVOLVING FUND; DECLARING AN EMERGENCY.

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

SECTION 1. AUTHORIZATION OF PROJECTS.--Pursuant to
Section 6-21-6 NMSA 1978, the legislature authorizes the New
Mexico finance authority to make loans from the public project
revolving fund for public projects as defined in Section 6-21-3
NMSA 1978. Pursuant to Section 6-21-6 NMSA 1978, loans of less
than one million dollars (\$1,000,000) do not require specific
authorization and need not be identified in this act.
Authorization is given to the New Mexico finance authority to
make loans to the following qualified entities on terms and
conditions established by the authority:

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underscored material = new
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New Mexico Finance Authority Projects

1 1. the Agua Fria mutual domestic water consumer's
2 association in Santa Fe county for building, equipment,
3 infrastructure, debt refinance, road, land acquisition, water,
4 wastewater, water rights and solid waste projects;

5 2. the Albuquerque-Bernalillo county water utility
6 authority in Bernalillo county for building, equipment,
7 infrastructure, debt refinance, road, land acquisition, water,
8 wastewater, water rights and solid waste projects;

9 3. the city of Albuquerque in Bernalillo county
10 for building, equipment, infrastructure, debt refinance, road,
11 land acquisition, water, wastewater, water rights, rail spur,
12 special assessment district and solid waste projects;

13 4. the Alto Lakes water and sanitation district in
14 Lincoln county for building, equipment, infrastructure, debt
15 refinance, road, land acquisition, water, wastewater, water
16 rights and solid waste projects;

17 5. the Angel Fire public improvement district in
18 Colfax county for building, equipment, infrastructure, debt
19 refinance, road, land acquisition, water, wastewater, water
20 rights and solid waste projects;

21 6. the village of Angel Fire in Colfax county for
22 building, equipment, infrastructure, debt refinance, road,
23 land acquisition, water, wastewater, water rights, special
24 assessment district and solid waste projects;

25 7. the Anthony charter school in Dona Ana [...]

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[continued...]

Guadalupe county for building, equipment, infrastructure, debt
refinance, road, land acquisition, water, wastewater, water
rights and solid waste projects;

107. the Wagon Mound public school district in Mora
county for building, equipment, infrastructure, debt refinance,
road, land acquisition, water, wastewater, water rights,
facilities acquisition and solid waste projects;

108. the board of regents of western New Mexico
university in Grant county for building, equipment,
infrastructure, debt refinance, road, land acquisition, water,
wastewater, water rights, facilities acquisition and solid waste
projects; and

109. the Zuni public school district in McKinley
county for building, equipment, infrastructure, debt refinance,
road, land acquisition, water, wastewater, water rights and
solid waste projects.

SECTION 2. VOIDING OF AUTHORIZATION.--If a qualified
entity listed in Section 1 of this act has not certified to the
New Mexico finance authority by the end of fiscal year 2022 its
desire to continue to pursue a loan from the public project
revolving fund for a public project listed in that section, the
legislative authorization granted to the New Mexico finance
authority by Section 1 of this act to make a loan from the
public project revolving fund to that qualified entity for that
public project is void.

.209807.3SA

New Mexico Finance Authority Projects

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

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HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO PUBLIC FINANCE; TRANSFERRING MONEY FROM THE FUND
ADMINISTERED BY THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION FOR
LEGISLATIVE RETIREMENT TO THE OPERATING RESERVE ACCOUNT OF THE
GENERAL FUND; DECLARING AN EMERGENCY.

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

SECTION 1. TRANSFER TO GENERAL FUND.--Twelve million five
hundred thousand dollars (\$12,500,000) is transferred from the fund
administered by the public employees retirement association for
legislative retirement to the operating reserve account of the
general fund.

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

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Capital Outlay Bill

HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

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

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

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

A. The state board of finance may issue and sell
severance tax bonds in compliance with the Severance Tax
Bonding Act in an amount not to exceed the total of the amounts
authorized for purposes specified in this act. The state board

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underscored material = new
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1 of finance shall schedule the issuance and sale of the bonds in
2 the most expeditious and economical manner possible upon a
3 finding by the board that the project has been developed
4 sufficiently to justify the issuance and that the project can
5 proceed to contract within a reasonable time. The state board
6 of finance shall further take the appropriate steps necessary
7 to comply with the federal Internal Revenue Code of 1986, as
8 amended. Proceeds from the sale of the bonds are appropriated
9 for the purposes specified in this act.

10 B. The agencies named in this act shall certify to
11 the state board of finance when the money from the proceeds of
12 the severance tax bonds appropriated in this section is needed
13 for the purposes specified in the applicable section of this
14 act. If an agency has not certified the need for severance tax
15 bond proceeds for a particular project by the end of fiscal
16 year 2021, the authorization for that project is void.

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

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

24 (2) spend at least eighty-five percent of the
25 bond proceeds within three years after the applicable bond

.209205.1

Capital Outlay Bill

proceeds are available for the project.

D. Except as otherwise specifically provided by law:

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

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

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

(c) for any other project for which severance tax bonds were appropriated, within six months of completion of the project, but no later than the end of fiscal year 2023; and

(2) all remaining balances from the proceeds of severance tax bonds appropriated for a project in this act

.209205.1

1 shall revert to the severance tax bonding fund three months
2 after the latest reversion date specified for that type of
3 project in Paragraph (1) of this subsection.

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

7 F. Except for a project that was originally funded
8 using a tax-exempt loan or bond issue, a project involving
9 repayment of debt previously incurred shall be funded through
10 the issuance of taxable severance tax bonds with a term that
11 does not extend beyond the fiscal year in which they are
12 issued.

13 G. For the purpose of this section, "unexpended
14 balance" means the remainder of an appropriation after
15 reserving for unpaid costs and expenses covered by binding
16 written obligations to third parties.

17 SECTION 2. GENERAL FUND AND OTHER FUND APPROPRIATIONS--
18 LIMITATIONS--REVERSIONS.--

19 A. Except as otherwise specifically provided by
20 law:

21 (1) the unexpended balance of an appropriation
22 made in this act from the general fund or other state funds
23 shall revert no later than the following dates:

24 (a) for a project for which an
25 appropriation was made to match federal grants, six months

.209205.1

Capital Outlay Bill

1 after completion of the project;

2 (b) for a project for which an
3 appropriation was made to purchase vehicles, including
4 emergency vehicles and other vehicles that require special
5 equipment; heavy equipment; books; educational technology; or
6 other equipment or furniture that is not related to a more
7 inclusive construction or renovation project, at the end of the
8 fiscal year two years following the fiscal year in which the
9 appropriation was made for the purchase; and

10 (c) for any other project for which an
11 appropriation was made, within six months of completion of the
12 project, but no later than the end of fiscal year 2021; and

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

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

20 C. Except as provided in Subsection E of this
21 section, the balance of an appropriation made from the general
22 fund shall revert in the time frame set forth in Subsection A
23 of this section to the capital projects fund.

24 D. Except as provided in Subsection E of this
25 section, the balance of an appropriation made from other state

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1 funds shall revert in the time frame set forth in Subsection A
2 of this section to the originating fund.

3 E. The balance of an appropriation made from the
4 general fund or other state funds to the Indian affairs
5 department or the aging and long-term services department for a
6 project located on lands of an Indian nation, tribe or pueblo
7 shall revert in the time frame set forth in Subsection A of
8 this section to the tribal infrastructure project fund.

9 F. For the purpose of this section, "unexpended
10 balance" means the remainder of an appropriation after
11 reserving for unpaid costs and expenses covered by binding
12 written obligations to third parties.

13 SECTION 3. ADMINISTRATIVE OFFICE OF THE COURTS PROJECT--
14 SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1
15 of this act, upon certification by the administrative office of
16 the courts that the need exists for the issuance of the bonds,
17 one million four hundred thousand dollars (\$1,400,000) is
18 appropriated to the administrative office of the courts to
19 purchase and install security equipment at magistrate courts
20 and judicial district courts statewide.

21 SECTION 4. BERNALILLO COUNTY METROPOLITAN COURT PROJECT--
22 SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1
23 of this act, upon certification by the Bernalillo county
24 metropolitan court that the need exists for the issuance of the
25 bonds, one million dollars (\$1,000,000) is appropriated to the

.209205.1

Capital Outlay Bill

1 Bernalillo county metropolitan court to plan, design,
2 construct, furnish and equip courtrooms, judges' chambers, jury
3 rooms and public and restricted access areas on the fourth
4 floor of the Bernalillo county metropolitan court courthouse in
5 Albuquerque in Bernalillo county.

6 SECTION 5. BORDER AUTHORITY PROJECT--SEVERANCE TAX

7 BONDS.--Pursuant to the provisions of Section 1 of this act,
8 upon certification by the border authority that the need exists
9 for the issuance of the bonds, five hundred thousand dollars
10 (\$500,000) is appropriated to the border authority to plan,
11 design and construct a flood control structure, including land
12 acquisition and environmental assessments, at the Columbus port
13 of entry in Columbus in Luna county.

14 SECTION 6. CAPITAL PROGRAM FUND PROJECTS--SEVERANCE TAX

15 BONDS.--Pursuant to the provisions of Section 1 of this act,
16 upon certification by the facilities management division of the
17 general services department that the need exists for the
18 issuance of the bonds, the following amounts are appropriated
19 to the capital program fund for the following purposes:

20 1. nine million dollars (\$9,000,000) to purchase,
21 plan, design, repair, replace, renovate, furnish and equip a
22 building for a child wellness center for the children, youth
23 and families department in Bernalillo county;

24 2. one million dollars (\$1,000,000) to plan,
25 design, construct, furnish and equip renovations to the client

.209205.1

Capital Outlay Bill

1 cottages, including client hygiene areas and staff stations, at
2 the youth diagnostic and development center in Albuquerque in
3 Bernalillo county;

4 3. one million two hundred thousand dollars
5 (\$1,200,000) to plan, design, construct, furnish and equip a
6 physical plant building and for renovations for a vocational
7 education building at the youth diagnostic and development
8 center in Albuquerque in Bernalillo county;

9 4. one hundred fifty thousand dollars (\$150,000) to
10 plan and design improvements to the Vietnam veterans memorial
11 in Colfax county;

12 5. six hundred sixty-seven thousand dollars
13 (\$667,000) to plan, design, construct, furnish and equip a
14 water line and infrastructure improvements, including repairs
15 and improvements to water tanks and infrastructure from spring
16 boxes to water tanks, extending from the new Fort Bayard
17 medical center to the old Fort Bayard facility in Grant county;

18 6. one million dollars (\$1,000,000) to plan,
19 design, decommission and demolish facilities, including
20 hazardous materials abatement and related site improvements, at
21 the Taylor hall book building in Albuquerque in Bernalillo
22 county, the old oil conservation division building in Hobbs in
23 Lea county and state-owned buildings on the Los Lunas campus in
24 Los Lunas in Valencia county;

25 7. two million dollars (\$2,000,000) to [...]

.209205.1

Capital Outlay Bill

[continued...]

1 SECTION 36. ART IN PUBLIC PLACES.--Pursuant to Section
2 13-4A-4 NMSA 1978 and where applicable, the appropriations
3 authorized in this act include one percent for the art in
4 public places fund.

5 SECTION 37. EMERGENCY.--It is necessary for the public
6 peace, health and safety that this act take effect immediately.

7 - 25 -

underscored material = new
[bracketed material] = delete

.209205.1

SENATE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO CAPITAL EXPENDITURES; REAUTHORIZING OR
REAPPROPRIATING BALANCES, CHANGING PURPOSES, EXTENDING
EXPENDITURE PERIODS, CHANGING AGENCIES AND ESTABLISHING
CONDITIONS FOR THE REVERSION OR TRANSFER OF UNEXPENDED BALANCES
OF APPROPRIATIONS MADE BY THE LEGISLATURE IN PRIOR YEARS;
DECLARING AN EMERGENCY.

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

SECTION 1. SEVERANCE TAX BONDS--REVERSION OF PROCEEDS.--

A. Except as otherwise provided in another section
of this act:

(1) the unexpended balance from the proceeds
of severance tax bonds issued for a project that has been
reauthorized in this act shall revert to the severance tax
bonding fund:

.209596.1

underscored material = new
[bracketed material] = delete

Capital Outlay — Reauthorizations

1 (a) at the end of the expenditure period
2 as set forth in this act, if the expenditure period is changed
3 in this act; or

4 (b) if the expenditure period is not
5 changed in this act, pursuant to the time frame set forth in
6 the law that originally authorized the severance tax bonds or
7 the time frame set forth in any law that has previously
8 reauthorized the expenditure of the proceeds, whichever is
9 later; and

10 (2) all remaining balances from the proceeds
11 of severance tax bonds issued for a project that has been
12 reauthorized in this act shall revert to the severance tax
13 bonding fund three months after the reversion date for the
14 unexpended balances.

15 B. For the purpose of this section, "unexpended
16 balance" means the remainder of an appropriation after
17 reserving for unpaid costs and expenses covered by binding
18 written obligations to third parties.

19 SECTION 2. GENERAL FUND AND OTHER FUND APPROPRIATIONS-- 20 REVERSIONS.--

21 A. Except as otherwise provided in another section
22 of this act:

23 (1) the unexpended balance of an appropriation
24 from the general fund or other state fund that has been changed
25 in this act shall revert:

.209596.1

1 (a) at the end of the expenditure period
2 as set forth in this act, if the expenditure period is changed
3 in this act; or

4 (b) if the expenditure period is not
5 changed in this act, pursuant to the time frame set forth in
6 the law in which the original appropriation was made or the
7 time frame set forth in any law that has previously changed the
8 appropriation, whichever is later; and

9 (2) all remaining balances of an appropriation
10 from the general fund or other state fund that has been changed
11 in this act shall revert three months after the reversion date
12 for the unexpended balance.

13 B. Except as provided in Subsection C of this
14 section, the balance of an appropriation made from the general
15 fund or other state fund shall revert pursuant to Subsection A
16 of this section to the originating fund.

17 C. The balance of an appropriation made from the
18 general fund or other state fund to the Indian affairs
19 department or the aging and long-term services department for a
20 project located on lands of an Indian nation, tribe or pueblo
21 shall revert pursuant to Subsection A of this section to the
22 tribal infrastructure project fund.

23 D. For the purpose of this section, "unexpended
24 balance" means the remainder of an appropriation after
25 reserving for unpaid costs and expenses covered by binding

.209596.1

Capital Outlay — Reauthorizations

1 written obligations to third parties.

2 SECTION 3. AGUA FRIA WATER BOARD OFFICE BUILDING ROOF--
3 CHANGE TO MAINTENANCE BUILDING CONSTRUCTION AND PARKING LOT
4 IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--Thirteen
5 thousand three hundred seventy-eight dollars (\$13,378) of the
6 unexpended balance of the appropriation to the local government
7 division in Subsection 206 of Section 28 of Chapter 3 of Laws
8 2015 (S.S.) to plan, design and construct improvements and roof
9 replacement in the Agua Fria association water board office
10 building in the Agua Fria area of Santa Fe county shall not be
11 expended for the original purpose but is changed to plan,
12 design, purchase and construct a maintenance, storage and
13 utility building and parking lot improvements at the premises
14 of the Agua Fria association water board office building in the
15 Agua Fria area of Santa Fe county. The time of expenditure is
16 extended through fiscal year 2021.

17 SECTION 4. SHONDEEN DRIVE IMPROVEMENTS ROCK SPRINGS
18 CHAPTER--CHANGE TO NORTH CHAPEL HILL ROAD IMPROVEMENTS--
19 SEVERANCE TAX BONDS.--The unexpended balance of the
20 appropriation to the department of transportation in Subsection
21 56 of Section 24 of Chapter 81 of Laws 2016 to plan, design and
22 construct improvements to Shondeen drive in the Rock Springs
23 chapter of the Navajo Nation in McKinley county shall not be
24 expended for the original purpose but is changed to plan,
25 design and construct improvements to north Chapel Hill road in

.209596.1

1 the Rock Springs chapter.

2 **SECTION 5. PASEO DEL VOLCAN LOOP BYPASS--EXTEND TIME--**
3 SEVERANCE TAX BONDS.--The time of expenditure for the
4 department of transportation project in Subsection 57 of
5 Section 25 of Chapter 66 of Laws 2014 to acquire rights of way
6 for and to plan, design and construct paseo del Volcan loop
7 bypass road from Unser boulevard to interstate 40 in Bernalillo
8 and Sandoval counties is extended through fiscal year 2021.

9 **SECTION 6. ALBUQUERQUE ATRISCO ADULT DAYCARE AND RESPITE**
10 **FACILITY--EXTEND TIME--SEVERANCE TAX BONDS.--**The time of
11 expenditure for the local government division project
12 originally authorized in Subparagraph (a) of Paragraph (8) of
13 Subsection A of Section 18 of Chapter 105 of Laws 2010 and
14 reauthorized to the aging and long-term services department in
15 Laws 2014, Chapter 64, Section 9 and for which the time of
16 expenditure was extended in Laws 2016, Chapter 83, Section 9 to
17 purchase land and a building and to plan, design, renovate,
18 construct, furnish and equip an adult daycare and respite
19 facility in the Atrisco community in Albuquerque in Bernalillo
20 county is extended through fiscal year 2021.

21 **SECTION 7. VIETNAM VETERANS MEMORIAL STATE PARK--CHANGE**
22 **TO VIETNAM VETERANS MEMORIAL--CHANGE AGENCY--SEVERANCE TAX**
23 **BONDS.--**The unexpended balance of the appropriation to the
24 state parks division of the energy, minerals and natural
25 resources department in Subsection 1 of Section 16 of [...]

.209596.1

Part C
Bills — Creations
& Executive
Reorganization

2/14/19

SENATE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO HIGHER EDUCATION; AUTHORIZING THE RUIDOSO BRANCH
COMMUNITY COLLEGE AS A BRANCH OF EASTERN NEW MEXICO UNIVERSITY;
TERMINATING EASTERN NEW MEXICO UNIVERSITY'S OFF-CAMPUS
INSTRUCTION PROGRAM IN RUIDOSO.

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

SECTION 1. A new section of Chapter 21, Article 14 NMSA
1978 is enacted to read:

"[NEW MATERIAL] RUIDOSO BRANCH COMMUNITY COLLEGE.--The
Ruidoso branch community college may be created as provided in
Chapter 21, Article 14 NMSA 1978."

SECTION 2. TEMPORARY PROVISION--TERMINATION OF OFF-CAMPUS
INSTRUCTION PROGRAM IN RUIDOSO--TRANSFER OF FUNDS AND
PROPERTY.--The eastern New Mexico university off-campus
instruction program in Ruidoso is terminated when the Ruidoso
.154035.1

underscored material = new
[bracketed material] = delete

Create a Branch Community College

branch community college is created. Eastern New Mexico
university may transfer funds and property of the university
pertaining to the Ruidoso off-campus instruction program to the
Ruidoso branch community college.

-2-

underscored material = new
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.154035.1

1/20/18

SENATE BILL

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO THE CONSTITUTION OF NEW MEXICO; CREATING AN
INDEPENDENT CONSTITUTIONAL REVISION COMMISSION PURSUANT TO
ARTICLE 19, SECTION 1 OF THE CONSTITUTION OF NEW MEXICO; MAKING
AN APPROPRIATION; DECLARING AN EMERGENCY.

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

SECTION 1. [NEW MATERIAL] CONSTITUTIONAL REVISION
COMMISSION--CREATION--COMPOSITION.--The "constitutional
revision commission" is created as an independent commission
pursuant to Article 19, Section 1 of the constitution of New
Mexico. The commission shall be composed of fifteen voting
members and two advisory, nonvoting members. Members shall be
appointed pursuant to the following provisions:

A. three public members shall be appointed by the
speaker of the house of representatives, of whom no more than

.210092.1

underscored material = new
[bracketed material] = delete

Create a Commission

two shall belong to the same political party;

B. three public members shall be appointed by the president pro tempore of the senate, of whom no more than two shall belong to the same political party;

C. three public members shall be appointed by the governor, of whom no more than two shall belong to the same political party;

D. six public members shall be appointed by the New Mexico legislative council;

E. the appointments shall be coordinated to ensure that the different geographical areas of the state are represented and that the members reflect the cultural, economic, professional and ethnic diversity of New Mexico;

F. no more than eight members shall belong to the same political party;

G. the chief justice of the New Mexico supreme court or the chief justice's designee and the attorney general or the attorney general's designee shall serve in an advisory, nonvoting capacity; and

H. members considered for appointment to the commission shall not have changed party affiliation for at least one year prior to being appointed to the commission.

SECTION 2. [NEW MATERIAL] OFFICERS--VACANCIES.--The constitutional revision commission shall elect a chair and other necessary officers from among its members. Vacancies on

.210092.1

1 the commission shall be filled by appointment by the respective
2 appointing authority that made the original appointment, and
3 those appointments shall be subject to the same criteria
4 applicable to the initial appointments.

5 SECTION 3. [NEW MATERIAL] POWERS AND DUTIES.--The
6 constitutional revision commission shall examine the
7 constitution of New Mexico and the constitutions of other
8 states to recommend changes in the constitution of New Mexico
9 as it deems desirable and necessary. Upon majority approval of
10 the fifteen voting members, legislation shall be drafted and
11 submitted to the legislature for its review in accordance with
12 the provisions of Article 19, Section 1 of the constitution of
13 New Mexico.

14 SECTION 4. [NEW MATERIAL] REPORTS AND RECOMMENDATIONS.--
15 The constitutional revision commission shall make a full report
16 of its findings and recommendations. The report and any
17 recommended constitutional revisions shall be made to the
18 governor and to each member of the fifty-fourth legislature not
19 later than thirty days prior to the convening of its first
20 regular session.

21 SECTION 5. [NEW MATERIAL] STAFFING.--The staff and
22 research work shall be done under the supervision of the chair
23 of the constitutional revision commission by employees approved
24 by the commission, assisted, upon request, by the legislative
25 council service.

.210092.1

Create a Commission

1 SECTION 6. [NEW MATERIAL] SUBCOMMITTEES.--In the
2 performance of its duties, the constitutional revision
3 commission may divide into subcommittees, but the findings and
4 recommendations of the commission shall be adopted and reported
5 only upon a majority vote of the commission.

6 SECTION 7. [NEW MATERIAL] PER DIEM AND MILEAGE.--Members
7 of the constitutional revision commission shall receive per
8 diem and mileage as provided for in the Per Diem and Mileage
9 Act and shall receive no other compensation, perquisite or
10 allowance.

11 SECTION 8. APPROPRIATION.--One hundred thousand dollars
12 (\$100,000) is appropriated from New Mexico legislative council
13 cash balances to the legislative council service for
14 expenditure in fiscal years 2018 and 2019 to carry out the
15 provisions of this act. Any unexpended or unencumbered balance
16 remaining at the end of fiscal year 2019 shall revert to the
17 general fund.

18 SECTION 9. DELAYED REPEAL.--The provisions of this act
19 are repealed effective April 1, 2019.

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

22 - 4 -
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.210092.1

HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO TEACHER LICENSURE; CREATING THE TEACHING ALIGNMENT
STUDY TASK FORCE TO STUDY THE MISALIGNMENT BETWEEN STATE-
SUPPORTED TEACHER PREPARATION PROGRAMS AND THE TEACHER
LICENSURE EXAMINATION AND THE MISALIGNMENT BETWEEN PREPARATION
PROGRAMS AND EXISTING SCHOOL ENVIRONMENTS AND STUDENT LEARNING
EXPECTATIONS; MAKING AN APPROPRIATION.

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

**SECTION 1. TEMPORARY PROVISION--TEACHING ALIGNMENT STUDY
TASK FORCE--MEMBERS--APPOINTMENT--DUTIES--STAFF.--**

A. The "teaching alignment study task force" is
created. The task force shall function from the date of its
appointment until December 1 prior to the second session of the
fifty-fourth legislative session.

B. The legislative education study committee shall

.209595.1

underscored material = new
[bracketed material] = delete

Create a Task Force

1 appoint the task force members and designate the chair, who
2 shall be a legislative education study committee member, and
3 vice chair. Members of the task force shall include
4 legislative education study committee members, public school
5 teachers, school principals, local superintendents and
6 representatives of the professional licensure bureau of the
7 public education department and state university undergraduate
8 colleges of education. Vacancies on the task force may be
9 filled by appointment by the legislative education study
10 committee, or the legislative education study committee may
11 reduce the size of the task force by not making replacement
12 appointments.

13 C. Members who are not state employees or otherwise
14 reimbursed for per diem and mileage expenses are entitled to
15 per diem and mileage as provided in the Per Diem and Mileage
16 Act and shall receive no other compensation, perquisite or
17 allowance.

18 D. Staff for the task force shall be provided by
19 the legislative education study committee.

20 E. The task force shall study the misalignment
21 between state-supported teacher preparation programs and the
22 teacher licensure examination and misalignment between state-
23 supported teacher preparation programs and existing school
24 environments and student learning expectations.

25 F. The task force shall report its findings and

.209595.1

1 recommendations to the legislative education study committee,
2 the governor and the deans of the colleges of education and the
3 presidents of the state universities by December 1, 2019.

4 **SECTION 2. APPROPRIATION.**--Twenty-five thousand dollars
5 (\$25,000) is appropriated from the general fund to the
6 legislative education study committee for expenditure in fiscal
7 year 2020 to pay the expenses and staffing of the teaching
8 alignment study task force. Any unexpended or unencumbered
9 balance remaining at the end of fiscal year 2020 shall revert
10 to the general fund.

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Stagger Initial Terms of Members

SENATE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO METROPOLITAN REDEVELOPMENT; AMENDING THE
METROPOLITAN REDEVELOPMENT CODE; PROVIDING COUNTIES WITH POWERS
AND DUTIES; INCLUDING CREATIVE ENTERPRISES, CULTURAL FACILITIES
AND PUBLIC INFRASTRUCTURE AS ELIGIBLE PROJECTS; MAKING
CONFORMING AND CLARIFYING CHANGES.

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

SECTION 1. Section 3-60A-1 NMSA 1978 (being Laws 1979,
Chapter 391, Section 1) is amended to read:

"3-60A-1. SHORT TITLE.--~~[This act]~~ Chapter 3, Article 60A
NMSA 1978 may be cited as the "Metropolitan Redevelopment
Code".

SECTION 2. Section 3-60A-2 NMSA 1978 (being Laws 1979,
Chapter 391, Section 2, as amended by Laws 2007, Chapter 329,
Section 3 and by Laws 2007, Chapter 330, Section 3) is [...]

.209471.2SA

underscored material = new
[bracketed material] = delete

[continued...]

- 1 (8) issue [~~municipal~~] redevelopment bonds; and
2 (9) appropriate funds and levy taxes and
3 assessments."

4 SECTION 15. Section 3-60A-16 NMSA 1978 (being Laws 1979,
5 Chapter 391, Section 16) is amended to read:

6 "3-60A-16. METROPOLITAN REDEVELOPMENT AGENCY.--

7 A. There may be created in each [~~municipality~~] local
8 government a public body to be known as the "metropolitan
9 redevelopment agency". The metropolitan redevelopment agency
10 shall not transact any business or exercise any powers until
11 the local [~~governing body~~] government has adopted an ordinance
12 creating a metropolitan redevelopment agency and has specified
13 the powers and duties of the agency.

14 B. When the metropolitan redevelopment agency has
15 been authorized to transact business and exercise powers, the
16 mayor or manager of the local government, with the advice and
17 consent of the local [~~governing body~~] government, shall appoint
18 a board of commissioners of the redevelopment agency, which
19 shall consist of five commissioners. The commissioners shall
20 be initially appointed to serve staggered terms as follows from
21 the date of their appointment:

- 22 (1) two members for three-year terms;
23 (2) two members for two-year terms; and
24 (3) one member for a one-year term.

25 Thereafter, commissioners shall be appointed for terms of five

.209471.2SA

Stagger Initial Terms of Members

1 years each.

2 C. A commissioner shall receive no compensation for
3 ~~[his]~~ services but shall be entitled to the necessary expenses,
4 including traveling expenses, incurred in the discharge of
5 ~~[his]~~ the commissioner's duties. Each commissioner shall hold
6 office until ~~[his]~~ the commissioner's successor has been
7 appointed and qualified. A certificate of the appointment or
8 reappointment of any commissioner shall be filed with the clerk
9 of the ~~[municipality]~~ local government, and the certificate
10 shall be conclusive evidence of the due and proper appointment
11 of the commissioner. A commissioner may be removed from office
12 at any time by the mayor or manager of the local government.

13 D. The powers of a metropolitan redevelopment
14 agency shall be exercised by the commissioners. A majority of
15 the appointed commissioners ~~[shall constitute]~~ constitutes a
16 quorum for the purpose of conducting business and exercising
17 the powers of the agency and for all other purposes. Action
18 may be taken by the agency upon a vote of a majority of the
19 commissioners present at a lawful meeting, unless ~~[in any case]~~
20 the bylaws ~~[shall]~~ require a larger number. Any person may be
21 appointed as commissioner if ~~[he]~~ the person resides within the
22 area of operation of the agency, which shall be coterminous
23 with the area of operation of the ~~[municipality]~~ local
24 government, and is otherwise eligible for ~~[such]~~ appointment
25 under the Redevelopment Law.

.209471.2SA

underscored material = new
[bracketed material] = delete

SENATE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO STATE SYMBOLS; ADOPTING THE SQUASH BLOSSOM NECKLACE
AS THE OFFICIAL NECKLACE OF NEW MEXICO.

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

SECTION 1. Section 12-3-4 NMSA 1978 (being Laws 1927,
Chapter 102, Section 1, as amended by Laws 2007, Chapter 10,
Section 1 and by Laws 2007, Chapter 179, Section 1) is amended
to read:

"12-3-4. STATE FLOWER--STATE BIRD--STATE TREE--STATE
FISH--STATE ANIMAL--STATE VEGETABLES--STATE GEM--STATE GRASS--
STATE FOSSIL--STATE COOKIE--STATE INSECT--STATE QUESTION--STATE
ANSWER--STATE NICKNAME--STATE BUTTERFLY--STATE REPTILE--STATE
AMPHIBIAN--STATE AIRCRAFT--STATE HISTORIC RAILROAD--STATE
TIE--STATE NECKLACE.--

A. The yucca flower is adopted as the official

.183923.1

underscored material = new
[bracketed material] = delete

Adopt an Official State "Thing"

flower of New Mexico.

B. The chaparral bird, commonly called roadrunner, is adopted as the official bird of New Mexico.

C. The nut pine or pinon tree, scientifically known as *Pinus edulis*, is adopted as the official tree of New Mexico.

D. The native New Mexico cutthroat trout is adopted as the official fish of New Mexico.

E. The native New Mexico black bear is adopted as the official animal of New Mexico.

F. The chile, the Spanish adaptation of the chilli, and the pinto bean, commonly known as the frijol, are adopted as the official vegetables of New Mexico.

G. The turquoise is adopted as the official gem of New Mexico.

H. The blue grama grass, scientifically known as *Bouteloua gracillis*, is adopted as the official grass of New Mexico.

I. The *coelophysis* is adopted as the official fossil of New Mexico.

J. The bizcochito is adopted as the official cookie of New Mexico.

K. The tarantula hawk wasp, scientifically known as *Pepsis formosa*, is adopted as the official insect of New Mexico.

L. "Red or green?" is adopted as the official
.183923.1

Adopt an Official State "Thing"

question of New Mexico.

M. "Red and green or Christmas" is adopted as the official answer of New Mexico.

N. "The Land of Enchantment" is adopted as the official nickname of New Mexico.

O. The Sandia hairstreak is adopted as the official butterfly of New Mexico.

P. The New Mexico whiptail lizard, scientifically known as *Cnemidophorus neomexicanus*, is adopted as the official reptile of New Mexico.

Q. The New Mexico spadefoot toad, scientifically known as *Spea multiplicata*, is adopted as the official amphibian of New Mexico.

R. The hot air balloon is adopted as the official aircraft of New Mexico.

S. The Cumbres and Toltec scenic railroad is adopted as the official historic railroad of New Mexico.

~~[S.]~~ T. The bolo tie is adopted as the official tie of New Mexico.

U. The squash blossom necklace is adopted as the official necklace of New Mexico."

- 3 -

.183923.1

9/13/18

_____ BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO EXECUTIVE REORGANIZATION; ENACTING THE VOCATIONAL
REHABILITATION ACT; MOVING THE VOCATIONAL REHABILITATION
DIVISION FROM THE PUBLIC EDUCATION DEPARTMENT TO THE WORKFORCE
SOLUTIONS DEPARTMENT; MOVING CERTAIN PROVISIONS PERTAINING TO
THE BLIND TO CHAPTER 28 NMSA 1978; PROVIDING FOR THE TRANSFER
OF MONEY, APPROPRIATIONS, PERSONNEL AND PROPERTY; AMENDING,
REPEALING, ENACTING AND RECOMPILING SECTIONS OF THE NMSA 1978.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1
through 13 of this act may be cited as the "Vocational
Rehabilitation Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Vocational Rehabilitation Act:

.209248.1

underscored material = new
[bracketed material] = delete

Executive Reorganization

1 A. "department" means the workforce solutions
2 department;

3 B. "director" means the director of vocational
4 rehabilitation;

5 C. "division" means the vocational rehabilitation
6 division of the department;

7 D. "federal aid funds" means funds, gifts or grants
8 received by the state under any federal aid for vocational
9 rehabilitation;

10 E. "person with a disability" means an individual
11 who has a physical or mental impairment, whose impairment
12 constitutes or results in a substantial impediment to
13 employment and who can benefit in terms of an employment
14 outcome from the provision of vocational rehabilitation; and

15 F. "vocational rehabilitation" means rehabilitation
16 services described in an individualized plan for employment
17 necessary to assist a person with a disability in preparing
18 for, securing, retaining or regaining an employment outcome
19 that is consistent with the strengths, resources, priorities,
20 concerns, abilities, capabilities, interests and informed
21 choice of that person; provided that "vocational
22 rehabilitation" does not include services for the blind.

23 SECTION 3. [NEW MATERIAL] VOCATIONAL REHABILITATION
24 DIVISION CREATED--DIRECTOR.--

25 A. The "vocational rehabilitation division" is
.209248.1

Executive Reorganization

created in the department.

B. The secretary of workforce solutions shall appoint a director of the division to be known as the "director of vocational rehabilitation".

SECTION 4. [NEW MATERIAL] VOCATIONAL REHABILITATION
DIVISION--POWERS--DUTIES.--The division shall:

A. provide vocational rehabilitation to qualified persons with disabilities;

B. administer any state plan or federal aid funds relating to vocational rehabilitation;

C. cooperate and make agreements with public or private agencies to establish or to maintain a vocational rehabilitation program;

D. enter into reciprocal agreements with other states to provide vocational rehabilitation;

E. accept gifts or grants to be used for vocational rehabilitation;

F. enforce rules for the administration of laws relating to vocational rehabilitation;

G. conduct research and compile statistics relating to vocational rehabilitation;

H. ensure that behavioral health services, including mental health and substance abuse services, provided, contracted for or approved are in compliance with the requirements of Section 9-7-6.4 NMSA 1978; and

.209248.1

1 I. collaborate with the New Mexico statewide
2 independent living council and through the state plan for
3 independent living identify the designated state agency to
4 administer the independent living services program and to work
5 to execute the transition for fiscal year 2020.

6 SECTION 5. [NEW MATERIAL] VOCATIONAL REHABILITATION--
7 STATE GOVERNING AUTHORITY.--The division is the governing
8 authority and shall establish policies for the conduct of all
9 programs of the state and state plans established relating to
10 vocational rehabilitation, unless otherwise provided by law.

11 SECTION 6. [NEW MATERIAL] STATE AGENCY FOR VOCATIONAL
12 REHABILITATION--AUTHORITY.--The division is the sole agency of
13 the state for the administration or the supervision of the
14 administration of any federal aid funds pertaining to
15 vocational rehabilitation. The division may:

16 A. enter into an agreement with the appropriate
17 federal agency to procure for the state the benefits of the
18 federal statute;

19 B. establish a state plan, if required by the
20 federal statute, that meets the requirements of the federal
21 statute to qualify the state for the benefits of the federal
22 statute;

23 C. provide for reports to be made to the federal
24 agency as may be required;

25 D. provide for reports to be made to the division
.209248.1

Executive Reorganization

from agencies receiving federal aid funds;

E. make surveys and studies in cooperation with other agencies to determine the needs of the state in the areas where the federal aid funds are to be applied;

F. establish standards to which agencies must conform in receiving federal aid funds; and

G. give technical advice and assistance to any agency in connection with that agency obtaining federal aid funds.

SECTION 7. [NEW MATERIAL] CUSTODY OF FUNDS--BUDGETS--DISBURSEMENTS.--

A. The state treasurer shall be the custodian of all federal aid funds for vocational rehabilitation. The state treasurer shall hold these funds in separate accounts according to the purposes of the funds.

B. All state funds, federal aid funds or grants to the state relating to vocational rehabilitation shall be budgeted and accounted for as provided by law and by the rules of the department of finance and administration. These funds or grants shall be disbursed by warrants of the department of finance and administration on vouchers issued by the director or the director's authorized representative.

C. All federal aid funds received by the state to be used for vocational rehabilitation programs may be expended in any succeeding year from the year received.

.209248.1

1 SECTION 8. [NEW MATERIAL] VOCATIONAL REHABILITATION--
2 ELIGIBILITY.--Vocational rehabilitation shall be provided to
3 any person with a disability who is a resident of the state at
4 the time of filing an application for vocational rehabilitation
5 and who qualifies for eligibility under:

6 A. a vocational rehabilitation program established
7 by the state; or

8 B. the terms of an agreement that the state has
9 with the federal government or with another state.

10 SECTION 9. [NEW MATERIAL] THIRD-PARTY LIABILITY.--

11 A. The division shall make reasonable efforts to
12 ascertain any legal liability of third parties who are or may
13 be liable to pay all or part of the cost of rehabilitation
14 services of an applicant or client of vocational
15 rehabilitation.

16 B. When the division provides vocational
17 rehabilitation services to a qualified person with a
18 disability, the division is subrogated to any right of that
19 person against a third party for recovery of costs incurred.

20 SECTION 10. [NEW MATERIAL] HEARINGS.--

21 A. An opportunity for a fair hearing shall be
22 provided for any person with a disability applying for or
23 receiving vocational rehabilitation who is aggrieved by any
24 action or inaction of the division or the director.

25 B. The division shall adopt rules for the conduct
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of hearings pursuant to this section.

SECTION 11. [NEW MATERIAL] NONTRANSFERABLE OR
NONASSIGNABLE RIGHTS.--The rights of a person with a disability
under the provisions of any state law relating to vocational
rehabilitation are not transferable or assignable in law or in
equity.

SECTION 12. [NEW MATERIAL] LIMITATIONS ON POLITICAL
ACTIVITIES.--

A. A person engaged in administering any vocational
rehabilitation program pursuant to the Vocational
Rehabilitation Act shall not:

(1) use the person's official authority or
influence to permit the use of the vocational rehabilitation
program to interfere with any public election or partisan
political campaign;

(2) take any active part in the management of
a political campaign or participate in any political activity
beyond the person's constitutional rights of voting and of free
speech; or

(3) be required to contribute or render
service, assistance, subscription, assessment or contribution
for any political purpose.

B. Any person violating the provisions of this
section shall be subject to discharge or suspension.

SECTION 13. [NEW MATERIAL] ADMISSION TO STATE EDUCATIONAL
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1 INSTITUTIONS--EXEMPTION FROM CERTAIN FEES.--Upon written
2 request of the division, all state educational institutions
3 shall accept for admission, without any charge for any fees
4 except tuition charges, any person with a disability who meets
5 the standards of the institution.

6 SECTION 14. Section 9-7-6.4 NMSA 1978 (being Laws 2004,
7 Chapter 46, Section 8, as amended) is amended to read:

8 "9-7-6.4. INTERAGENCY BEHAVIORAL HEALTH PURCHASING
9 COLLABORATIVE.--

10 A. There is created the "interagency behavioral
11 health purchasing collaborative", consisting of the secretaries
12 of aging and long-term services; Indian affairs; human
13 services; health; corrections; children, youth and families;
14 finance and administration; workforce solutions; public
15 education; and transportation; the governor's health policy
16 coordinator; and the directors of the administrative office of
17 the courts, the New Mexico mortgage finance authority, the
18 governor's commission on disability, the developmental
19 disabilities planning council, the [~~instructional support and~~]
20 vocational rehabilitation division of the [~~public education~~]
21 workforce solutions department and the New Mexico health policy
22 commission [~~and the governor's health policy coordinator~~], or
23 their designees. The collaborative shall be chaired by the
24 secretary of human services with the respective secretaries of
25 health and children, youth and families alternating annually as

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co-chairs.

B. The collaborative shall meet regularly and at the call of either co-chair and shall:

(1) identify behavioral health needs statewide, with an emphasis on that hiatus between needs and services set forth in the department of health's gap analysis and in ongoing needs assessments and develop a master plan for statewide delivery of services;

(2) give special attention to regional differences, including cultural, rural, frontier, urban and border issues;

(3) inventory all expenditures for behavioral health, including mental health and substance abuse;

(4) plan, design and direct a statewide behavioral health system, ensuring both availability of services and efficient use of all behavioral health funding, taking into consideration funding appropriated to specific affected departments; and

(5) contract for operation of one or more behavioral health entities to ensure availability of services throughout the state.

C. The plan for delivery of behavioral health services shall include specific service plans to address the needs of infants, children, adolescents, adults and seniors, as well as to address workforce development and retention and

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1 quality improvement issues. The plan shall be revised every
2 two years and shall be adopted by the department of health as
3 part of the statewide health plan.

4 D. The plan shall take the following principles
5 into consideration, to the extent practicable and within
6 available resources:

7 (1) services should be individually centered
8 and family-focused based on principles of individual capacity
9 for recovery and resiliency;

10 (2) services should be delivered in a
11 culturally responsive manner in a home- or community-based
12 setting, where possible;

13 (3) services should be delivered in the least
14 restrictive and most appropriate manner;

15 (4) individualized service planning and case
16 management should take into consideration individual and family
17 circumstances, abilities and strengths and be accomplished in
18 consultation with appropriate family members, caregivers and
19 other persons critical to the individual's life and well-being;

20 (5) services should be coordinated,
21 accessible, accountable and of high quality;

22 (6) services should be directed by the
23 individual or family served to the extent possible;

24 (7) services may be consumer- or family-
25 provided, as defined by the collaborative;

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(8) services should include behavioral health promotion, prevention, early intervention, treatment and community support; and

(9) services should consider regional differences, including cultural, rural, frontier, urban and border issues.

E. The collaborative shall seek and consider suggestions of Native American representatives from Indian nations, tribes and pueblos and the urban Indian population, located wholly or partially within New Mexico, in the development of the plan for delivery of behavioral health services.

F. Pursuant to the State Rules Act, the collaborative shall adopt rules through the human services department for:

(1) standards of delivery for behavioral health services provided through contracted behavioral health entities, including:

- (a) quality management and improvement;
- (b) performance measures;
- (c) accessibility and availability of services;
- (d) utilization management;
- (e) credentialing of providers;
- (f) rights and responsibilities of

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1 consumers and providers;

2 (g) clinical evaluation and treatment
3 and supporting documentation; and

4 (h) confidentiality of consumer records;
5 and

6 (2) approval of contracts and contract
7 amendments by the collaborative, including public notice of the
8 proposed final contract.

9 G. The collaborative shall, through the human
10 services department, submit a separately identifiable
11 consolidated behavioral health budget request. The
12 consolidated behavioral health budget request shall account for
13 requested funding for the behavioral health services program at
14 the human services department and any other requested funding
15 for behavioral health services from agencies identified in
16 Subsection A of this section that will be used pursuant to
17 Paragraph (5) of Subsection B of this section. Any contract
18 proposed, negotiated or entered into by the collaborative is
19 subject to the provisions of the Procurement Code.

20 H. The collaborative shall, with the consent of the
21 governor, appoint a "director of the collaborative". The
22 director is responsible for the coordination of day-to-day
23 activities of the collaborative, including the coordination of
24 staff from the collaborative member agencies.

25 I. The collaborative shall provide a quarterly
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1 report to the legislative finance committee on performance
2 outcome measures. The collaborative shall submit an annual
3 report to the legislative finance committee and the [~~interim~~]
4 legislative health and human services committee that provides
5 information on:

6 (1) the collaborative's progress toward
7 achieving its strategic plans and goals;

8 (2) the collaborative's performance
9 information, including contractors and providers; and

10 (3) the number of people receiving services,
11 the most frequently treated diagnoses, expenditures by type of
12 service and other aggregate claims data relating to services
13 rendered and program operations."

14 SECTION 15. Section 9-24-4 NMSA 1978 (being Laws 2004,
15 Chapter 27, Section 4, as amended) is amended to read:

16 "9-24-4. DEPARTMENT CREATED.--

17 A. The "public education department" is created in
18 the executive branch. The department is a cabinet department
19 and includes the following divisions:

20 (1) the administrative services division;

21 (2) the assessment and accountability
22 division;

23 (3) the charter schools division;

24 (4) the educator quality division;

25 (5) the Indian education division;

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- 1 (6) the information technology division;
2 (7) the instructional support and vocational
3 education division;
4 (8) the program support and student
5 transportation division;
6 (9) the quality assurance and systems
7 integration division; and
8 (10) the rural education division [~~and~~
9 ~~(11) the vocational rehabilitation division~~].

10 B. The secretary may organize the department and
11 divisions of the department and may transfer or merge functions
12 between divisions and bureaus in the interest of efficiency and
13 economy."

14 SECTION 16. Section 9-26-4 NMSA 1978 (being Laws 2007,
15 Chapter 200, Section 4) is amended to read:

16 "9-26-4. WORKFORCE SOLUTIONS DEPARTMENT CREATED.--The
17 "workforce solutions department" is created in the executive
18 branch pursuant to the Executive Reorganization Act. The
19 department is a cabinet department that includes:

- 20 A. the office of the secretary;
21 B. the administrative services division;
22 C. the business services division;
23 D. the labor relations division;
24 E. the workforce technology division; [~~and~~]
25 F. the workforce transition services division; and

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1 G. the vocational rehabilitation division."

2 SECTION 17. Section 22-14-1 NMSA 1978 (being Laws 1967,
3 Chapter 16, Section 191, as amended) is amended to read:

4 "22-14-1. DEFINITIONS.--As used in [~~Sections 22-14-2~~
5 ~~through 22-14-16~~] Chapter 22, Article 14 NMSA 1978:

6 A. "vocational education" means vocational or
7 technical training or retraining conducted as part of a program
8 designed to enable [~~an individual~~] a person to engage in a
9 remunerative occupation. Vocational education may provide but
10 is not limited to guidance and counseling, vocational
11 instruction, training for vocational education instructors,
12 transportation and training material and equipment; and

13 ~~[B. "person with a disability" means a person with~~
14 ~~a physical or mental disability that constitutes a substantial~~
15 ~~handicap to employment but that is of such a nature that~~
16 ~~vocational rehabilitation may be reasonably expected to enable~~
17 ~~the person to engage in a remunerative occupation;~~

18 ~~C. "vocational rehabilitation" means services or~~
19 ~~training necessary to enable a person with a disability to~~
20 ~~engage in a remunerative occupation. Vocational rehabilitation~~
21 ~~may provide but is not limited to medical or vocational~~
22 ~~diagnosis, vocational guidance, counseling and placement,~~
23 ~~rehabilitation training, physical restoration, transportation,~~
24 ~~occupational licenses, customary occupational tools or~~
25 ~~equipment, maintenance and training material and equipment; and~~

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1 ~~D.~~ B. "federal aid funds" means funds, gifts or
2 grants received by the state under any federal aid for
3 vocational education [~~or vocational rehabilitation~~]."

4 SECTION 18. Section 28-11A-3 NMSA 1978 (being Laws 1981,
5 Chapter 260, Section 3) is amended to read:

6 "28-11A-3. VOCATIONAL REHABILITATION DIVISION--PURCHASE
7 OF TELECOMMUNICATION DEVICES FOR THE DEAF.--A telecommunication
8 device for the deaf shall be purchased by the vocational
9 rehabilitation division of the workforce solutions department
10 [~~of education~~] and installed in the office of the municipal
11 police department of any municipality with a population in
12 excess of ten thousand inhabitants, if the division determines
13 and verifies that at least five telecommunication devices for
14 the deaf are in use by deaf persons in the municipality, and in
15 the office of the county sheriff in counties not having a
16 municipality with a population in excess of ten thousand
17 inhabitants, if the division determines and verifies that at
18 least five such devices are in use by deaf persons in that
19 county."

20 SECTION 19. Section 28-16A-4 NMSA 1978 (being Laws 1993,
21 Chapter 50, Section 4) is amended to read:

22 "28-16A-4. DEVELOPMENTAL DISABILITIES PLANNING COUNCIL--
23 CREATION--MEMBERSHIP--TERMS.--

24 A. The "developmental disabilities planning
25 council" is created in accordance with the federal

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1 Developmental Disabilities Assistance and Bill of Rights Act.

2 The developmental disabilities planning council shall be an
3 adjunct agency as provided in the Executive Reorganization Act.

4 B. The developmental disabilities planning council
5 shall consist of no fewer than eighteen members, at least half
6 of whom shall be persons with developmental disabilities or
7 parents, immediate relatives or legal guardians of persons with
8 developmental disabilities. The developmental disabilities
9 planning council shall include:

10 (1) the secretary of health or ~~[his]~~ the
11 secretary's designee;

12 (2) the secretary of human services or ~~[his]~~
13 the secretary's designee;

14 (3) the secretary of children, youth and
15 families or ~~[his]~~ the secretary's designee;

16 (4) the ~~[director]~~ secretary of ~~[the state~~
17 ~~agency on]~~ aging and long-term services or ~~[his]~~ the
18 secretary's designee;

19 (5) ~~[two directors]~~ one director from the
20 ~~[state department of]~~ public education ~~[including the~~
21 ~~vocational rehabilitation division]~~ department;

22 (6) the director of the vocational
23 rehabilitation division of the workforce solutions department;

24 ~~[(6)]~~ (7) the director of the state protection
25 and advocacy system established pursuant to the federal

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1 Developmental Disabilities Assistance and Bill of Rights Act;
2 ~~[(7)]~~ (8) representatives of institutions of
3 post-secondary education;

4 ~~[(8)]~~ (9) representatives of each program
5 established within institutions of post-secondary education
6 pursuant to the federal Developmental Disabilities Assistance
7 and Bill of Rights Act; and

8 ~~[(9)]~~ (10) representatives of local government
9 agencies, nongovernment agencies or nonprofit groups concerned
10 with services to persons with developmental disabilities,
11 including a service provider.

12 C. Members, except for ex-officio members, shall be
13 appointed by the governor for terms of three years."

14 SECTION 20. Section 28-16A-9 NMSA 1978 (being Laws 1993,
15 Chapter 50, Section 9) is amended to read:

16 "28-16A-9. INFORMATION AND REFERRAL SYSTEM--COORDINATION
17 AND CONTINUATION.--In order to coordinate information and
18 referral services and eliminate the duplication of effort, the
19 developmental disabilities planning council shall provide
20 information and referral services for persons with
21 disabilities, their families, providers of support and services
22 and local and state agencies, including:

23 A. the human services department;

24 B. the department of health;

25 C. the ~~[state department of]~~ public education ~~[and~~

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~~its vocational rehabilitation division]~~ department;

D. the vocational rehabilitation division of the
workforce solutions department;

~~[D.]~~ E. the New Mexico school for the deaf;

~~[E.]~~ F. the New Mexico school for the blind and
visually ~~[handicapped]~~ impaired;

~~[F.]~~ G. the Carrie Tingley crippled children's
hospital; and

~~[G.]~~ H. the children, youth and families
department."

SECTION 21. Section 38-9-6 NMSA 1978 (being Laws 1979,
Chapter 263, Section 6, as amended) is amended to read:

"38-9-6. NOTICE--PROOF OF DISABILITY.--Every deaf person
whose appearance at a proceeding entitles the person to an
interpreter shall notify the appointing authority of the
person's disability at least two weeks prior to any appearance
and shall request the services of an interpreter. An
appointing authority may require a person requesting the
appointment of an interpreter to furnish reasonable proof of
the person's disability when the appointing authority has
reason to believe that the person is not so disabled.
Reasonable proof shall include but not be limited to a
statement from a doctor, an audiologist, the vocational
rehabilitation division of the ~~[public education]~~ workforce
solutions department, the commission for deaf and hard-of-

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1 hearing persons or a school nurse that identifies the person as
2 deaf or as having hearing so seriously impaired as to prohibit
3 the person from understanding voice communications."

4 **SECTION 22. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS,**
5 **PERSONNEL, MONEY, APPROPRIATIONS, PROPERTY, CONTRACTUAL**
6 **OBLIGATIONS AND STATUTORY REFERENCES.--**

7 A. On the effective date of this act, all
8 functions, personnel, money, appropriations, records,
9 furniture, equipment, supplies and other property of the
10 vocational rehabilitation division of the public education
11 department are transferred to the vocational rehabilitation
12 division of the workforce solutions department.

13 B. On the effective date of this act, all
14 contractual obligations of the vocational rehabilitation
15 division of the public education department are binding on the
16 vocational rehabilitation division of the workforce solutions
17 department.

18 C. On the effective date of this act, all
19 references in law to the vocational rehabilitation division of
20 the public education department shall be deemed to be
21 references to the vocational rehabilitation division of the
22 workforce solutions department.

23 **SECTION 23. TEMPORARY PROVISION--RECOMPILATION.--Sections**
24 **22-14-21 through 22-14-29 NMSA 1978 (being Laws 1953, Chapter**
25 **163, Sections 1 through 3 and Laws 1957, Chapter 180, Sections**
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1 1 through 5, as amended) are recompiled in Chapter 28, Article
2 7 NMSA 1978.

3 SECTION 24. REPEAL.--Sections 22-14-2.1, 22-14-3.1,
4 22-14-7 through 22-14-9, 22-14-11 through 22-14-14, 22-14-16,
5 22-14-20 and 22-14-30 NMSA 1978 (being Laws 2005, Chapter 328,
6 Sections 2 and 4, Laws 1967, Chapter 16, Sections 196 through
7 199, Laws 1983, Chapter 60, Section 1, Laws 1967, Chapter 16,
8 Sections 200 through 202 and 204 and Laws 1971, Chapter 324,
9 Sections 5 and 4, as amended) are repealed.

10 SECTION 25. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2019.

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Part D
Substitutes

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 98

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO PUBLIC RECORDS; PROVIDING FOR THE PROTECTION OF
CERTAIN INFORMATION RELATED TO THE COMMERCIAL AEROSPACE
INDUSTRY; AMENDING THE INSPECTION OF PUBLIC RECORDS ACT;
AMENDING THE SPACEPORT DEVELOPMENT ACT.

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

SECTION 1. Section 14-2-6 NMSA 1978 (being Laws 1993,
Chapter 258, Section 3, as amended by Laws 2013, Chapter 117,
Section 1 and by Laws 2013, Chapter 214, Section 2) is amended
to read:

"14-2-6. DEFINITIONS.--As used in the Inspection of
Public Records Act:

A. "custodian" means any person responsible for the
maintenance, care or keeping of a public body's public records,
regardless of whether the records are in that person's actual

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underscored material = new
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Committee Substitute

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physical custody and control;

B. "file format" means the internal structure of an electronic file that defines the way it is stored and used;

C. "inspect" means to review all public records that are not excluded in Section 14-2-1 NMSA 1978;

D. "person" means any individual, corporation, partnership, firm, association or entity;

E. "protected personal identifier information" means:

(1) all but the last four digits of a:

(a) taxpayer identification number;

(b) financial account number; or

(c) driver's license number;

(2) all but the year of a person's date of birth; and

(3) a social security number;

F. "public body" means the executive, legislative and judicial branches of state and local governments and all advisory boards, commissions, committees, agencies or entities created by the constitution or any branch of government that receives any public funding, including political subdivisions, special taxing districts, school districts and institutions of higher education; ~~and~~

G. "public records" means all documents, papers, letters, books, maps, tapes, photographs, recordings and other

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1 materials, regardless of physical form or characteristics, that
2 are used, created, received, maintained or held by or on behalf
3 of any public body and relate to public business, whether or
4 not the records are required by law to be created or
5 maintained; and

6 H. "trade secret" means trade secret as defined in
7 Subsection D of Section 57-3A-2 NMSA 1978."

8 SECTION 2. Section 58-31-1 NMSA 1978 (being Laws 2005,
9 Chapter 128, Section 1) is amended to read:

10 "58-31-1. SHORT TITLE.--~~[This act]~~ Chapter 58, Article 31
11 NMSA 1978 may be cited as the "Spaceport Development Act".

12 SECTION 3. A new section of the Spaceport Development Act
13 is enacted to read:

14 "[NEW MATERIAL] INFORMATION NOT SUBJECT TO DISCLOSURE.--

15 A. The following information shall be confidential
16 and not subject to inspection pursuant to the Inspection of
17 Public Records Act:

18 (1) information obtained by the authority that
19 is related to specific technical or business information that
20 is proprietary and is related to the possible relocation,
21 expansion or operation of its aerospace customers;

22 (2) trade secrets, as defined in Subsection D
23 of Section 57-3A-2 NMSA 1978; provided that "independent
24 economic value" as used in that definition includes information
25 created, obtained or in the possession of the authority that

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derives actual or potential value for the business operation
of the authority;

(3) the identity of authority aerospace
customers, if nondisclosure is requested by the customer; and

(4) information that would compromise the
physical security or cybersecurity of authority facilities.

B. The presence in a record of information that
need not be disclosed pursuant to Subsection A of this section
does not exempt the record from disclosure."

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HOUSE FLOOR SUBSTITUTE FOR
HOUSE BILL 245

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

DISCUSSION DRAFT

AN ACT

RELATING TO TAXATION; CLARIFYING THE DEFINITION IN LAW OF
"CONSTRUCTION MATERIAL", AS USED IN THE GROSS RECEIPTS AND
COMPENSATING TAX ACT; DECLARING AN EMERGENCY.

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

SECTION 1. Section 7-9-3.4 NMSA 1978 (being Laws 2003,
Chapter 272, Section 5) is amended to read:

"7-9-3.4. DEFINITIONS--CONSTRUCTION AND CONSTRUCTION
MATERIALS.--As used in the Gross Receipts and Compensating Tax
Act:

A. "construction" means:

(1) the building, altering, repairing or
demolishing in the ordinary course of business any:

(a) road, highway, bridge, parking area
or related project;

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Floor Substitute

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- 1 (b) building, stadium or other
2 structure;
3 (c) airport, subway or similar facility;
4 (d) park, trail, athletic field, golf
5 course or similar facility;
6 (e) dam, reservoir, canal, ditch or
7 similar facility;
8 (f) sewerage or water treatment
9 facility, power generating plant, pump station, natural gas
10 compressing station, gas processing plant, coal gasification
11 plant, refinery, distillery or similar facility;
12 (g) sewerage, water, gas or other
13 pipeline;
14 (h) transmission line;
15 (i) radio, television or other tower;
16 (j) water, oil or other storage tank;
17 (k) shaft, tunnel or other mining
18 appurtenance;
19 (l) microwave station or similar
20 facility;
21 (m) retaining wall, wall, fence, gate or
22 similar structure; or
23 (n) similar work;
24 (2) the leveling or clearing of land;
25 (3) the excavating of earth;

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(4) the drilling of wells of any type,
including seismograph shot holes or core drilling; or

(5) similar work; and

B. "construction material":

(1) means tangible personal property that
becomes or is intended to become an ingredient or component
part of a construction project; [~~but "construction material"~~]

(2) does not include a replacement fixture
when the replacement is not construction or a replacement part
for a fixture; and

(3) does not include tangible personal
property, whether removable or non-removable, that is sold or
will be subsequently sold to a 501(c)(3) organization or to the
United States, New Mexico or a governmental unit or
subdivision, agency, department or instrumentality of the
United States or of New Mexico and is or would be classified
for depreciation purposes as three-year property, five-year
property, seven-year property or ten-year property, including
indirect costs related to the asset basis, by Section 168 of
the Internal Revenue Code of 1986, as that section may be
amended or renumbered."

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

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE RULES AND ORDER OF BUSINESS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 325

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

DISCUSSION DRAFT

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
REQUIRING A PUBLIC UTILITY TO PROCURE REPLACEMENT RESOURCES IF
THE PUBLIC UTILITY ABANDONS A FACILITY IN CERTAIN
CIRCUMSTANCES.

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

SECTION 1. Section 62-9-1 NMSA 1978 (being Laws 1941,
Chapter 84, Section 46, as amended) is amended to read:

"62-9-1. NEW CONSTRUCTION--REPLACEMENT RESOURCES--
RATEMAKING PRINCIPLES.--

A. No public utility shall begin the construction
or operation of any public utility plant or system or of any
extension of any plant or system without first obtaining from
the commission a certificate that public convenience and
necessity require or will require such construction or

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1 operation. This section does not require a public utility to
2 secure a certificate for an extension within any municipality
3 or district within which it lawfully commenced operations
4 before June 13, 1941 or for an extension within or to territory
5 already served by it, necessary in the ordinary course of its
6 business, or for an extension into territory contiguous to that
7 already occupied by it and that is not receiving similar
8 service from another utility. If any public utility or mutual
9 domestic water consumer association in constructing or
10 extending its line, plant or system unreasonably interferes or
11 is about to unreasonably interfere with the service or system
12 of any other public utility or mutual domestic water consumer
13 association rendering the same type of service, the commission,
14 on complaint of the public utility or mutual domestic water
15 consumer association claiming to be injuriously affected, may,
16 upon and pursuant to the applicable procedure provided in
17 Chapter 62, Article 10 NMSA 1978, and after giving due regard
18 to public convenience and necessity, including reasonable
19 service agreements between the utilities, make an order and
20 prescribe just and reasonable terms and conditions in harmony
21 with the Public Utility Act to provide for the construction,
22 development and extension, without unnecessary duplication and
23 economic waste.

24 B. If a certificate of public convenience and
25 necessity is required pursuant to this section for the

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1 construction or extension of a generating plant or transmission
2 lines and associated facilities, a public utility may include
3 in the application for the certificate a request that the
4 commission determine the ratemaking principles and treatment
5 that will be applicable for the facilities that are the subject
6 of the application for the certificate. If such a request is
7 made, the commission shall, in the order granting the
8 certificate, set forth the ratemaking principles and treatment
9 that will be applicable to the public utility's stake in the
10 certified facilities in all ratemaking proceedings on and after
11 such time as the facilities are placed in service. The
12 commission shall use the ratemaking principles and treatment
13 specified in the order in all proceedings in which the cost of
14 the public utility's stake in the certified facilities is
15 considered. If the commission later decertifies the
16 facilities, the commission shall apply the ratemaking
17 principles and treatment specified in the original
18 certification order to the costs associated with the facilities
19 that were incurred by the public utility prior to
20 decertification.

21 C. The requirements for replacement resources
22 located in a school district in which a facility is being
23 abandoned, pursuant to Subsection B of Section 62-9-5 NMSA
24 1978, shall not preclude a public utility from being granted a
25 certificate of public convenience and necessity; provided that

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1 the requirements of Section 62-9-3 NMSA 1978 are met.

2 ~~[G-]~~ D. The commission may approve the application
3 for the certificate without a formal hearing if no protest is
4 filed within sixty days of the date that notice is given,
5 pursuant to commission order, that the application has been
6 filed. The commission shall issue its order granting or
7 denying the application within nine months from the date the
8 application is filed with the commission. Failure to issue its
9 order within nine months is deemed to be approval and final
10 disposition of the application; provided, however, that the
11 commission may extend the time for granting approval for an
12 additional six months for good cause shown.

13 ~~[D-]~~ E. As used in this section:

14 (1) "mutual domestic water consumer
15 association" means an association created and organized
16 pursuant to the provisions of:

17 ~~[-1-]~~ (a) Laws 1947, Chapter 206; Laws
18 1949, Chapter 79; or Laws 1951, Chapter 52; or

19 ~~[-2-]~~ (b) the Sanitary Projects Act; and

20 (2) "replacement resource" means a new supply-
21 side resource owned by a public utility or a non-utility
22 provider that the public utility needs, due to the public
23 utility's abandonment of a coal-fired generation facility
24 located in New Mexico, to provide reliable service to the
25 public utility's customers that minimizes environmental impacts

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1 and is the public utility's most cost-effective option among
2 feasible resource alternatives available to meet that need in
3 accordance with the requirements of Subsection B of Section
4 62-9-5 NMSA 1978."

5 SECTION 2. Section 62-9-5 NMSA 1978 (being Laws 1941,
6 Chapter 84, Section 48, as amended) is amended to read:

7 "62-9-5. ABANDONMENT OF SERVICE--LOCATION OF REPLACEMENT
8 RESOURCES.--

9 A. No utility shall abandon all or any portion of
10 its facilities subject to the jurisdiction of the commission,
11 or any service rendered by means of such facilities, without
12 first obtaining the permission and approval of the commission.
13 The commission shall grant such permission and approval, after
14 notice and hearing, upon finding that the continuation of
15 service is unwarranted or that the present and future public
16 convenience and necessity do not otherwise require the
17 continuation of the service or use of the facility; provided,
18 however, that ordinary discontinuance of service or use of
19 facilities for nonpayment of charges, nonuser or other reasons
20 in the usual course of business shall not be considered as
21 abandonment. In considering the present and future public
22 convenience and necessity, the commission shall specifically
23 consider the impact of the proposed abandonment of service on
24 all consumers served in this state, directly or indirectly, by
25 the facilities sought to be abandoned.

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1 B. If a facility being abandoned is a facility
2 described in Paragraph (1) of Subsection G of Section 62-3-3
3 NMSA 1978, is a coal-fired generation facility located in New
4 Mexico and the abandonment will cause, in the aggregate, a
5 reduction in annual property tax revenue paid to local
6 governments of two million five hundred thousand dollars
7 (\$2,500,000) or more that is attributable to the facility being
8 abandoned, then the utility abandoning the facility shall
9 procure replacement resources within the school district in
10 which the facility being abandoned is located; provided that
11 the cost to customers to procure the replacement resources
12 shall be no more than one hundred ten percent of the estimated
13 cost to customers to procure the same resource type and
14 capacity in a different location in the state; and provided
15 further that locating the replacement resources in that school
16 district shall not adversely affect adequate system
17 reliability.

18 C. Applications for abandonment shall include
19 evidence of property tax revenue attributed to the facility
20 that is being abandoned.

21 D. As used in this section, "replacement resource"
22 means a new supply-side resource owned by a utility or a non-
23 utility provider that the utility needs, due to the utility's
24 abandonment of a coal-fired generation facility located in New
25 Mexico, to provide reliable service to the utility's customers

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that minimizes environmental impacts and is the utility's most
cost-effective option among feasible resource alternatives
available to meet that need in accordance with the requirements
of Subsection B of this section."

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Substitute for Multiple Bills — Use of et al. in Slugs

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILLS 18, 41, 63, 208 & 329

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO ELECTIONS; REQUIRING VOTERS TO PRESENT
IDENTIFICATION WHEN VOTING IN PERSON OR ABSENTEE.

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

SECTION 1. Section 1-4-5.1 NMSA 1978 (being Laws 1993,
Chapter 314, Section 7 and Laws 1993, Chapter 316, Section 7,
as amended) is amended to read:

"1-4-5.1. METHOD OF REGISTRATION--FORM.--

A. A qualified elector may apply for registration
by mail or in the office of the county clerk.

B. Certificate of registration forms may be
requested from the secretary of state or any county clerk in
person, by telephone or by mail for oneself or for others.

C. Except as provided in Subsection D of this
section, a qualified elector who wishes to register to vote

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underscored material = new
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Substitute for Multiple Bills — Use of et al. in Slugs

HCPAC/HB 18, et al.

1 shall fill out completely and sign the certificate of
2 registration. The qualified elector may seek the assistance of
3 any person in completing the certificate of registration.

4 D. A qualified elector who has filed for an order of
5 protection pursuant to the provisions of the Family Violence
6 Protection Act and who presents a copy of that order from a
7 state or tribal court to the registration officer shall not be
8 required to provide address information on the certificate of
9 registration.

10 E. Completed certificates of registration may be
11 mailed or presented in person by the registrant or any other
12 person to the secretary of state or presented in person by the
13 registrant or any other person to the county clerk of the county
14 in which the registrant resides.

15 F. If the registrant wishes to vote in the next
16 election, the completed and signed certificate of registration
17 shall be delivered or mailed and postmarked at least twenty-
18 eight days before the election.

19 G. Upon receipt of a certificate of registration,
20 the secretary of state shall send the certificate to the county
21 clerk in the county where the qualified elector resides.

22 H. Only when the certificate of registration is
23 properly filled out, signed by the qualified elector and
24 accepted for filing by the county clerk as evidenced by ~~his~~
25 the county clerk's signature or stamp and the date of acceptance

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Substitute for Multiple Bills — Use of et al. in Slugs

HCPAC/HB 18, et al.

thereon and when notice has been received by the registrant shall it constitute an official public record of the registration of the qualified elector.

I. The secretary of state shall prescribe the form of the certificate of registration, which form shall be a postpaid mail-in format and shall be printed in Spanish and English. The certificate of registration form shall be clear and understandable to the average person and shall include brief but sufficient instructions to enable the qualified elector to complete the form without assistance. The form shall also include:

(1) the question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen;

(2) the question "Will you be at least eighteen years of age on or before election day?" and boxes for the applicant to check to indicate whether the applicant will be eighteen years of age or older on election day;

(3) the statement "If you checked 'no' in response to either of these questions, do not complete this form."; and

(4) a statement informing the applicant that:

(a) if the form is not submitted in person by the applicant and the applicant is registering for the first time in New Mexico, the applicant must submit [...]

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Substitute for Multiple Bills in Each House

HOUSE AGRICULTURE AND WATER RESOURCES COMMITTEE SUBSTITUTE FOR
HOUSE BILLS 3, 18 & 164 AND SENATE BILLS 38 & 42

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO LIVESTOCK; AMENDING SECTIONS OF THE NEW MEXICO BEEF
COUNCIL ACT TO PROVIDE FOR AN OPTION FOR PRODUCERS TO OPT OUT
OF THE COUNCIL ASSESSMENT.

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

SECTION 1. Section 77-2A-7.1 NMSA 1978 (being Laws 1983,
Chapter 228, Section 3, as amended) is amended to read:

"77-2A-7.1. ASSESSMENTS--COUNCIL ASSESSMENT OPT-OUT.--

A. There is levied and imposed upon all cattle
involved in a transfer of ownership in this state an assessment
to be called the "council assessment". The council assessment
is to be fixed by the council at a rate of not more than one
dollar (\$1.00) per head. The board shall collect this council
assessment ~~[or]~~ and the federal domestic assessment imposed
pursuant to the federal Beef Promotion and Research Act of 1985

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underscored material = new
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Substitute for Multiple Bills in Each House

HAWC/HB 3, 18 & 164 AND SB 38 & 42

1 at the same time and in the same manner as the fee charged for
2 the state brand inspection required upon the movement of those
3 cattle. The board shall not deliver the certificate of
4 inspection or permit the cattle to move until all fees have
5 been paid. The proceeds of the council assessment shall be
6 remitted by the board to the council at the end of each month,
7 along with information that will allow the council to make
8 necessary refunds. At the request of the board, the council
9 shall reimburse the board for the responsible and necessary
10 expenses incurred for such collections and information at not
11 more than four cents (\$.04) per ~~head~~ one dollar (\$1.00)
12 collected on only those cattle involved in a transfer of
13 ownership and not on refunded council assessments.

14 B. Producers may elect not to participate in the
15 council assessment for each duly registered New Mexico
16 livestock brand through an application process. The
17 application must be in writing, on a form prescribed by the
18 council for that purpose. The council assessment opt-out form
19 may be obtained from the council by contacting the council or
20 making an online request for the form. The council assessment
21 opt-out form shall be sent to producers by United States mail.
22 Incomplete information on an opt-out form may delay the
23 processing of the form. The council assessment opt-out form
24 shall be returned to the council by United States mail, fax or
25 email. Upon receipt of the completed form, the council shall

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Substitute for Multiple Bills in Each House

HAWC/HB 3, 18 & 164 AND SB 38 & 42

1 notify the board. The board shall enter the request in the
2 board brand database in order to stop collection of the council
3 assessment for the given brand. The council shall notify the
4 producer requesting the council assessment opt-out within
5 thirty days from the date of receipt of the completed form.
6 The council assessment opt-out shall be in effect for three
7 years from the application date. A notice shall be mailed by
8 the council notifying the producer when the three-year opt-out
9 form has expired. A producer may revoke the opt-out option at
10 any time by request made through the council."

11 SECTION 2. Section 77-2A-7.3 NMSA 1978 (being Laws 1983,
12 Chapter 228, Section 5) is amended to read:

13 "77-2A-7.3. REFUNDS.--Any person who has paid a council
14 assessment is entitled to a refund of the amount paid by making
15 written application therefor to the council. The application
16 form shall be returned within thirty days after the inspection
17 was made giving rise to the council assessment and shall
18 contain enough detail to enable the council to find the record
19 of payment. Refunds shall be made within thirty days of the
20 date of the application unless the proceeds and the necessary
21 information have not been received by the council, in which
22 case the refund shall be made within fifteen days after receipt
23 of the proceeds and necessary information. The form shall be
24 provided by the [~~board at the time of inspection~~] council."

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Substitute for Multiple Bills in Each House and a Single Bill

HOUSE LOCAL GOVERNMENT, ELECTIONS, LAND GRANTS AND
CULTURAL AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILLS 18, 32 & 237 AND SENATE BILL 45 AND HOUSE BILL 85
54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO TAXATION; PROVIDING FOR EXTENSION OF THE
DISTRIBUTION OF LIQUOR EXCISE TAX REVENUES TO THE LOTTERY
TUITION FUND AND REDUCTION OF THE PERCENTAGE OF NET RECEIPTS
DISTRIBUTED TO THIRTY PERCENT.

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

SECTION 1. Section 7-1-6.40 NMSA 1978 (being Laws 1997,
Chapter 182, Section 1, as amended) is amended to read:

"7-1-6.40. DISTRIBUTION OF LIQUOR EXCISE TAX--LOCAL DWI
GRANT FUND--CERTAIN MUNICIPALITIES--LOTTERY TUITION FUND.--

A. A distribution pursuant to Section 7-1-6.1
NMSA 1978 shall be made to the local DWI grant fund in an
amount equal to the following percentages of the net receipts
attributable to the liquor excise tax:

(1) prior to July 1, 2015, forty-one and one-
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Substitute for Multiple Bills in Each House and a Single Bill

HLELC/HB 18, 32 & 237 AND SB 45 AND HB 85

half percent;

(2) from July 1, 2015 through June 30, 2018,
forty-six percent; and

(3) on and after July 1, 2018, forty-one and
one-half percent.

B. A distribution pursuant to Section 7-1-6.1
NMSA 1978 of twenty thousand seven hundred fifty dollars
(\$20,750) monthly from the net receipts attributable to the
liquor excise tax shall be made to a municipality that is
located in a class A county and that has a population
according to the most recent federal decennial census of more
than thirty thousand but less than sixty thousand. The
distribution pursuant to this subsection shall be used by the
municipality only for the provision of alcohol treatment and
rehabilitation services for street inebriates.

C. From July 1, 2015 through June 30, ~~[2017]~~ 2021,
a distribution pursuant to Section 7-1-6.1 NMSA 1978 of
~~[thirty-nine]~~ thirty percent of the net receipts attributable
to the liquor excise tax shall be made to the lottery tuition
fund."

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2/13/19

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE SUBSTITUTE FOR
HOUSE MEMORIAL 56

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

DISCUSSION DRAFT

A MEMORIAL

REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO CHARGE THE
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE WITH HEARING
TESTIMONY ON INJECTABLE OPIOID TREATMENT AS A FEASIBLE,
EFFECTIVE AND COST-EFFECTIVE STRATEGY FOR REDUCING DRUG USE AND
DRUG-RELATED HARM AMONG LONG-TERM HEROIN USERS FOR WHOM OTHER
TREATMENT PROGRAMS HAVE FAILED.

WHEREAS, New Mexico has long been concerned about the high
rate of opioid misuse and dependency and the impact on the
people of New Mexico; and

WHEREAS, the rate for New Mexico overdose-related deaths
in 2016 was over twenty-five per one hundred thousand
population, higher than the national average of almost twenty
deaths per one hundred thousand population; and

WHEREAS, there are areas within New Mexico with drug

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Substitute for a Memorial

HHHC/HM 56

1 overdose death rates as high as ninety per one hundred
2 thousand; and

3 WHEREAS, drug overdose is the leading cause of accidental
4 death in New Mexico, and overdose deaths in New Mexico
5 outnumber traffic fatalities; and

6 WHEREAS, people who use opioids, including heroin and
7 prescription medications, are at risk for health-related harm
8 associated with their use, such as blood-borne infections like
9 human immunodeficiency virus and hepatitis C, skin infections
10 at injection sites, venous damage and, ultimately, death due to
11 overdose; and

12 WHEREAS, drug abuse and dependence is a complex issue that
13 requires innovative approaches; and

14 WHEREAS, there is a need to enhance the existing health
15 care system in New Mexico and explore additional comprehensive
16 and innovative models to address problematic drug use; and

17 WHEREAS, for people who use drugs who have not found
18 success with methadone, suboxone or other treatments, the most
19 dramatic developments in drug substitution therapies have been
20 in injectable opioid treatments; and

21 WHEREAS, "injectable opioid treatment" means the
22 administering or dispensing of pharmaceutical-grade heroin,
23 known as "diacetylmorphine", or another injectable opioid such
24 as hydromorphone, by medical practitioners under strict
25 controls in a clinical setting to select heroin-dependent

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persons; and

WHEREAS, injectable opioid treatment programs, as part of comprehensive treatment strategies, provide substantial benefits to long-term heroin users who have not been responsive to other types of treatment; and

WHEREAS, heroin use disorder can be understood by consulting the description of opioid use disorder in the *Diagnostic and Statistical Manual of Mental Disorders*, fifth edition, published by the American psychiatric association, and is identified as including a maladaptive pattern of heroin use leading to clinically significant impairment or distress and a combination of several of the following signs and symptoms:

A. an increasing tolerance of heroin;

B. withdrawal signs and symptoms when there are attempts to reduce or control heroin use;

C. a desire or unsuccessful efforts to cut down or control heroin use;

D. a loss of social, occupational or recreational activities because of heroin use; and

E. continuing use of heroin despite consequences;

and

WHEREAS, permanent heroin-assisted treatment programs have been established in the United Kingdom, Switzerland, the Netherlands, Germany and Denmark, with additional trial programs having been completed or currently taking place in

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Substitute for a Memorial

HHHC/HM 56

Spain, Belgium and Canada; and

WHEREAS, findings from randomized controlled studies in these countries have yielded unanimously positive results, including that:

A. heroin-assisted treatment reduces drug use;

B. retention rates in heroin-assisted treatment surpass those of conventional treatment;

C. heroin-assisted treatment can be a stepping stone to other treatments and even abstinence;

D. heroin-assisted treatment improves health, social functioning and quality of life;

E. heroin-assisted treatment does not pose nuisance or other neighborhood concerns;

F. heroin-assisted treatment reduces crime;

G. heroin-assisted treatment can reduce the black market for heroin; and

H. heroin-assisted treatment is cost effective, in that the cost-savings from the benefits attributable to heroin-assisted treatment far outweigh the cost of program operation over the long run; and

WHEREAS, retention rates in heroin-assisted treatment programs dwarf those of conventional treatments; and

WHEREAS, further, because participants in heroin-assisted treatment programs are much less likely to commit acquisitive crimes and other offenses, not including drug-related offenses,

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1 such programs have also been shown to decrease crime in areas
2 where they are situated, which also leads to cost savings;

3 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
4 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New Mexico
5 legislative council be requested to charge the legislative
6 health and human services committee with hearing testimony
7 related to injectable opioid treatment as a feasible, effective
8 and cost-effective strategy for reducing drug use and drug-
9 related harm among long-term heroin users in New Mexico for
10 whom other treatment programs have failed; and

11 BE IT FURTHER RESOLVED that copies of this memorial be
12 transmitted to the governor; the co-chairs of the New Mexico
13 legislative council; the chair and vice chair of the
14 legislative health and human services committee; the secretary
15 of health; the secretary of human services; the secretary of
16 children, youth and families; the secretary of corrections; the
17 secretary of public safety; the chancellor for health sciences
18 of the university of New Mexico; the president of New Mexico
19 state university; and the executive director of the New Mexico
20 association of counties.

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Substitute for a Resolution

HOUSE RULES AND ORDER OF BUSINESS COMMITTEE SUBSTITUTE FOR
HOUSE RESOLUTION 1

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

A RESOLUTION

AMENDING CERTAIN HOUSE RULES TO CLARIFY THE DUTIES OF THE CHIEF
CLERK AND TO MAINTAIN DECORUM; ADOPTING A NEW RULE REGARDING
ELECTRONIC DEVICES; REPEALING A RULE REGARDING SMOKING IN THE
CHAMBERS.

WHEREAS, House Rule 24-1 provides that the rules of the
house of representatives may be amended by a two-thirds' vote
of all the members of the house or by a majority vote of the
members of the house upon the recommendation of the house rules
and order of business committee;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
REPRESENTATIVES OF THE STATE OF NEW MEXICO that the following
house rules be amended to read:

"5-3 The chief clerk shall:

(a) attend every session and call the

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HRC/HR 1

roll when ordered to do so by the speaker;

(b) read or cause to be read all bills, amendments, memorials, resolutions and papers ordered to be read by the speaker;

(c) prepare, publish on the legislature's website and furnish each member with [~~a copy~~] copies of [~~the daily calendar~~] all calendars, which shall include all bills for third reading and other matters to be considered by the house;

(d) see that all bills and other papers shall be presented to the house in the order in which they are reported or stand upon the calendar, unless otherwise directed by the house;

(e) keep a correct journal of the proceedings of the house, in which shall be recorded in full all messages from the governor to the house or the legislature during the present session, all titles of bills, resolutions and memorials introduced or submitted for the consideration of the house;

(f) superintend all copying and work to be done for the house;

(g) notify the house of the action by the senate on all matters originating (in the house and requiring action on the part of house; [...])

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Generic Bill

HOUSE BILL 332

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Patricia A. Lundstrom

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

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

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underscored material = new
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HOUSE RULES AND ORDER OF BUSINESS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 332

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
REQUIRING PARENTAL NOTIFICATION BY TEXT FOR CERTAIN SCHOOL
EVENTS.

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

SECTION 1. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] PARENTAL NOTIFICATIONS.--Each high
school shall notify by text message a parent of a student of
the following events unless the parent has requested on the
student's enrollment form or otherwise that the parent not be
notified that:

A. a state-, school-district- or charter-school-
required assessment will be administered in not less than two
days; and

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SECTION 2. APPLICABILITY.--The provisions of this act shall apply beginning in the 2020-2021 school year and in subsequent school years.

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Part E
Amendments

Amendment Checklist

All Amendments

- Correct Committee? Check the *Bill Locator*.
- Correct address? (Madam Chair or Mr. Chair?)
- Singular or plural? ("amendment" or "amendments"?)
- Correct bill number?
- Prior amendments or substitutions? Check the *Bill Locator*. Ensure that the current version, for example, the substituted version (if applicable), is the one being used for proposed amendments.
- Correct page number and line number cited for proposed change to the language of the bill?
- Correct slugs on top of subsequent pages?

Adding or Deleting Sections, Subsections, Paragraphs and Items

- Correct number or letter for added segment?
- Connectors? Does a new one need to be added, or an old one deleted through amendment language?
- Punctuation? Should the new part end with a semicolon or a period?
- Tracking? Does the new language track? Does it read correctly coming off the colon?
- Renumber or reletter? Is there amendment language to renumber or reletter succeeding "sections", "subsections", etc.?
- Ending quotation mark? Does it need to be deleted and reinserted?
- Comp number order? If an entire new section is inserted, is it in the correct location to maintain Comp number order and parts of bill order?

Cross-References and Defined Terms

- Cross-reference adjustment? Check through the entire bill. For example, "pursuant to Subsection **M** of this section": the "M" may need to be changed to "O" if subsections have been inserted before Subsection M.
- Defined terms still needed? If language in the bill is deleted, check the definition section to make sure all defined terms are still used elsewhere in the bill.
- Defined terms used in new amendment language? For example, if "advisory council" is defined, make sure that "advisory council" is used, not "the behavioral health advisory council" or "advisory committee".

- Is new language consistent with defined terms? For example, if "department" is used in amendment language, is it defined for that section in the bill?
- Correct statutory references? Does the new language have the correct statutory names for short titles, agencies, etc.?

Title and Headings

- Change needed in title or heading? Does the amendment change the title of the bill or the heading? (Either by needing to add descriptions of new actions or by deleting descriptions of actions that are eliminated by the amendment.)

Adding or Deleting Words, Phrases and Sentences

- Does the insertion track? Are the words inserted in the correct spot? Read the whole sentence. Does it make sense?
- Consistency with the rest of the bill? Are there other places in the bill where the same amended language should be inserted?

Amendment Format

- Correct format for a committee or floor amendment?
- Legislator's name correct? On a floor amendment, is the legislator's name correct in both places?

FIFTY-FOURTH LEGISLATURE
FIRST SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

February 1, 2019

Madam Chair:

I propose to the HOUSE APPROPRIATIONS AND FINANCE COMMITTEE the following amendments to

HOUSE BILL 130, as amended

1. On page 1, lines 13 and 14, strike "REPAIRS, RENOVATIONS AND REPLACEMENTS" and insert in lieu thereof "PROJECTS".

2. On page 1, lines 20 and 21, strike "REPAIR, RENOVATION OR REPLACEMENT" and insert in lieu thereof "PROJECTS".

3. On page 1, line 23, strike "repair, renovation or replacement".

4. On page 2, line 1, strike "repair, renovation or replacement".

5. On page 2, lines 4 and 5, strike "repair, renovation or replacement sought" and insert in lieu thereof "project".

6. On page 2, lines 9 and 10, strike "repair, renovation or replacement" and insert in lieu thereof "project".

7. On page 2, lines 14 and 15, strike "repair, renovation or replacement".

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Committee Amendments

HB 130, aa

Page 2

8. On page 2, line 20, strike "repair, renovation or replacement".

9. On page 3, line 2, strike the closing quotation mark.

10. On page 3, between lines 2 and 3, insert the following new subsection:

"G. As used in this section, "school security system project" means, when undertaken to enhance the security of students, staff and visitors on school property:

(1) the purchase, installation, construction, repair, renovation or replacement of school property attributes and equipment such as communication systems; perimeter gates; fencing; campus checkpoints; video cameras; intercom and public address systems; and classroom, exterior door and window locks;

(2) the addition or removal of ingress or egress points;

(3) the design, construction or equipping of administration office vestibules; and

(4) the integration of a new security system with a new or an existing security system."".

11. On page 12, line 11, strike "repair, renovation or replacement" and insert in lieu thereof "project grants".

Respectfully submitted,

Paul C. Bandy

.210298.1

FIFTY-FOURTH LEGISLATURE
FIRST SESSION

February 1, 2019

HOUSE FLOOR AMENDMENT number _____ to HOUSE JUDICIARY COMMITTEE
SUBSTITUTE FOR HOUSE BILLS
19, 215, 217, 266 & 271

Amendment sponsored by Representative Nate Gentry

1. On page 3, line 8, after the paragraph designation "(2)", strike the remainder of the line, strike line 9 in its entirety and on line 10, strike "make" and insert in lieu thereof "facilitate, with assistance from the department,".

2. On page 3, line 10, after "determinations", strike the remainder of the line.

3. On page 3, line 11, strike "in" and insert in lieu thereof "for".

4. On page 6, lines 2 through 9, strike Subsection C in its entirety and insert in lieu thereof the following new subsection:

"C. To the extent allowed by federal law or waiver agreement, care coordinators employed by medicaid managed care organizations shall link inmates who are enrolled in a medicaid managed care program to care coordination prior to the inmates' release.".

Nate Gentry

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Floor Amendment

HF1/HJC/HB 19, et al.

Page 2

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

.210332.1

Strike Some or All Amendments from a Committee Report

FIFTY-FOURTH LEGISLATURE
FIRST SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

February 5, 2019

Mr. Chair:

I propose to the SENATE FINANCE COMMITTEE the following
amendments to

HOUSE BILL 130, as amended

1. Strike House Education Committee Amendment 3.
2. Strike House Appropriations and Finance Committee
Amendments 9 and 10.
3. Strike all senate education committee amendments.

Respectfully submitted,

.210305.1

Strike Some or All Items of a Floor Amendment

FIFTY-FOURTH LEGISLATURE
FIRST SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

February 10, 2019

Mr. Chair:

I propose to the SENATE JUDICIARY COMMITTEE the following amendments to

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILLS 19, 215, 217, 266 & 271, as amended

1. Strike Items 1 and 4 of House Floor Amendment number 1.
2. Strike all items of House Floor Amendment number 2.

Respectfully submitted,

.210405.3

Amendment Examples, With Bill (Following)

FIFTY-FOURTH LEGISLATURE
FIRST SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

February 3, 2019

Mr. Chair:

I propose to the SENATE CORPORATIONS AND TRANSPORTATION
COMMITTEE the following amendments to

SENATE BILL 204, as amended

1. On page 1, line 13, before "SUNDAY", insert "AND SMALL
BREWER".

2. On page 1, line 25, strike "fifty" and insert in lieu
thereof "forty".

3. On page 2, line 5, strike "fifty" and insert in lieu
thereof "forty".

4. On page 2, between lines 9 and 10, insert the following new
subsection:

"B. During periods of shortage or reduced availability,
as determined by the director, a winegrower's overall annual
production of wine may be produced from grapes or other agricultural
products not grown in this state in an amount up to ninety percent,
as determined by rule by the director."

5. Reletter the succeeding subsections accordingly.

6. On page 2, line 13, after "labeling", strike the comma,
strike lines 14 through 17 in their entirety and strike line 18 up to
the semicolon.

.212509.1

Amendment Examples, With Bill (Following)

SB 204, aa

Page 2

7. On page 3, line 18, remove the brackets and line through "60-2A-26.1" and strike the underscored language.

8. On page 4, line 22, strike "and" and on page 5, line 2, strike the period and insert in lieu thereof "; and".

9. On page 4, line 25, and on page 5, line 1, remove the brackets and line-through and strike the underscored language.

10. On page 5, line 1, after the first occurrence of "the", strike "financial transaction related to the".

11. On page 5, between lines 2 and 3, insert the following new paragraph:

"(16) manufacture or produce wine for a winegrower or an out-of-state wine producer holding a permit issued pursuant to the Federal Alcohol Administration Act and a valid license in a state that authorizes the wine producer to manufacture, produce, store or sell wine."

12. On page 7, line 1, through page 10, line 23, strike Section 2 in its entirety and insert in lieu thereof the following new section:

"SECTION 2. Section 60-6A-26.1 NMSA 1978 (being Laws 1985, Chapter 217, Section 5, as amended by Laws 2015, Chapter 102, Section 5 and by Laws 2015, Chapter 124, Section 2) is amended to read:

"60-6A-26.1. SMALL BREWER'S LICENSE.--

A. In a local option district, a person qualified pursuant to the provisions of the Liquor Control Act [~~except as otherwise provided in the Domestic Winery, Small Brewery and Craft Distillery Act~~] may apply for and be issued a small brewer's license.

B. A small brewer's license authorizes the person to whom it is issued to:

(1) manufacture or produce beer;

.212509.1

(2) manufacture or produce beer for a brewer or an out-of-state brewer holding a permit issued pursuant to the Federal Alcohol Administration Act and a valid license in a state that authorizes the brewer to manufacture, produce, store or sell beer;

~~[(2)]~~ (3) package, label and export beer, whether manufactured, bottled or produced by the licensee or any other person;

~~[(3)]~~ (4) sell only beer that is packaged by or for the licensee to a person holding a wholesaler's license or a small brewer's license;

~~[(4)]~~ (5) deal in warehouse receipts for beer;

~~[(5)]~~ (6) conduct beer tastings and sell for consumption on or off premises, but not for resale, beer produced and bottled by, or produced and packaged for, the licensee, beer produced and bottled by or for another New Mexico small brewer on the small brewer's premises or wine produced by a winegrower pursuant to Section 60-6A-11 NMSA 1978;

~~[(6)]~~ (7) be deemed a manufacturer for purposes of the Gross Receipts and Compensating Tax Act;

~~[(7)]~~ (8) at public celebrations off the small brewer's premises, after the small brewer has paid the applicable fee for a small brewer's public celebration permit, conduct tastings and sell by the glass or in unbroken packages, but not for resale, beer produced and bottled by or for the small brewer or wine produced by a winegrower pursuant to Section 60-6A-11 NMSA 1978;

(9) at private celebrations on or off the small brewer's premises after the small brewer has paid the applicable fees for a private celebration permit, sell by the glass or in unbroken packages for consumption off the licensed premises, but not for resale, beer produced and bottled by or for the small brewer or wine produced by a winegrower pursuant to Section 60-6A-11 NMSA 1978;

Amendment Examples, With Bill (Following)

SB 204, aa

Page 4

[~~(8)~~] (10) buy or otherwise obtain wine from a winegrower;

[~~(9)~~] (11) for the purposes described in this subsection, at no more than [~~three~~] five other locations off the small brewer's premises, after the small brewer has paid the applicable fee for a small brewer's off-premises permit, after the director has determined that the off-premises locations meet the requirements of the Liquor Control Act and department rules for new liquor license locations and after the director has issued a small brewer's off-premises permit for each off-premises location, conduct beer tastings and sell by the glass or in unbroken packages for consumption off the small brewer's off-premises location, but not for resale, beer produced and bottled by or for the small brewer, beer produced and bottled by or for another New Mexico small brewer or wine produced by a winegrower pursuant to Section 60-6A-11 NMSA 1978;

[~~(10)~~] (12) allow members of the public on the licensed premises [~~and under the direct supervision of the licensee~~] to manufacture beer for personal consumption and not for resale using the licensee's equipment and ingredients; and

[~~(11)~~] (13) sell beer in a growler for consumption off premises.

C. At public and private celebrations on or off the small brewer's premises in a local option district permitting the sale of alcoholic beverages, the holder of a small brewer's license shall pay [~~ten dollars (\$10.00)~~] fifteen dollars (\$15.00) to the alcohol and gaming division of the regulation and licensing department for a "small brewer's public celebration permit" or a "small brewer's private celebration permit" to be issued under rules adopted by the director. Upon request, the alcohol and gaming division of the regulation and licensing department may issue to a holder of a small brewer's license a public celebration permit for a location at the public celebration that is to be shared with other small brewers and winegrowers. [~~As used in this subsection, "public celebration" includes a state or county fair, community fiesta, cultural or artistic event, sporting competition of a seasonal nature or activities held on an intermittent basis.~~]

.212509.1

D. Sales and tastings of beer or wine authorized in this section shall be permitted during the hours set forth in Subsection A of Section 60-7A-1 NMSA 1978 and between the hours of ~~[noon]~~ 11:00 a.m. and midnight on Sunday and shall conform to the limitations regarding Christmas ~~[and voting day]~~ day sales found in Section 60-7A-1 NMSA 1978 and the expansion of Sunday sales hours to 2:00 a.m. on January 1, when December 31 falls on a Sunday.

E. As used in this section:

(1) "private celebration" means any celebratory activity that is held in a private or public venue not open to the general public and for which attendance is subject to private invitation; and

(2) "public celebration" includes any state or county fair, community fiesta, cultural or artistic event, sporting competition of a seasonal nature or activities held on an intermittent basis."

13. On page 10, between lines 23 and 24, insert the following new section:

"SECTION 3. SEVERABILITY.--If any part or application of this act is held invalid, the remainder or its application to other situations or persons shall not be affected."

14. Renumber the succeeding section accordingly.

Respectfully submitted,

Amendment Examples, With Bill (Following)

SENATE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; PROVIDING FOR WINE AND BEER
SALES AT PRIVATE CELEBRATIONS; DEFINING "PRIVATE CELEBRATIONS";
ALLOWING WINEGROWER SUNDAY SALES TO BEGIN AT 11:00 A.M.

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

SECTION 1. Section 60-6A-11 NMSA 1978 (being Laws 1981,
Chapter 39, Section 28, as amended by Laws 2015, Chapter 102,
Section 4 and by Laws 2015, Chapter 105, Section 1 and also by
Laws 2015, Chapter 124, Section 1) is amended to read:

"60-6A-11. WINEGROWER'S LICENSE.--

A. A person in this state who produces wine is
exempt from the procurement of any other license pursuant to
the terms of the Liquor Control Act, but not from the
procurement of a winegrower's license. Except during periods
of shortage or reduced availability, at least fifty percent of

.209979.1

underscored material = new
[bracketed material] = delete

Amendment Examples, With Bill (Following)

1 a winegrower's overall annual production of wine shall be
2 produced from grapes or other agricultural products grown in
3 this state pursuant to rules adopted by the director; provided,
4 however, that, for purposes of determining annual production
5 and compliance with the fifty percent New Mexico grown
6 provision of this subsection, the calculation of a winegrower's
7 overall annual production of wine shall not include the
8 winegrower's production of wine for out-of-state wine producer
9 license holders.

10 B. A person issued a winegrower's license pursuant
11 to this section may do any of the following:

12 (1) manufacture or produce wine, including
13 blending, mixing, flavoring, coloring, bottling and labeling,
14 whether the wine is manufactured or produced for a winegrower
15 or an out-of-state wine producer holding a permit issued
16 pursuant to the Federal Alcohol Administration Act and a valid
17 license in a state that authorizes the wine producer to
18 manufacture, produce, store or sell wine;

19 (2) store, transport, import or export wines;

20 (3) sell wines to a holder of a New Mexico
21 winegrower's, wine wholesaler's, wholesaler's or wine
22 exporter's license or to a winegrower's agent;

23 (4) transport not more than two hundred cases
24 of wine in a calendar year to another location within New
25 Mexico by common carrier;

.209979.1

Amendment Examples, With Bill (Following)

1 (5) deal in warehouse receipts for wine;

2 (6) sell wines in other states or foreign
3 jurisdictions to the holders of a license issued under the
4 authority of that state or foreign jurisdiction authorizing
5 the purchase of wine;

6 (7) buy wine or distilled wine products from
7 other persons, including licensees and permittees under the
8 Liquor Control Act, for use in blending, mixing or bottling of
9 wines;

10 (8) buy or otherwise obtain beer from a small
11 brewer for the purposes described in this subsection;

12 (9) conduct wine tastings and sell, by the
13 glass or by the bottle, or sell in unbroken packages for
14 consumption off the premises, but not for resale, wine of the
15 winegrower's own production, wine produced by another New
16 Mexico winegrower on the winegrower's premises or beer produced
17 and bottled by or for a small brewer pursuant to Section
18 ~~[60-2A-26.1]~~ 60-6A-26.1 NMSA 1978;

19 (10) at no more than three off-premises
20 locations, conduct wine tastings, sell by the glass and sell in
21 unbroken packages for consumption off premises, but not for
22 resale, wine of the winegrower's own production, wine produced
23 by another New Mexico winegrower or beer produced and bottled
24 by or for a small brewer pursuant to Section 60-6A-26.1 NMSA
25 1978 after the director has determined that the off-premises
26 .209979.1

Amendment Examples, With Bill (Following)

locations meet the requirements of the Liquor Control Act and the department rules for new liquor license locations;

(11) be deemed a manufacturer for purposes of the Gross Receipts and Compensating Tax Act;

(12) at public celebrations on or off the winegrower's premises, after the winegrower has paid the applicable fees and been issued the appropriate permit, to conduct wine tastings, sell by the glass or the bottle, or sell in unbroken packages, for consumption off premises, but not for resale, wine produced by or for the winegrower;

(13) at private celebrations on or off the winegrower's premises after the winegrower has paid the applicable fees and been issued the appropriate permit, sell:

(a) by the glass, bottle or in unbroken packages for consumption off the licensed premises, but not for resale, wine produced by or for the winegrower; or

(b) by the glass or in unbroken packages for consumption off the licensed premises, but not for resale, beer produced by a small brewer pursuant to Section 60-6A-26.1 NMSA 1978;

~~(13)~~ (14) sell wine or cider in a growler for consumption off premises; and

~~(14)~~ (15) in accordance with the provisions of this section that relate to the sale of wine, accept and fulfill an order for wine that is placed via an internet ~~website~~ web

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Amendment Examples, With Bill (Following)

1 site, whether the financial transaction related to the order is
2 administered by the licensee or the licensee's agent.

3 C. Sales of wine or beer as provided for in this
4 section shall be permitted between the hours of 7:00 a.m. and
5 midnight Monday through Saturday, and the holder of a
6 winegrower's license or public celebration permit may conduct
7 wine tastings and sell, by the glass or bottle, or sell in
8 unbroken packages for consumption off premises, but not for
9 resale, wine of the winegrower's own production or beer
10 produced and bottled by or for a small brewer pursuant to
11 Section 60-6A-26.1 NMSA 1978 on the winegrower's premises
12 between the hours of [~~12:00 noon~~] 11:00 a.m. and midnight on
13 Sunday.

14 D. At public and private celebrations on or off the
15 winegrower's premises in any local option district permitting
16 the sale of alcoholic beverages, the holder of a winegrower's
17 license shall pay ten dollars (\$10.00) to the alcohol and
18 gaming division of the regulation and licensing department for
19 a "winegrower's public celebration permit" or a "winegrower's
20 private celebration permit" to be issued under rules adopted by
21 the director. Upon request, the alcohol and gaming division of
22 the regulation and licensing department may issue to a holder
23 of a winegrower's license a public celebration permit for a
24 location at the public celebration that is to be shared with
25 other winegrowers and small brewers. [~~As used in this~~
.209979.1

Amendment Examples, With Bill (Following)

~~subsection, "public celebration" includes any state or county fair, community fiesta, cultural or artistic event, sporting competition of a seasonal nature or activities held on an intermittent basis.]~~

E. Every application for the issuance or annual renewal of a winegrower's license shall be on a form prescribed by the director and accompanied by a license fee to be computed as follows on the basis of total annual wine produced or blended:

(1) less than five thousand gallons per year, twenty-five dollars (\$25.00) per year;

(2) between five thousand and one hundred thousand gallons per year, one hundred dollars (\$100) per year; and

(3) over one hundred thousand gallons per year, two hundred fifty dollars (\$250) per year.

F. As used in this section:

(1) "private celebration" means any celebratory activity that is held in a private or public venue not open to the general public and for which attendance is subject to private invitation; and

(2) "public celebration" includes any state or county fair, community fiesta, cultural or artistic event, sporting competition of a seasonal nature or activities held on an intermittent basis."

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Amendment Examples, With Bill (Following)

1 SECTION 2. Section 60-6A-26.1 NMSA 1978 (being Laws 1985,
2 Chapter 217, Section 5, as amended by Laws 2015, Chapter 102,
3 Section 5 and by Laws 2015, Chapter 124, Section 2) is amended
4 to read:

5 "60-6A-26.1. SMALL BREWER'S LICENSE.--

6 A. In a local option district, a person qualified
7 pursuant to the provisions of the Liquor Control Act, except as
8 otherwise provided in the Domestic Winery, Small Brewery and
9 Craft Distillery Act, may apply for and be issued a small
10 brewer's license.

11 B. A small brewer's license authorizes the person
12 to whom it is issued to:

13 (1) manufacture or produce beer;

14 (2) package, label and export beer, whether
15 manufactured, bottled or produced by the licensee or any other
16 person;

17 (3) sell only beer that is packaged by or for
18 the licensee to a person holding a wholesaler's license or a
19 small brewer's license;

20 (4) deal in warehouse receipts for beer;

21 (5) conduct beer tastings and sell for
22 consumption on or off premises, but not for resale, beer
23 produced and bottled by, or produced and packaged for, the
24 licensee, beer produced and bottled by or for another New
25 Mexico small brewer on the small brewer's premises or wine

.209979.1

Amendment Examples, With Bill (Following)

1 produced by a winegrower pursuant to Section 60-6A-11 NMSA
2 1978;

3 (6) be deemed a manufacturer for purposes of
4 the Gross Receipts and Compensating Tax Act;

5 (7) at public celebrations off the small
6 brewer's premises, after the small brewer has paid the
7 applicable fee for a small brewer's public celebration permit,
8 conduct tastings and sell by the glass or in unbroken packages,
9 but not for resale, beer produced and bottled by or for the
10 small brewer or wine produced by a winegrower pursuant to
11 Section 60-6A-11 NMSA 1978;

12 (8) at private celebrations on or off the
13 small brewer's premises after the small brewer has paid the
14 applicable fees for a private celebration permit, sell by the
15 glass or in unbroken packages for consumption off the licensed
16 premises, but not for resale, beer produced and bottled by or
17 for the small brewer or wine produced by a winegrower pursuant
18 to Section 60-6A-11 NMSA 1978;

19 [~~(8)~~] (9) buy or otherwise obtain wine from a
20 winegrower;

21 [~~(9)~~] (10) for the purposes described in this
22 subsection, at no more than three other locations off the small
23 brewer's premises, after the small brewer has paid the
24 applicable fee for a small brewer's off-premises permit, after
25 the director has determined that the off-premises locations

.209979.1

Amendment Examples, With Bill (Following)

1 meet the requirements of the Liquor Control Act and department
2 rules for new liquor license locations and after the director
3 has issued a small brewer's off-premises permit for each off-
4 premises location, conduct beer tastings and sell by the glass
5 or in unbroken packages for consumption off the small brewer's
6 off-premises location, but not for resale, beer produced and
7 bottled by or for the small brewer, beer produced and bottled
8 by or for another New Mexico small brewer or wine produced by a
9 winegrower pursuant to Section 60-6A-11 NMSA 1978;

10 [~~(10)~~] (11) allow members of the public, on
11 the licensed premises and under the direct supervision of the
12 licensee, to manufacture beer for personal consumption and not
13 for resale using the licensee's equipment and ingredients; and

14 [~~(11)~~] (12) sell beer in a growler for
15 consumption off premises.

16 C. At public and private celebrations on or off the
17 small brewer's premises in a local option district permitting
18 the sale of alcoholic beverages, the holder of a small brewer's
19 license shall pay ten dollars (\$10.00) to the alcohol and
20 gaming division of the regulation and licensing department for
21 a "small brewer's public celebration permit" or a "small
22 brewer's private celebration permit" to be issued under rules
23 adopted by the director. Upon request, the alcohol and gaming
24 division of the regulation and licensing department may issue
25 to a holder of a small brewer's license a public celebration

.209979.1

Amendment Examples, With Bill (Following)

1 permit for a location at the public celebration that is to be
2 shared with other small brewers and winegrowers. [~~As used in~~
3 ~~this subsection, "public celebration" includes a state or~~
4 ~~county fair, community fiesta, cultural or artistic event,~~
5 ~~sporting competition of a seasonal nature or activities held on~~
6 ~~an intermittent basis.~~]

7 D. Sales and tastings of beer or wine authorized in
8 this section shall be permitted during the hours set forth in
9 Subsection A of Section 60-7A-1 NMSA 1978 and between the hours
10 of noon and midnight on Sunday and shall conform to the
11 limitations regarding Christmas and voting-day sales found in
12 Section 60-7A-1 NMSA 1978 and the expansion of Sunday sales
13 hours to 2:00 a.m. on January 1, when December 31 falls on a
14 Sunday.

15 E. As used in this section:

16 (1) "private celebration" means any
17 celebratory activity that is held in a private or public venue
18 not open to the general public and for which attendance is
19 subject to private invitation; and

20 (2) "public celebration" includes any state or
21 county fair, community fiesta, cultural or artistic event,
22 sporting competition of a seasonal nature or activities held on
23 an intermittent basis."

24 SECTION 3. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2019.

.209979.1

More Amendment Examples — Money, Global Instructions

FIFTY-FOURTH LEGISLATURE
FIRST SESSION

February 6, 2019

HOUSE FLOOR AMENDMENT number 1 to HOUSE JUDICIARY COMMITTEE
SUBSTITUTE FOR HOUSE BILLS
19, 215, 217, 266 & 271, as
amended

Amendment sponsored by Senator Daniel A. Ivey-Soto

1. On page 3, after line 25, insert the following new subsection:

"C. A wireless service provider shall notify wireless customers of planned interruptions in service at least fourteen days in advance.".

2. On page 5, line 12, remove the brackets and line-through.

3. On page 9, line 21, strike "seventy-five thousand dollars (\$75,000)" and insert in lieu thereof "one hundred seventy-five thousand dollars (\$175,000)".

4. On page 9, between lines 23 and 24, insert the following new section:

"SECTION 8. FEES COLLECTED--FUND.--All fees collected pursuant to Section 7 of this 2019 act shall be deposited in the Wireless Consumer Protection Fund.".

5. Renumber sections to correspond to these amendments.
6. Reletter subsections to correspond to these amendments.

.212648.2

More Amendment Examples — Money, Global Instructions

HF1/HJC/HB 19, et al.

Page 2

Daniel A. Ivey-Soto

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

.212648.2

Part F
Bill Example — Start
to Finish,
Committee Reports

HOUSE BILL 64

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

AN ACT

RELATING TO ANIMALS; IMPOSING AN ADDITIONAL FEE ON PET FOOD FOR
DOGS AND CATS TO FUND THE DOG AND CAT SPAY AND NEUTER
ASSISTANCE PROGRAM AND THE ANIMAL SHELTERING ACT; ESTABLISHING
A HOUSEHOLD INCOME LEVEL FOR ASSISTANCE.

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

SECTION 1. Section 61-14-7.1 NMSA 1978 (being Laws 2017,
Chapter 44, Section 3) is amended to read:

"61-14-7.1. ANIMAL SHELTERING COMMITTEE--DUTIES.--The
sheltering committee shall:

A. develop a voluntary statewide dog and cat spay
and neuter program in conjunction with animal shelters and
euthanasia agencies;

B. develop criteria for individuals, ~~nonprofit~~
~~organizations~~ groups, animal shelters and euthanasia agencies

.209074.6

underscored material = new
[bracketed material] = delete

HB 64 — Introduced Bill

1 to receive assistance for dog and cat [~~sterilization~~] spaying
2 and neutering from the animal care and facility fund; provided
3 that assistance to individuals and groups may only be given to
4 individuals who have, or to groups who shall only provide
5 assistance to service recipients who have, a household income
6 that does not exceed two hundred percent of the current federal
7 poverty level guidelines published by the United States
8 department of health and human services. When developing these
9 criteria, the committee shall ensure that not more than sixty
10 percent of the services go to programs in class A counties; and

11 C. recommend to the board the disbursements of
12 money from the animal care and facility fund to qualifying
13 individuals, [~~nonprofit organizations~~] groups, animal shelters
14 and euthanasia agencies."

15 SECTION 2. Section 77-1B-4 NMSA 1978 (being Laws 2007,
16 Chapter 60, Section 4, as amended) is amended to read:

17 "77-1B-4. ANIMAL CARE AND FACILITY FUND CREATED--
18 ADMINISTRATION.--

19 A. The "animal care and facility fund" is created
20 in the state treasury. All fees collected pursuant to the
21 Animal Sheltering Act shall be deposited in the fund.

22 B. The animal care and facility fund shall consist
23 of money collected by the board pursuant to the Animal
24 Sheltering Act; income from investment of the fund; and money
25 appropriated to the fund or accruing to it through fees or

.209074.6

1 administrative penalties, cooperative research agreements,
2 income, gifts, grants, donations, bequests, sales of
3 promotional items, handbooks or educational materials or any
4 other source. Money in the fund shall not be transferred to
5 another fund or encumbered or expended except for expenditures
6 authorized pursuant to the Animal Sheltering Act.

7 C. Money in the fund is appropriated by the
8 legislature to the board to be used to help animal shelters and
9 communities defray the cost of implementing the board's
10 initiatives conducted pursuant to the Animal Sheltering Act.
11 The fund shall be administered by the board to carry out the
12 purposes of the Animal Sheltering Act.

13 D. The "statewide spay and neuter subaccount" is
14 established in the animal care and facility fund. Money in the
15 subaccount shall only be used to carry out the board's dog and
16 cat ~~[sterilization]~~ spay and neuter assistance program and for
17 the reasonable costs of administering the Animal Sheltering
18 Act, not to exceed seven and one-half percent of the total fees
19 collected pursuant to the provisions of Section 5 of this 2019
20 act. Money collected pursuant to Section 7-2-30.9 NMSA 1978,
21 ~~[and]~~ Section 66-3-424.3 NMSA 1978 and Section 5 of this 2019
22 act shall be deposited in the subaccount.

23 E. A disbursement from the fund shall be made only
24 upon a warrant drawn by the secretary of finance and
25 administration pursuant to a voucher signed by the executive

.209074.6

HB 64 — Introduced Bill

1 director of the board or the director's designee with the
2 approval of the majority of the board with consideration of the
3 recommendation of a majority of the animal sheltering
4 committee.

5 F. Unexpended and unencumbered balances in the fund
6 at the end of a fiscal year shall not revert to the general
7 fund."

8 **SECTION 3.** Section 77-1B-5 NMSA 1978 (being Laws 2007,
9 Chapter 60, Section 5, as amended) is amended to read:

10 "77-1B-5. BOARD POWERS AND DUTIES.--The board shall:

11 A. adopt infrastructure and operating standards and
12 may enforce those standards with consideration of the
13 recommendations by the animal sheltering committee;

14 B. provide for inspections of animal shelters and
15 euthanasia agencies;

16 C. provide for oversight, including oversight of
17 licensing requirements, regulations and discipline, of
18 veterinarians employed by local government animal shelters;

19 D. adopt methods and procedures acceptable for
20 conducting emergency field euthanasia;

21 E. adopt, promulgate and revise rules necessary to
22 carry out the provisions of the Animal Sheltering Act;

23 F. have authority to issue licenses and
24 certificates pursuant to the Animal Sheltering Act;

25 G. establish the types of licenses and certificates

.209074.6

1 that may be issued pursuant to the Animal Sheltering Act and
2 establish criteria for issuing the licenses and certificates;

3 H. prescribe standards and approve curricula for
4 educational programs that will be used to train and prepare
5 persons for licensure or certification pursuant to the Animal
6 Sheltering Act;

7 I. implement continuing education requirements for
8 licensees and certificate holders pursuant to the Animal
9 Sheltering Act;

10 J. conduct administrative hearings upon charges
11 relating to violations of provisions of the Animal Sheltering
12 Act or rules adopted pursuant to that act in accordance with
13 the Uniform Licensing Act;

14 K. provide for all examinations and for issuance
15 and renewal of licenses and certificates;

16 L. establish fees not to exceed one hundred fifty
17 dollars (\$150) for licenses and certificates pursuant to the
18 Animal Sheltering Act;

19 M. establish committees as the board deems
20 necessary to effect the provisions of the Animal Sheltering
21 Act;

22 N. apply for injunctive relief to enforce the
23 provisions of the Animal Sheltering Act;

24 O. conduct national criminal background checks on
25 applicants seeking licensure or certification under the Animal

.209074.6

HB 64 — Introduced Bill

Sheltering Act;

P. keep a record of all proceedings;

Q. make an annual report to the legislature,
including information on the total number of dogs and cats
spayed and neutered and the average costs per surgery paid for
from the statewide spay and neuter subaccount of the animal
care and facility fund;

R. provide for the inspection of animal shelters
and euthanasia agencies;

S. develop mechanisms to address complaints of
misconduct at animal shelters and euthanasia agencies and
noncompliance with the provisions of the Animal Sheltering Act
or rules adopted pursuant to that act;

T. develop mechanisms to address complaints of
licensee and certificate holder misconduct and noncompliance;

U. adopt standards for maintaining records
concerning health care and disposition of animals; and

V. refer to the published national association of
shelter veterinarians standards in determining its regulations
for animal shelters and euthanasia agencies."

SECTION 4. Section 76-19A-1 NMSA 1978 (being Laws 2013,
Chapter 23, Section 1) is amended to read:

"76-19A-1. SHORT TITLE.--~~[This act]~~ Chapter 76, Article
19A NMSA 1978 may be cited as the "New Mexico Commercial Feed
Act".

.209074.6

1 **SECTION 5.** A new section of the New Mexico Commercial
2 Feed Act is enacted to read:

3 "[NEW MATERIAL] SPAY AND NEUTER PROGRAM FEE.--

4 A. Except as provided in Subsection B of this
5 section, in addition to the registration fee required pursuant
6 to Section 76-19A-10 NMSA 1978, the department shall collect a
7 fee of one hundred dollars (\$100) on each brand name or product
8 name of pet food that is distributed in New Mexico.

9 B. The provisions of Subsection A of this section
10 do not apply in cases of:

11 (1) prescription diet pet food prescribed by a
12 veterinarian; or

13 (2) pet food manufactured by a person who
14 demonstrates to the board, in a manner prescribed by the board,
15 that the person's tax-year annual gross revenue from the
16 distribution of pet food is no more than five hundred thousand
17 dollars (\$500,000).

18 C. The fee collected pursuant to Subsection A of
19 this section shall be deposited with the state treasurer and
20 credited to the statewide spay and neuter subaccount of the
21 animal care and facility fund."

22 **SECTION 6.** DELAYED REPEAL.--Section 5 of this act is
23 repealed effective July 1, 2028.

24 **SECTION 7.** EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2019.

.209074.6

HB 64 — Amendment Submitted to HCPAC

FIFTY-FOURTH LEGISLATURE
FIRST SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

January 26, 2019

Mr. Chair:

I propose to the HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE the following amendments to

HOUSE BILL 64

1. On page 3, line 18, strike "not to" and insert in lieu thereof "which reasonable costs shall not" and strike "one-half" and insert in lieu thereof "nine-tenths".

2. On page 3, line 19, strike "collected" and insert in lieu thereof "distributed to the subaccount".

3. On page 7, line 6, strike "a" and insert in lieu thereof "an annual".

4. On page 7, lines 16 and 17, strike "five hundred thousand dollars (\$500,000)" and insert in lieu thereof "three million dollars (\$3,000,000)".

5. On page 7, lines 18 through 21, strike Subsection C in its entirety and insert in lieu thereof a new subsection to read:

"C. The fee collected pursuant to Subsection A of this section shall be distributed as follows:

(1) ninety-five percent of the fee to the state treasurer to be credited to the statewide spay and neuter subaccount of the animal care and facility fund; and

.209755.4

(2) five percent of the fee to the board of regents of New Mexico state university for the New Mexico department of agriculture to administer the New Mexico Commercial Feed Act."".

Respectfully submitted,

Carl Trujillo

**FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019**

January 30, 2019

Mr. Speaker:

Your **CONSUMER & PUBLIC AFFAIRS COMMITTEE**, to whom
has been referred

HOUSE BILL 64

has had it under consideration and reports same with
recommendation that it **DO PASS**, amended as follows:

1. On page 3, line 18, strike "not to" and insert in lieu thereof "which reasonable costs shall not" and strike "one-half" and insert in lieu thereof "nine-tenths".

2. On page 3, line 19, strike "collected" and insert in lieu thereof "distributed to the subaccount".

3. On page 7, line 6, strike "a" and insert in lieu thereof "an annual".

4. On page 7, lines 16 and 17, strike "five hundred thousand dollars (\$500,000)" and insert in lieu thereof "three million dollars (\$3,000,000)".

5. On page 7, lines 18 through 21, strike Subsection C in its entirety and insert in lieu thereof a new subsection to read:

"C. The fee collected pursuant to Subsection A of this section shall be distributed as follows:

(1) ninety-five percent of the fee to the state treasurer to be credited to the statewide spay and neuter subaccount of the animal care and facility fund; and

(2) five percent of the fee to the board of regents of New Mexico state university for the New Mexico department of agriculture to administer the New Mexico Commercial Feed Act."",

and thence referred to the **BUSINESS & INDUSTRY COMMITTEE**.

**FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019**

HCPAC/HB 64

Page 2

Respectfully submitted,

Eliseo Alcon, Chair

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: None

Absent: None

.209755.4

Z:\CommRep\HB0064CP1.wpd

**FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019**

February 5, 2019

Mr. Speaker:

Your **BUSINESS & INDUSTRY COMMITTEE**, to whom has been referred

HOUSE BILL 64, as amended

has had it under consideration and reports same with recommendation that it **DO PASS**, and thence referred to the **CONSUMER & PUBLIC AFFAIRS COMMITTEE**.

Respectfully submitted,

Debbie A. Rodella, Chair

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 7 For 4 Against

Yes: 7

No: Baldonado, Herrell, Lewis, Powdrell-Culbert

Excused: None

Absent: None

Z:\CommRep\HB0064BI1.wpd

FIFTY-FOURTH LEGISLATURE
FIRST SESSION

February 7, 2019

HOUSE FLOOR AMENDMENT number 1 to HOUSE BILL 64, as amended

Amendment sponsored by Representative Carl Trujillo

1. Strike House Consumer and Public Affairs Committee Amendments 1, 3 and 5.

2. On page 2, line 8, strike the period and the remainder of the line, strike line 9 in its entirety and strike line 10 up to the semicolon.

3. On page 3, line 18, strike "not to exceed seven and one-half" and insert in lieu thereof "which reasonable costs shall not exceed five".

4. On page 7, lines 6 and 7, strike "a fee of one hundred dollars (\$100)" and insert in lieu thereof "an annual fee" and on line 8, before the period, insert the following:

"as follows:

(1) beginning January 1, 2020, fifty dollars (\$50.00);

(2) beginning January 1, 2021, seventy-five dollars (\$75.00); and

(3) on and after January 1, 2022, one hundred dollars (\$100)".

5. On page 7, lines 18 through 21, strike Subsection C in its entirety and insert in lieu thereof the following new subsection:

"C. The fee collected pursuant to Subsection A of this

.210493.1

HB 64 — House Floor Amendment

FIFTY-FOURTH LEGISLATURE
FIRST SESSION

HF1/HB 64, aa

Page 2

section shall be distributed as follows:

(1) ninety-six percent of the fee to the state treasurer to be credited to the statewide spay and neuter subaccount of the animal care and facility fund; and

(2) four percent of the fee to the board for the department to administer the New Mexico Commercial Feed Act."".

Carl Trujillo

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

.210493.1

HB 64 — Amendment Submitted to Senate Finance Committee

FIFTY-FOURTH LEGISLATURE
FIRST SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

February 9, 2019

Mr. Chair:

I propose to the SENATE FINANCE COMMITTEE the following amendments to

HOUSE BILL 64, as amended

1. On page 1, line 14, before the period, insert "; REQUIRING REPORTING".

2. On page 6, line 7, after "fund", insert a period and "The New Mexico department of agriculture shall provide for inclusion in the annual report the number of pet food product labels by registrant for the current and previous year registered pursuant to Section 76-19A-10 NMSA 1978".

3. On page 7, line 23, strike "2028" and insert in lieu thereof "2024".

Respectfully submitted,

Carl Trujillo

.210578.1

**FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019**

HB 64/a

February 13, 2019

Mr. President:

Your **FINANCE COMMITTEE**, to whom has been referred

HOUSE BILL 64, as amended

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 14, before the period, insert "; REQUIRING REPORTING".
2. On page 6, line 7, after "fund", insert a period and "The New Mexico department of agriculture shall provide for inclusion in the annual report the number of pet food product labels by registrant for the current and previous year registered pursuant to Section 76-19A-10 NMSA 1978".
3. On page 7, line 23, strike "2028" and insert in lieu thereof "2024".

Respectfully submitted,

John Arthur Smith, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 5 Against

Yes: 7

No: 0

Excused: Burt, Leavell, Muñoz, Rue, Sapien

Absent: None

HB0064FC1.wpd

.210578.1

AN ACT

RELATING TO ANIMALS; IMPOSING AN ADDITIONAL FEE ON PET FOOD
FOR DOGS AND CATS TO FUND THE DOG AND CAT SPAY AND NEUTER
ASSISTANCE PROGRAM AND THE ANIMAL SHELTERING ACT;
ESTABLISHING A HOUSEHOLD INCOME LEVEL FOR ASSISTANCE;
REQUIRING REPORTING.

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

SECTION 1. Section 61-14-7.1 NMSA 1978 (being Laws
2017, Chapter 44, Section 3) is amended to read:

"61-14-7.1. ANIMAL SHELTERING COMMITTEE--DUTIES.--The
sheltering committee shall:

A. develop a voluntary statewide dog and cat spay
and neuter program in conjunction with animal shelters and
euthanasia agencies;

B. develop criteria for individuals, groups,
animal shelters and euthanasia agencies to receive assistance
for dog and cat spaying and neutering from the animal care
and facility fund; provided that assistance to individuals
and groups may only be given to individuals who have, or to
groups who shall only provide assistance to service
recipients who have, a household income that does not exceed
two hundred percent of the current federal poverty level
guidelines published by the United States department of
health and human services; and

HB 64 — Final Version Submitted to the Governor

1 C. recommend to the board the disbursements of
2 money from the animal care and facility fund to qualifying
3 individuals, groups, animal shelters and euthanasia
4 agencies."

5 **SECTION 2.** Section 77-1B-4 NMSA 1978 (being Laws 2007,
6 Chapter 60, Section 4, as amended) is amended to read:

7 "77-1B-4. ANIMAL CARE AND FACILITY FUND CREATED--
8 ADMINISTRATION.--

9 A. The "animal care and facility fund" is created
10 in the state treasury. All fees collected pursuant to the
11 Animal Sheltering Act shall be deposited in the fund.

12 B. The animal care and facility fund shall
13 consist of money collected by the board pursuant to the
14 Animal Sheltering Act; income from investment of the fund;
15 and money appropriated to the fund or accruing to it through
16 fees or administrative penalties, cooperative research
17 agreements, income, gifts, grants, donations, bequests, sales
18 of promotional items, handbooks or educational materials or
19 any other source. Money in the fund shall not be transferred
20 to another fund or encumbered or expended except for
21 expenditures authorized pursuant to the Animal Sheltering
22 Act.

23 C. Money in the fund is appropriated by the
24 legislature to the board to be used to help animal shelters
25 and communities defray the cost of implementing the board's

HB 64
Page 2

underscored material = new
[bracketed material] = delete

1 initiatives conducted pursuant to the Animal Sheltering Act.
 2 The fund shall be administered by the board to carry out the
 3 purposes of the Animal Sheltering Act.

4 D. The "statewide spay and neuter subaccount" is
 5 established in the animal care and facility fund. Money in
 6 the subaccount shall only be used to carry out the board's dog
 7 and cat spay and neuter assistance program and for the
 8 reasonable costs of administering the Animal Sheltering Act,
 9 which reasonable costs shall not exceed five percent of the
 10 total fees distributed to the subaccount pursuant to the
 11 provisions of Section 5 of this 2019 act. Money collected
 12 pursuant to Section 7-2-30.9 NMSA 1978, Section 66-3-424.3
 13 NMSA 1978 and Section 5 of this 2019 act shall be deposited in
 14 the subaccount.

15 E. A disbursement from the fund shall be made only
 16 upon a warrant drawn by the secretary of finance and
 17 administration pursuant to a voucher signed by the executive
 18 director of the board or the director's designee with the
 19 approval of the majority of the board with consideration of
 20 the recommendation of a majority of the animal sheltering
 21 committee.

22 F. Unexpended and unencumbered balances in the
 23 fund at the end of a fiscal year shall not revert to the
 24 general fund."

25 **SECTION 3.** Section 77-1B-5 NMSA 1978 (being Laws 2007,

HB 64
 Page 3

underscored material = new
 [bracketed material] = delete

Chapter 60, Section 5, as amended) is amended to read:

"77-1B-5. BOARD POWERS AND DUTIES.--The board shall:

A. adopt infrastructure and operating standards and may enforce those standards with consideration of the recommendations by the animal sheltering committee;

B. provide for inspections of animal shelters and euthanasia agencies;

C. provide for oversight, including oversight of licensing requirements, regulations and discipline, of veterinarians employed by local government animal shelters;

D. adopt methods and procedures acceptable for conducting emergency field euthanasia;

E. adopt, promulgate and revise rules necessary to carry out the provisions of the Animal Sheltering Act;

F. have authority to issue licenses and certificates pursuant to the Animal Sheltering Act;

G. establish the types of licenses and certificates that may be issued pursuant to the Animal Sheltering Act and establish criteria for issuing the licenses and certificates;

H. prescribe standards and approve curricula for educational programs that will be used to train and prepare persons for licensure or certification pursuant to the Animal Sheltering Act;

I. implement continuing education requirements for

HB 64
Page 4

underscored material = new
[bracketed material] = delete

1 licensees and certificate holders pursuant to the Animal
2 Sheltering Act;

3 J. conduct administrative hearings upon charges
4 relating to violations of provisions of the Animal Sheltering
5 Act or rules adopted pursuant to that act in accordance with
6 the Uniform Licensing Act;

7 K. provide for all examinations and for issuance
8 and renewal of licenses and certificates;

9 L. establish fees not to exceed one hundred fifty
10 dollars (\$150) for licenses and certificates pursuant to the
11 Animal Sheltering Act;

12 M. establish committees as the board deems
13 necessary to effect the provisions of the Animal Sheltering
14 Act;

15 N. apply for injunctive relief to enforce the
16 provisions of the Animal Sheltering Act;

17 O. conduct national criminal background checks on
18 applicants seeking licensure or certification under the
19 Animal Sheltering Act;

20 P. keep a record of all proceedings;

21 Q. make an annual report to the legislature,
22 including information on the total number of dogs and cats
23 spayed and neutered and the average costs per surgery paid
24 for from the statewide spay and neuter subaccount of the
25 animal care and facility fund. The New Mexico department of

1 agriculture shall provide for inclusion in the annual report
2 the number of pet food product labels by registrant for the
3 current and previous year registered pursuant to Section
4 76-19A-10 NMSA 1978;

5 R. provide for the inspection of animal shelters
6 and euthanasia agencies;

7 S. develop mechanisms to address complaints of
8 misconduct at animal shelters and euthanasia agencies and
9 noncompliance with the provisions of the Animal Sheltering Act
10 or rules adopted pursuant to that act;

11 T. develop mechanisms to address complaints of
12 licensee and certificate holder misconduct and noncompliance;

13 U. adopt standards for maintaining records
14 concerning health care and disposition of animals; and

15 V. refer to the published national association of
16 shelter veterinarians standards in determining its regulations
17 for animal shelters and euthanasia agencies."

18 **SECTION 4.** Section 76-19A-1 NMSA 1978 (being Laws 2013,
19 Chapter 23, Section 1) is amended to read:

20 "76-19A-1. SHORT TITLE.--Chapter 76, Article 19A NMSA
21 1978 may be cited as the "New Mexico Commercial Feed Act".

22 **SECTION 5.** A new section of the New Mexico Commercial
23 Feed Act is enacted to read:

24 "SPAY AND NEUTER PROGRAM FEE.--

25 A. Except as provided in Subsection B of this

1 section, in addition to the registration fee required
2 pursuant to Section 76-19A-10 NMSA 1978, the department shall
3 collect an annual fee on each brand name or product name of
4 pet food that is distributed in New Mexico as follows:

5 (1) beginning January 1, 2020, fifty dollars
6 (\$50.00);

7 (2) beginning January 1, 2021, seventy-five
8 dollars (\$75.00); and

9 (3) on and after January 1, 2022, one
10 hundred dollars (\$100).

11 B. The provisions of Subsection A of this section
12 do not apply in cases of:

13 (1) prescription diet pet food prescribed by
14 a veterinarian; or

15 (2) pet food manufactured by a person who
16 demonstrates to the board, in a manner prescribed by the
17 board, that the person's tax-year annual gross revenue from
18 the distribution of pet food is no more than three million
19 dollars (\$3,000,000).

20 C. The fee collected pursuant to Subsection A of
21 this section shall be distributed as follows:

22 (1) ninety-six percent of the fee to the
23 state treasurer to be credited to the statewide spay and
24 neuter subaccount of the animal care and facility fund; and

25 (2) four percent of the fee to the board for

the department to administer the New Mexico Commercial Feed
Act."

SECTION 6. DELAYED REPEAL.--Section 5 of this act is
repealed effective July 1, 2024.

SECTION 7. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2019.=====

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Page 8

underscored material = new
[bracketed material] = delete

**FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019**

February 15, 2019

Mr. Speaker:

Your **CONFERENCE COMMITTEE**, to whom has been referred

**HOUSE LOCAL GOVERNMENT, ELECTIONS, LAND GRANTS AND
CULTURAL AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 98, as amended**

has had it under consideration and reports same with the
following recommendation:

1. The following house judiciary committee amendments be
APPROVED:

Nos. 1, 2, 3, 4 and 5.

2. The following senate rules committee amendments be
DISAPPROVED:

Nos. 1, 2, 3, 4, 5, 6, 7 and 12.

3. The following senate rules committee amendments be
APPROVED:

Nos. 8, 9, 10, 11, 13 and 14.

and that the bill be amended further as follows:

4. On page 25, line 2, after the second occurrence of
"elections", insert ", as provided by law, or municipal officer

.210750A.1

**FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019**

CC/HLELC/HB 98, aa

Page 2

election if authorized by the governing body of the municipality;".

5. On page 45, lines 21 through 25, and page 46, lines 1 through 7, strike Subsection A in its entirety and insert in lieu thereof the following new subsections:

"A. All municipalities shall elect their municipal officers on the municipal officer election day, which is the first Tuesday in March of even-numbered years.

B. Except as provided in Subsection C of this section, any municipality may by ordinance opt in to the election of its municipal officers in the regular local election if the municipality passes an ordinance and files the ordinance with the secretary of state no later than January 30 of the year in which the next regular local election is scheduled. The ordinance shall also determine if the terms of office for current office holders will be lengthened or shortened to correspond with the new election date. A municipality that has passed an ordinance pursuant to this subsection may at any time rescind the ordinance opting in to the election of its municipal officers in the regular local election upon filing the rescission with the secretary of state no later than January 30 of the year in which the next regular local election is scheduled.".

6. Reletter the succeeding subsections accordingly.

7. On page 47, line 1, after the period, insert "For a home rule municipality whose charter or ordinance requires that a candidate file a declaration of candidacy before qualifying for public financing, declarations of candidacy shall be filed on the date provided in the municipality's charter.".

.210750A.1

**FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019**

CC/HLELC/HB 98, aa

Page 3

Respectfully submitted,

Paul C. Bandy

Derrick J. Lente

Antonio Maestas

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

.210750A.1

Senate Conference Committee Report

**FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019**

February 15, 2019

Mr. President:

Your **CONFERENCE COMMITTEE**, to whom has been referred

**HOUSE LOCAL GOVERNMENT, ELECTIONS, LAND GRANTS AND
CULTURAL AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 98, as amended**

has had it under consideration and reports same with the
following recommendation:

1. The following house judiciary committee amendments be
APPROVED:

Nos. 1, 2, 3, 4 and 5.

2. The following senate rules committee amendments be
DISAPPROVED:

Nos. 1, 2, 3, 4, 5, 6, 7 and 12.

3. The following senate rules committee amendments be
APPROVED:

Nos. 8, 9, 10, 11, 13 and 14.

and that the bill be amended further as follows:

4. On page 25, line 2, after the second occurrence of
"elections", insert ", as provided by law, or municipal officer

.210750B.1

**FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019**

CC/HLELC/HB 98, aa

Page 2

election if authorized by the governing body of the municipality;".

5. On page 45, lines 21 through 25, and page 46, lines 1 through 7, strike Subsection A in its entirety and insert in lieu thereof the following new subsections:

"A. All municipalities shall elect their municipal officers on the municipal officer election day, which is the first Tuesday in March of even-numbered years.

B. Except as provided in Subsection C of this section, any municipality may by ordinance opt in to the election of its municipal officers in the regular local election if the municipality passes an ordinance and files the ordinance with the secretary of state no later than January 30 of the year in which the next regular local election is scheduled. The ordinance shall also determine if the terms of office for current office holders will be lengthened or shortened to correspond with the new election date. A municipality that has passed an ordinance pursuant to this subsection may at any time rescind the ordinance opting in to the election of its municipal officers in the regular local election upon filing the rescission with the secretary of state no later than January 30 of the year in which the next regular local election is scheduled.".

6. Reletter the succeeding subsections accordingly.

7. On page 47, line 1, after the period, insert "For a home rule municipality whose charter or ordinance requires that a candidate file a declaration of candidacy before qualifying for public financing, declarations of candidacy shall be filed on the date provided in the municipality's charter.".

.210750B.1

Senate Conference Committee Report

**FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019**

CC/HLELC/HB 98, aa

Page 3

Respectfully submitted,

Daniel A. Ivey-Soto

Gregory A. Baca

Gerald Ortiz y Pino

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

.210750B.1

Part G
Mock-Up Bill

Mock-Up Examples

Amendment Action	Mock-Up Action	Example
Strike Zoo Section	Highlight and Strike-through	SECTION 1. ... The [tourism] cultural affairs department...
Strike [NEW MATERIAL] Section		SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as ...
Add Zoo Section	Highlight	SECTION 5. Section 45-5-4...is amended to read: "45-5-4. BOND [AND TERMS] TERM..
Add [NEW MATERIAL] Section		SECTION 6. [NEW MATERIAL] LOCOMOTIVE FUEL TAX CREDIT.--A tax...
Strike Zoo Language	Highlight and Strike-through	C. By accepting appointment...
Strike [NEW MATERIAL] Language		The governor shall appoint five public members...
Add Language to Zoo Section	Highlight and Underscore	...no more than [two] <u>three</u> of whom <u>shall be</u> from the same political party...
Add Language to [NEW MATERIAL] Section	Highlight only	...no more than three of whom <u>shall be</u> from the same political party...
Restore Zoo Language (Remove Brackets and Line-through)	Highlight	...a winegrower and small brewer license shall be awarded to....
Strike and Insert New Language in Underscored Zoo Language	Highlight and Strike-through, then Highlight	...depredation compensation as it relates to cattle and sheep livestock on agricultural operations in...
Renumber Succeeding Sections	Highlight and Strike-through Number Only	SECTION 7 8. Section 45-3-203 NMSA..
Renumber or Reletter Paragraphs and Subparagraphs	Highlight and Strike-through Entire Designation	(4) (5) a resident of a... (a) (b) certified...

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 19, AS AMENDED

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

MOCK-UP

NOT FOR INTRODUCTION, AMENDMENT OR SUBSTITUTION

AN ACT

RELATING TO PROTECTIVE ARRANGEMENTS; ~~ENACTING THE UNIFORM~~
~~GUARDIANSHIP, CONSERVATORSHIP AND OTHER PROTECTIVE ARRANGEMENTS~~
~~ACT;~~ AMENDING ARTICLE 5 OF THE UNIFORM PROBATE CODE ADDRESSING
SEPARATE ACCOUNTS AND RECORDS, LIABILITY OF A GUARDIAN OR
CONSERVATOR, VOTING RIGHTS OF A PROTECTED PERSON, NOTICE,
CONFIDENTIALITY, VISITATION, ALTERNATE PROTECTIVE ARRANGEMENTS,
WAIVERS OF LIABILITY AND BONDING; AMENDING, ~~REPEALING~~ AND
ENACTING SECTIONS OF THE NMSA 1978.

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

~~SECTION 1. Section 45-3-203 NMSA 1978 (being Laws 1975,~~
~~Chapter 257, Section 3-203, as amended) is amended to read:~~

~~"45-3-203. PRIORITY AMONG PERSONS SEEKING APPOINTMENT AS~~
~~PERSONAL REPRESENTATIVE.--~~

~~A. Whether the proceedings are formal or informal,~~

.210698.1

underscored material = new
[bracketed material] = delete

Mock-Up Bill — SJC/SB 19

SJC/SB 19, aa

NOT FOR INTRODUCTION, AMENDMENT OR SUBSTITUTION

persons who are not disqualified have priority for appointment
in the following order:

(1) the person with priority as determined by
a probated will, including a person nominated by a power
conferred in a will;

(2) the surviving spouse of the decedent who
is a devisee of the decedent;

(3) other devisees of the decedent;

(4) the surviving spouse of the decedent;

(5) other heirs of the decedent; [and]

(6) thirty days after the death of the
decedent, a conservator or guardian of the decedent duly
appointed pursuant to the Uniform Probate Code; and

{(6)} (7) forty-five days after the death of
the decedent, any creditor.

B. An objection to an appointment may be made only
in formal proceedings. In case of objection, the priorities
stated in Subsection A of this section apply except that:

(1) if the estate appears to be more than
adequate to meet allowances and costs of administration but
inadequate to discharge anticipated unsecured claims, the
court, on petition of creditors, may appoint any qualified
person; and

(2) in case of objection to appointment of a
person other than one whose priority is determined by will by

.210698.1

SJC/SB 19, aa

NOT FOR INTRODUCTION, AMENDMENT OR SUBSTITUTION

1 ~~an heir or devisee appearing to have a substantial interest in~~
 2 ~~the estate, the court may appoint a person who is acceptable to~~
 3 ~~heirs and devisees whose interests in the estate appear to be~~
 4 ~~worth in total more than half of the probable distributable~~
 5 ~~value of the estate or, in default of this accord, any suitable~~
 6 ~~person.~~

7 ~~G. A person entitled to letters under Paragraphs~~
 8 ~~(2) through [(5)] (6) of Subsection A of this section or a~~
 9 ~~person who has not reached the age of majority and who would be~~
 10 ~~entitled to letters but for the person's age may nominate a~~
 11 ~~qualified person to act as personal representative by an~~
 12 ~~appropriate writing filed with the court and thereby confer the~~
 13 ~~person's relative priority for appointment on the person's~~
 14 ~~nominee. Any person who has reached the age of majority may~~
 15 ~~renounce the right to nominate or to an appointment by an~~
 16 ~~appropriate writing filed with the court. When two or more~~
 17 ~~persons entitled to letters under Paragraphs (2) through [(5)]~~
 18 ~~[(6)] of Subsection A of this section share a priority, all those~~
 19 ~~who do not renounce must concur in nominating another to act~~
 20 ~~for them or in applying for appointment by an appropriate~~
 21 ~~writing filed with the court. The person so nominated shall~~
 22 ~~have the same priority as those who nominated the person. A~~
 23 ~~nomination or renunciation shall be signed by each person~~
 24 ~~making it, the person's attorney or the person's representative~~
 25 ~~authorized by Subsection D of this section.~~

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1 ~~D. Conservators of the estates of protected persons~~
2 ~~or, if there is no conservator, any guardian except a guardian~~
3 ~~ad litem of a minor or incapacitated person may exercise the~~
4 ~~same right to nominate, to object to another's appointment or~~
5 ~~to participate in determining the preference of a majority in~~
6 ~~interest of the heirs and devisees that the protected person~~
7 ~~would have if qualified for appointment.~~

8 ~~E. Appointment of one who does not have priority,~~
9 ~~including priority resulting from renunciation or nomination~~
10 ~~determined pursuant to this section, may be made only in formal~~
11 ~~proceedings. Before appointing one without priority, the court~~
12 ~~shall determine that those having priority, although given~~
13 ~~notice of the proceedings, have failed to request appointment~~
14 ~~or to nominate another for appointment and that administration~~
15 ~~is necessary.~~

16 ~~F. No person is qualified to serve as a personal~~
17 ~~representative who is:~~

18 ~~(1) under the age of majority; or~~
19 ~~(2) a person whom the court finds unsuitable~~
20 ~~in formal proceedings.~~

21 ~~G. A personal representative appointed by a court~~
22 ~~of the decedent's domicile has priority over all other persons~~
23 ~~except where the decedent's will nominates different persons to~~
24 ~~be personal representatives in New Mexico and in the state of~~
25 ~~domicile. The domiciliary personal representative may nominate~~

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another, who shall have the same priority as the domiciliary
personal representative.

H. This section governs priority for appointment of
a successor personal representative but does not apply to the
selection of a special administrator."

SECTION 2 1. A new section of Part 1 of Article 5 of the
Uniform Probate Code, Section 45-5-107 NMSA 1978, is enacted to
read:

"45-5-107. [NEW MATERIAL] SEPARATE ACCOUNTS AND
RECORDS.--

A. A guardian or conservator shall not commingle
the guardian's or conservator's funds or investments with those
held by the guardian or conservator as a fiduciary for a minor
or an adult. Funds and any investments held by the guardian or
conservator as a fiduciary for the minor or the adult shall be
held in accounts that are separate from those of the guardian
or conservator. If a guardian or conservator serves as
fiduciary for one or more individuals subject to guardianship
or conservatorship, the guardian or conservator shall hold the
funds and any investments held as a fiduciary in a separate
account for each individual subject to guardianship or
conservatorship. Except as otherwise provided in the Uniform
Probate Code, and to the extent that is reasonable and
customary, any other property held by the guardian or
conservator as a fiduciary for one or more individuals subject

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to guardianship or conservatorship shall be titled separately:

(1) from the guardian's or conservator's property; and

(2) for each individual subject to guardianship or conservatorship.

B. A court at any time may require a guardian to bring a proceeding for a conservatorship if necessary or advisable to:

(1) protect property of a minor or an adult, including any property held by the guardian as a fiduciary for the minor or the adult;

(2) conserve for the minor's future needs all funds of the minor not expended for the minor's current needs; or

(3) conserve for the adult's future needs all funds of the adult not expended for the adult's current needs.

~~G. By accepting appointment by a court as guardian or conservator, the guardian or conservator consents to review and examination at any time by the court or its designee of all:~~

~~(1) accounts with financial institutions and other third parties holding funds or investments held by the guardian or conservator as a fiduciary for persons under guardianship or conservatorship;~~

~~(2) other property held by the guardian or~~

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conservator as a fiduciary for persons under guardianship or
conservatorship; and

(3) books and records in the possession,
custody or control of the guardian or conservator relating to
those accounts and that other property.

D. The guardian or conservator shall cooperate
fully to facilitate the review and examination of accounts,
property, books and records as set forth in Subsection C of
this section.

E. The guardian or conservator shall maintain those
books and records described in Paragraph (3) of Subsection C of
this section for no less than seven years, or for such other
period as may be provided by the supreme court."

C. The guardian or conservator shall maintain those
books and records that are in the possession, custody or
control of the guardian or conservator and that concern the
funds, investments or other property held by the guardian or
conservator as a fiduciary for an individual for no less than
seven years, or for such other period as may be provided by the
court."

SECTION 3 2. A new section of Part 1 of Article 5 of the
Uniform Probate Code, Section 45-5-108 NMSA 1978, is enacted to
read:

"45-5-108. [NEW MATERIAL] LIABILITY OF GUARDIAN OR
CONSERVATOR FOR ACT OF INDIVIDUAL SUBJECT TO GUARDIANSHIP OR

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1 CONSERVATORSHIP.--A guardian or conservator is not personally
2 liable to another person solely because of the guardianship or
3 conservatorship for an act or omission of the individual
4 subject to guardianship or conservatorship."

5 SECTION 4 3. A new section of Part 1 of Article 5 of the
6 Uniform Probate Code, Section 45-5-109 NMSA 1978, is enacted to
7 read:

8 "45-5-109. [NEW MATERIAL] VOTING RIGHTS.--The voting
9 rights of a protected person shall not be abridged or
10 restricted except pursuant to Article 7, Section 1 of the
11 constitution of New Mexico."

12 SECTION 5 4. Section 45-5-303 NMSA 1978 (being Laws 1989,
13 Chapter 252, Section 5, as amended) is amended to read:

14 "45-5-303. PROCEDURE FOR COURT APPOINTMENT OF A GUARDIAN
15 OF AN INCAPACITATED PERSON.--

16 ~~[A. An interested person may file a petition for~~
17 ~~the appointment of a person to serve as guardian for an alleged~~
18 ~~incapacitated person under the Uniform Probate Code. The~~
19 ~~petition shall state the following:~~

20 ~~(1) the name, date of birth and address of the~~
21 ~~alleged incapacitated person for whom the guardian is sought to~~
22 ~~be appointed;~~

23 ~~(2) the nature of the alleged incapacity as it~~
24 ~~relates to the functional limitations and physical and mental~~
25 ~~condition of the alleged incapacitated person and the reasons~~

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1 ~~why guardianship is being requested;~~

2 ~~(3) if a limited guardianship is sought, the~~
3 ~~particular limitations requested;~~

4 ~~(4) whether a guardian has been appointed or~~
5 ~~is acting in any state for the alleged incapacitated person;~~

6 ~~(5) the efforts that have been made that~~
7 ~~demonstrate due diligence to locate the other court-appointed~~
8 ~~guardian, agent or surrogate designated by the allegedly~~
9 ~~incapacitated person;~~

10 ~~(6) the name and address of the proposed~~
11 ~~guardian;~~

12 ~~(7) the name and address of two persons able~~
13 ~~to contact the proposed guardian if address or telephone~~
14 ~~contact information of the proposed guardian changes;~~

15 ~~(8) the names and addresses, as far as known~~
16 ~~or as can reasonably be ascertained, of the persons most~~
17 ~~closely related by blood or marriage to the alleged~~
18 ~~incapacitated person;~~

19 ~~(9) the name and address of the person or~~
20 ~~institution having the care and custody of the alleged~~
21 ~~incapacitated person;~~

22 ~~(10) the number of other protected persons~~
23 ~~served by the proposed guardian, the other protected persons'~~
24 ~~relationships to the proposed guardian and the types of~~
25 ~~guardianship held if the proposed guardian is an individual;~~

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1 ~~(11) the reasons the appointment of a guardian~~
2 ~~is sought and the interest of the petitioner in the~~
3 ~~appointment;~~

4 ~~(12) the steps taken to find less restrictive~~
5 ~~alternatives to the proposed guardianship; and~~

6 ~~(13) the qualifications of the proposed~~
7 ~~guardian, including whether the guardian has ever been~~
8 ~~convicted of a felony.]~~

9 A. An interested person may petition for
10 appointment of a guardian for an alleged incapacitated person.

11 B. A petition under Subsection A of this section
12 shall state the petitioner's name, principal residence, current
13 street address, if different, relationship to the alleged
14 incapacitated person, interest in the appointment, the name and
15 address of any attorney representing the petitioner and, to the
16 extent known, the following:

17 (1) the alleged incapacitated person's name,
18 age, principal residence, current street address, if different,
19 and, if different, address of the dwelling in which it is
20 proposed that the alleged incapacitated person will reside if
21 the petition is granted;

22 (2) the name and address of the alleged
23 incapacitated person's:

24 (a) spouse or, if the alleged
25 incapacitated person has none, an adult with whom the alleged

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incapacitated person has shared household responsibilities for more than six months in the twelve-month period immediately preceding the filing of the petition;

(a) spouse, or, if the alleged incapacitated person has none, an adult with whom the alleged incapacitated person is in a long-term relationship of indefinite duration in which the individual has demonstrated an actual commitment to the alleged incapacitated person similar to the commitment of a spouse and in which the individual and the alleged incapacitated person consider themselves to be responsible for each other's well-being;

(b) adult children or, if none, each parent and adult sibling of the alleged incapacitated person or, if none, at least one adult nearest in kinship to the alleged incapacitated person who can be found with reasonable diligence; and

(c) adult stepchildren whom the alleged incapacitated person actively parented during the stepchildren's minor years and with whom the alleged incapacitated person had an ongoing relationship in the two-year period immediately preceding the filing of the petition;

(3) the name and current address of each of the following, if applicable:

(a) a person responsible for care of the alleged incapacitated person;

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1 **M** (b) any attorney currently representing
2 the alleged incapacitated person;

3 (c) any representative payee appointed
4 by the federal social security administration for the alleged
5 incapacitated person;

6 **O** (d) a guardian or conservator acting for
7 the alleged incapacitated person in New Mexico or in another
8 jurisdiction;

9 (e) a trustee or custodian of a trust or
10 custodianship of which the **C** alleged incapacitated person is a
11 beneficiary;

12 (f) any fiduciary for the alleged
13 incapacitated person appointed by the federal department of
14 veterans affairs;

15 (g) an agent designated under a power of
16 attorney for health care in which the alleged incapacitated
17 person is identified as the principal;

18 (h) an agent designated under a power of
19 attorney for finances in which the alleged incapacitated person
20 is identified as the principal;

21 (i) a person nominated as guardian by
22 the alleged incapacitated person;

23 (j) a person nominated as guardian by
24 the alleged incapacitated person's parent or spouse in a will
25 or other signed record;

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1 (k) a proposed guardian and the reason
2 the proposed guardian should be selected; and

3 (l) a person known to have routinely
4 assisted the alleged incapacitated person with decision making
5 during the six months immediately preceding the filing of the
6 petition;

7 (4) the reason a guardianship is necessary,
8 including a brief description of:

9 (a) the nature and extent of the alleged
10 incapacitated person's alleged need;

11 (b) any least restrictive alternative
12 for meeting the alleged incapacitated person's alleged need
13 that has been considered or implemented;

14 (c) if no least restrictive alternative
15 has been considered or implemented, the reason it has not been
16 considered or implemented; and

17 (d) the reason a least restrictive
18 alternative instead of guardianship is insufficient to meet the
19 alleged incapacitated person's alleged need;

20 (5) whether the petitioner seeks a limited
21 guardianship or full guardianship;

22 (6) if the petitioner seeks a full
23 guardianship, the reason a limited guardianship or protective
24 arrangement instead of guardianship is not appropriate;

25 (7) if a limited guardianship is requested,

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1 the powers to be granted to the guardian;

2 (8) the name and current address, if known, of
3 any person with whom the petitioner seeks to limit the alleged
4 incapacitated person's contact;

5 (9) if the alleged incapacitated person has
6 property other than personal effects, a general statement of
7 the alleged incapacitated person's property, with an estimate
8 of its value, including any insurance or pension, and the
9 source and amount of other anticipated income or receipts; and

10 (10) whether the alleged incapacitated person
11 needs an interpreter, translator or other form of support to
12 communicate effectively with the court or understand court
13 proceedings.

14 ~~[B.]~~ C. Notice of a petition under this section for
15 the appointment of a guardian and the hearing on the petition
16 shall be given as provided in Section 45-5-309 NMSA 1978.

17 ~~[G.]~~ D. After the filing of a petition, the court
18 shall set a date for hearing on the issues raised by the
19 petition. Unless an alleged incapacitated person already has
20 an attorney of the alleged incapacitated person's own choice,
21 the court shall appoint an attorney to represent the alleged
22 incapacitated person. The court-appointed attorney in the
23 proceeding shall have the duties of a guardian ad litem, as set
24 forth in Section 45-5-303.1 NMSA 1978.

25 ~~[D.]~~ E. The person alleged to be incapacitated

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1 shall be examined by a qualified health care professional
2 appointed by the court who shall submit a report in writing to
3 the court. The report shall:

4 (1) describe the nature and degree of the
5 alleged incapacitated person's incapacity, if any, and the
6 level of the ~~[respondent's]~~ alleged incapacitated person's
7 intellectual, developmental and social functioning; and

8 (2) contain observations, with supporting
9 data, regarding the alleged incapacitated person's ability to
10 make health care decisions and manage the activities of daily
11 living.

12 ~~[E.]~~ F. The court shall appoint a visitor who shall
13 interview the person seeking appointment as guardian and the
14 person alleged to be incapacitated. The visitor shall also
15 visit the present place of abode of the person alleged to be
16 incapacitated and the place where it is proposed the alleged
17 incapacitated person will be detained or reside if the
18 requested appointment is made. The visitor shall evaluate the
19 needs of the person alleged to be incapacitated and shall
20 submit a written report to the court. The report shall include
21 a recommendation regarding the appropriateness of the
22 appointment of the proposed guardian. The report to the court
23 shall also include recommendations regarding:

24 (1) those aspects of personal care that the
25 alleged incapacitated person can manage without supervision or

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1 assistance;

2 (2) those aspects of personal care that the
3 alleged incapacitated person could manage with the supervision
4 or assistance of support services and benefits; and

5 (3) those aspects of personal care that the
6 alleged incapacitated person is unable to manage without the
7 supervision of a guardian.

8 Unless otherwise ordered by the court, the appointment of
9 the visitor terminates and the visitor is discharged from the
10 visitor's duties upon entry of an order appointing a guardian
11 and acceptance of the appointment by the guardian.

12 ~~[F.]~~ G. A person alleged to be incapacitated shall
13 be present at the hearing on the issues raised by the petition
14 and any response to the petition unless the court determines by
15 evidence that it is not in the alleged incapacitated person's
16 best interest to be present because of a threat to the health
17 or safety of the alleged incapacitated person or others as
18 determined by the court.

19 ~~[G.]~~ H. The court upon request or its own motion
20 may conduct hearings at the location of the alleged
21 incapacitated person who is unable to be present in court.

22 ~~[H.]~~ I. The rules of evidence shall apply and no
23 hearsay evidence that is not otherwise admissible in a court
24 shall be admitted into evidence except as otherwise provided in
25 this article. There is a legal presumption of capacity, and

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the burden of proof shall be on the petitioner to prove the allegations set forth in the petition. Such proof shall be established by clear and convincing evidence.

~~[I. A record of the proceedings shall be made if requested by the alleged incapacitated person or the alleged incapacitated person's attorney or when ordered by the court. Records, reports and evidence submitted to the court or recorded by the court shall be confidential, except that the public shall be granted access to the following information:~~

- ~~(1) docket entries;~~
- ~~(2) date of the proceeding, appointment and termination;~~
- ~~(3) duration of the guardianship; and~~
- ~~(4) the name and other information necessary to identify the alleged incapacitated person.]~~

J. The existence of a proceeding for or the existence of a guardianship for an adult is a matter of public record unless the court seals the record after:

(1) the alleged incapacitated person or individual subject to guardianship requests that the record be sealed; and

(2) either:

(a) the petition for guardianship is dismissed; or

(b) the guardianship is terminated.

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1 K. An alleged incapacitated person or the protected
2 person subject to a proceeding for a guardianship, whether or
3 not a guardian is appointed, an attorney designated by the
4 alleged incapacitated person or the protected person and a
5 person entitled to notice are entitled to access court records
6 of the proceeding and resulting guardianship. A person not
7 otherwise entitled to access court records under this
8 subsection for good cause may petition the court for access to
9 court records of the guardianship. The court shall grant
10 access if access is in the best interest of the alleged
11 incapacitated person or the protected person or furthers the
12 public interest and does not endanger the welfare or financial
13 interests of the alleged incapacitated person or the protected
14 person.

15 L. A report pursuant to Subsections E and F of this
16 section or a written report filed pursuant to Section
17 45-5-303.1 NMSA 1978 is confidential and shall be sealed on
18 filing, but is available to:

- 19 (1) the court;
20 (2) the alleged incapacitated person who is
21 the subject of the report or evaluation, without limitation as
22 to use;
23 (3) the petitioner, visitor, guardian ad litem
24 and an attorney of record for purposes of the proceeding;
25 (4) unless the court orders otherwise, an

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1 agent appointed under a power of attorney for health care or
 2 power of attorney for finances in which the alleged
 3 incapacitated person is the principal; and

4 (5) any other person if it is in the public
 5 interest, as determined by the court, or for a purpose the
 6 court orders for good cause.

7 ~~[J.]~~ M. Notwithstanding the provisions of
 8 Subsection ~~[I.]~~ J of this section, a disclosure of information
 9 shall not include diagnostic information, treatment information
 10 or other medical or psychological information.

11 ~~[K.]~~ N. ~~The issue of whether a guardian shall be~~
 12 ~~appointed for the alleged incapacitated person shall be~~
 13 ~~determined by the court at a closed hearing unless the alleged~~
 14 ~~incapacitated person requests otherwise.~~

15 N. The issue of whether a guardian shall be
 16 appointed for the alleged incapacitated person shall be
 17 determined by the court at an open hearing unless, for good
 18 cause, the court determines otherwise.

19 ~~[L.]~~ O. Upon request of the petitioner or alleged
 20 incapacitated person, the court shall schedule a jury trial."

21 **SECTION 6 5.** Section 45-5-309 NMSA 1978 (being Laws 1975,
 22 Chapter 257, Section 5-309, as amended) is amended to read:

23 "45-5-309. NOTICES IN GUARDIANSHIP PROCEEDINGS.--

24 ~~[A.] In a proceeding for the appointment or removal~~
 25 ~~of a guardian of an incapacitated person, other than the~~

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1 ~~appointment of a temporary guardian or temporary suspension of~~
2 ~~a guardian, notice of hearing and a copy of the petition and~~
3 ~~any interim orders that may have been entered shall be given to~~
4 ~~each of the following:~~

5 ~~(1) the person alleged to be incapacitated;~~
6 ~~(2) the person's spouse, parents and adult~~
7 ~~children, or if there are no adult children, at least one of~~
8 ~~the person's closest adult relatives if any can be found;~~
9 ~~(3) the proposed guardian; and~~
10 ~~(4) a person, as far as known or as can~~
11 ~~reasonably be ascertained, previously nominated or designated~~
12 ~~in a writing signed by the incapacitated person prior to~~
13 ~~incapacity that has not been revoked by the incapacitated~~
14 ~~person or terminated by a court. This includes but is not~~
15 ~~limited to writings executed under the Uniform Health-Care~~
16 ~~Decisions Act, the Mental Health Care Treatment Decisions Act,~~
17 ~~the Uniform Power of Attorney Act, the Uniform Probate Code and~~
18 ~~the Uniform Trust Code.~~

19 ~~Notice of hearing shall be given to a person who is~~
20 ~~serving as the guardian or conservator of the person to be~~
21 ~~protected or who has primary responsibility for the person's~~
22 ~~care.~~

23 ~~B. Notice shall be served personally on the alleged~~
24 ~~incapacitated person and the person's spouse if they can be~~
25 ~~found within New Mexico. Notice to an out-of-state spouse, the~~

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1 ~~parents and to all other persons, except the alleged~~
 2 ~~incapacitated person, shall be given as provided in Section~~
 3 ~~45-1-401 NMSA 1978.~~

4 ~~C. At least fourteen days' notice shall be given~~
 5 ~~before the hearing takes place. The notice shall be in plain~~
 6 ~~language and large type and shall include the following~~
 7 ~~information and shall be substantially in the following form:~~

~~"NOTICE~~

9 ~~TO: (name and address of person receiving notice)~~

10 ~~On (date of hearing) at (time of hearing) in (place of~~
 11 ~~hearing) at (city), New Mexico, the (name and address of court)~~
 12 ~~will hold a hearing to determine whether a guardian should be~~
 13 ~~appointed for (name of alleged incapacitated person). The~~
 14 ~~purpose of this proceeding is to protect (name of alleged~~
 15 ~~incapacitated person). A copy of the petition requesting~~
 16 ~~appointment of a guardian is attached to this notice.~~

17 ~~At the hearing, the court will determine whether (name of~~
 18 ~~alleged incapacitated person) is an incapacitated person under~~
 19 ~~New Mexico law.~~

20 ~~If the court finds that (name of alleged incapacitated~~
 21 ~~person) is incapacitated, the court at the hearing shall also~~
 22 ~~consider whether (name of proposed guardian, if any) should be~~
 23 ~~appointed as guardian of (name of alleged incapacitated~~
 24 ~~person). The court may, in its discretion, appoint some other~~
 25 ~~qualified person as guardian. The court may also, in its~~

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1 ~~discretion, limit the powers and duties of the guardian to~~
2 ~~allow (name of alleged incapacitated person) to retain control~~
3 ~~over certain activities.~~

4 ~~(Name of alleged incapacitated person) shall attend the~~
5 ~~hearing and be represented by an attorney. The petition may be~~
6 ~~heard and determined in the absence of (name of alleged~~
7 ~~incapacitated person) if the court determines that the presence~~
8 ~~of (name of alleged incapacitated person) is not possible. If~~
9 ~~(name of alleged incapacitated person) attends the hearing and~~
10 ~~is not represented by an attorney, the court must appoint an~~
11 ~~attorney to represent the alleged incapacitated person.~~

12 ~~The court may, on its own motion or on request of any~~
13 ~~interested person, postpone the hearing to another date and~~
14 ~~time.~~

15 _____
16 ~~(signature of petitioner)]~~

17 A. On filing of a petition under Section 45-5-303
18 NMSA 1978 for appointment of a guardian for an adult alleged
19 incapacitated person, the court shall set a date, time and
20 place for hearing the petition.

21 B. A copy of a petition under Section 45-5-303 NMSA
22 1978 and notice of a hearing on the petition shall be served
23 personally on the alleged incapacitated person. The notice
24 shall inform the alleged incapacitated person of the alleged
25 incapacitated person's rights at the hearing and the right to

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1 attend the hearing. The notice shall include a description of
 2 the nature, purpose and consequences of granting the petition.
 3 The court shall not grant the petition if notice substantially
 4 complying with this subsection is not served on the alleged
 5 incapacitated person.

6 C. In a proceeding on a petition under Section
 7 45-5-303 NMSA 1978, the notice required under Subsection B of
 8 this section shall be given to the persons required to be
 9 listed in the petition under Section 45-5-303 NMSA 1978 and any
 10 other person interested in the alleged incapacitated person's
 11 welfare that the court determines. Failure to give notice
 12 under this subsection does not preclude the court from
 13 appointing a guardian.

14 D. After the appointment of a guardian, notice of a
 15 hearing on a petition for an any order under Part 3 of Chapter
 16 45, Article 5 NMSA 1978, together with a copy of the petition,
 17 shall be given to:

18 (1) the protected person subject to
 19 guardianship;

20 (2) the guardian; and

21 (3) any other person the court determines."

22 **SECTION 7 6.** Section 45-5-312 NMSA 1978 (being Laws 1975,
 23 Chapter 257, Section 5-312, as amended) is amended to read:

24 "45-5-312. GENERAL POWERS AND DUTIES OF THE LIMITED
 25 GUARDIAN AND GUARDIAN.--

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1 A. If the court enters judgment pursuant to
2 Subsection C of Section 45-5-304 NMSA 1978, it shall appoint a
3 limited guardian if it determines that the ~~incapacitated~~
4 ~~protected~~ person is able to manage some but not all aspects of
5 personal care. The court shall specify those powers that the
6 limited guardian shall have and may further restrict each power
7 so as to permit the ~~incapacitated~~ ~~protected~~ person to care for
8 the ~~incapacitated~~ ~~protected~~ person's own self commensurate with
9 the ~~incapacitated~~ ~~protected~~ person's ability to do so. A
10 person for whom a limited guardian has been appointed retains
11 all legal and civil rights except those that have been
12 specifically granted to the limited guardian by the court. The
13 limited guardian shall exercise supervisory powers over the
14 ~~incapacitated~~ ~~protected~~ person in a manner that is the least
15 restrictive form of intervention consistent with the order of
16 the court.

17 B. A guardian of ~~an incapacitated~~ ~~the protected~~
18 person has the same powers, rights and duties respecting the
19 ~~incapacitated~~ ~~protected~~ person that a parent has respecting an
20 unemancipated minor child, except that a guardian is not
21 legally obligated to provide from the guardian's own funds for
22 the ~~incapacitated~~ ~~protected~~ person and is not liable to third
23 persons for acts of the ~~incapacitated~~ ~~protected~~ person solely
24 by reason of the guardianship. In particular and without
25 qualifying the foregoing, a guardian or the guardian's

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1 replacement has the following powers and duties, except as
 2 modified by order of the court:

3 (1) to the extent that it is consistent with
 4 the terms of any order by a court of competent jurisdiction
 5 relating to detention or commitment of the ~~incapacitated~~
 6 ~~protected~~ person, a guardian is entitled to custody of the
 7 ~~incapacitated~~ ~~protected~~ person and may establish the
 8 ~~incapacitated~~ ~~protected~~ person's place of abode within or
 9 without New Mexico;

10 (2) if entitled to custody of the
 11 ~~incapacitated~~ ~~protected~~ person, a guardian shall make provision
 12 for the care, comfort and maintenance of the ~~incapacitated~~
 13 ~~protected~~ person and, whenever appropriate, arrange for
 14 training and education. The guardian shall take reasonable
 15 care of the ~~incapacitated~~ ~~protected~~ person's clothing,
 16 furniture, vehicles and other personal effects and commence
 17 conservatorship proceedings if other property of the
 18 ~~incapacitated~~ ~~protected~~ person is in need of protection;

19 (3) if no agent is entitled to make [~~health-~~
 20 ~~care~~] health care decisions for the ~~incapacitated~~ ~~protected~~
 21 person under the provisions of the Uniform Health-Care
 22 Decisions Act, then the guardian shall make [~~health-care~~]
 23 health care decisions for the ~~incapacitated~~ ~~protected~~ person in
 24 accordance with the provisions of that act. In exercising
 25 [~~health-care~~] health care powers, a guardian may consent or

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1 withhold consent that may be necessary to enable the
2 ~~incapacitated~~ protected person to receive or refuse medical or
3 other professional care, counsel, treatment or service. That
4 decision shall be made in accordance with the values of the
5 ~~incapacitated~~ protected person, if known, or the best interests
6 of the ~~incapacitated~~ protected person if the values are not
7 known;

8 (4) if no conservator for the estate of the
9 ~~incapacitated~~ protected person has been appointed, if the court
10 has determined that a conservatorship is not appropriate and if
11 a guardian appointed by the court has been granted authority to
12 make financial decisions on behalf of the protected person in
13 the order of appointment and in the letters of guardianship
14 pursuant to Subsection C of Section 45-5-308 NMSA 1978, the
15 guardian has the following powers and duties, including the
16 power:

17 (a) to institute proceedings to compel
18 any person under a duty to support the protected person or to
19 pay sums for the welfare of the protected person to perform
20 that duty;

21 (b) to receive money and tangible
22 property deliverable to the protected person and apply the
23 money and property for support, care and education of the
24 protected person, but the guardian shall not use funds from the
25 protected person's estate for room and board that the guardian

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1 or the guardian's spouse, parent or child has furnished the
2 protected person, unless a charge for the service is approved
3 by order of the court made upon notice to at least one of the
4 next of kin of the protected person, if notice is possible;

5 (c) to serve as advocate and decision-
6 maker for the protected person in any disputes with persons or
7 organizations, including financial institutions, regarding the
8 protected person's finances;

9 (d) to obtain information regarding the
10 protected person's assets and income from persons or
11 organizations handling the protected person's finances;

12 (e) to file an initial inventory of all
13 property belonging to the protected person within ninety days
14 after appointment; and

15 (f) to exercise care to conserve any
16 excess for the protected person's needs and include in the
17 guardian's ninety-day and annual reports a description of
18 decisions made regarding the protected person's finances and
19 property; and

20 (5) the guardian shall exercise the
21 guardian's supervisory powers over the incapacitated protected
22 person in a manner that is least restrictive of the
23 incapacitated protected person's personal freedom and
24 consistent with the need for supervision.

25 C. A guardian of an incapacitated a protected

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1 person for whom a conservator also has been appointed shall
2 control the care and custody of the ~~incapacitated~~ protected
3 person and is entitled to receive reasonable sums for services
4 and for room and board furnished to the ~~incapacitated~~ protected
5 person. The guardian may request the conservator to expend the
6 ~~incapacitated~~ protected person's estate by payment to third
7 persons or institutions for the ~~incapacitated~~ protected
8 person's care and maintenance.

9 D. Unless authorized by the court by specific
10 order, a guardian for an adult shall not revoke or amend a
11 power of attorney for health care or power of attorney for
12 finances signed by the adult. If a power of attorney for
13 health care is in effect, unless there is a court order to the
14 contrary, a health care decision of an agent takes precedence
15 over that of the guardian, and the guardian shall cooperate
16 with the agent to the extent feasible. If a power of attorney
17 for finances is in effect, unless there is a court order to the
18 contrary, a decision by the agent that the agent is authorized
19 to make under the power of attorney for finances takes
20 precedence over that of the guardian, and the guardian shall
21 cooperate with the agent to the extent feasible.

22 E. A guardian for an adult shall not initiate the
23 commitment of the adult to a mental health treatment facility
24 except in accordance with the state's procedure for involuntary
25 civil commitment.

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1 F. A guardian for a protected person shall not
 2 restrict the ability of the protected person to communicate,
 3 visit or interact with others, including receiving visitors and
 4 making or receiving telephone calls, personal mail or
 5 electronic communications, including through social media or
 6 participating in social activities, unless:

7 (1) authorized by the court by specific order;

8 (2) a less restrictive alternative is in
 9 effect that limits contact between the protected person and a
 10 person; or

11 (3) the guardian has good cause to believe
 12 restriction is necessary because interaction with a specified
 13 person poses a risk of significant physical, psychological or
 14 financial harm to the protected person and the restriction is:

15 (a) for a period of not more than seven
 16 business days if the person has a family or preexisting social
 17 relationship with the protected person; or

18 (b) for a period of not more than sixty
 19 days if the person does not have a family or preexisting social
 20 relationship with the protected person."

21 **SECTION 7. Section 45-5-314 NMSA 1978 (being Laws 1989,**
 22 **Chapter 252, Section 14, as amended) is amended to read:**

23 **"45-5-314. ANNUAL REPORT--AUDITS.--**

24 **A. The guardian of an incapacitated person shall**
 25 **file an initial report with the appointing court within ninety**

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1 days of the guardian's appointment. Thereafter, the guardian
2 shall file an annual report within thirty days of the
3 anniversary date of the guardian's appointment. A copy of the
4 report shall also be submitted to the district judge who
5 appointed the guardian or the judge's successor, to the
6 incapacitated person and to the incapacitated person's
7 conservator, if any. The court shall review this report. The
8 report shall include information concerning the progress and
9 condition of the incapacitated person, including ~~but not~~
10 ~~limited to~~ the incapacitated person's health, medical and
11 dental care, residence, education, employment and habitation; a
12 report on the manner in which the guardian carried out the
13 guardian's powers and fulfilled the guardian's duties; and the
14 guardian's opinion regarding the continued need for
15 guardianship. If the guardian has been provided power pursuant
16 to Paragraph (4) of Subsection B of Section 45-5-312 NMSA 1978,
17 the report shall contain information on financial decisions
18 made by the guardian. The report shall be substantially in the
19 following form:

20 "STATE OF NEW MEXICO

21 COUNTY OF _____

22 _____ JUDICIAL DISTRICT COURT

23 IN THE MATTER OF THE GUARDIANSHIP OF

24 _____

25 CAUSE NO. _____

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an incapacitated adult

GUARDIAN'S 90-DAY _____ ANNUAL _____ FINAL _____ (check one)

REPORT ON THE CONDITION AND WELL-BEING OF AN ADULT PROTECTED PERSON

Date of Appointment: _____

Pursuant to Section 45-5-314 NMSA 1978, the undersigned duly
appointed, qualified and acting guardian of the above-
mentioned protected person reports to the court as follows
(attach additional sheets, if necessary):

1. PROTECTED Name _____

PERSON: Residential Address _____

Facility Name _____

City, State, Zip Code _____

Telephone _____ Date of Birth _____

Name of person primarily responsible at protected person's
place of residence: _____.

2. GUARDIAN: Name _____

Business Name (if any) _____

Address _____

City, State, Zip Code _____

Telephone _____ Alternate Telephone # _____

Relation to Protected Person _____

3. FINAL REPORTS ONLY (otherwise, go to #4)

I am filing a Final Report because of: _____ My resignation

_____ Death of the Protected Person _____ Court Order

_____ Other (please explain): _____

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1 6. The name and address of any hospital or other institution
2 (if any) where the Protected Person is now admitted:

3
4

5 7. The Protected Person is under a physician's regular care.

6 ☐ Yes ☐ No

7 Identify the health care providers.

8 Physician: _____

9 Dentist (if any): _____

10 Mental Health Professional (i.e., psychiatrist, counselor):

11 _____

12 Other: _____

13 8. (A) During the past year or 90 days (if initial report),
14 the Protected Person's physical health:

15 Remained the same ☐

16 Primary diagnosis: _____

17 ☐ improved ☐ deteriorated

18 (explain) _____

19 (B) During the past year or 90 days (if initial report),
20 the Protected Person's mental health: Remained the same ☐

21 Major diagnosis, if any: _____

22 Improved ☐ deteriorated (explain) _____

23 If physical or mental health has deteriorated, please explain:

24 _____

25 9. Describe any significant hospitalizations or mental or

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underscored material = new
[bracketed material] = delete

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1 medical events during the past year or 90 days (if initial report):

2

3 10. List the Protected Person's activities and changes, if
4 any, over the past year or 90 days (if initial report):

5 Recreational Activities: _____

6 Educational Activities: _____

7 Social Activities: _____

8 List Active Friends and/or Relatives: _____

9 Occupational activities: _____

10 Other: _____

11 11. Describe briefly any contracts entered into and major
12 decisions made on behalf of the Protected Person during the
13 past year or 90 days (if initial report): _____

14

15 12. The Protected Person has made the following statements
16 regarding his/her living arrangements and the guardianship
17 over him/her: _____

18

19 13. I believe the Protected Person has unmet needs.

20 Yes (explain) No

21

22 If yes, indicate efforts made to meet these needs: _____

23

24 14. The Protected Person continues to require the assistance
25 of a guardian: Yes No

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1 Explain why or why not: _____

2 _____.

3 15. The authority given to me by the Court should:

4 _____ remain the same _____ be decreased _____ be increased

5 Why: _____

6 _____

7 16. Additional information concerning the Protected Person or
8 myself (the guardian) that I wish to share with the Court:

9 _____

10 _____

11 _____

12 17. If the court has granted you the authority to make
13 financial decisions on behalf of the Protected Person, then
14 please describe the decisions you have made for the protected
15 person: _____.

16 Signature of Guardian: _____ Date: _____

17 Printed Name: _____."

18 ~~[A.]~~ B. Any guardian may rely on a qualified health
19 care professional's current written report to provide
20 descriptions of the physical and mental conditions required in
21 items 7, 8, 9, 14 and 15 of the annual report as specified in
22 Subsection A of this section.

23 ~~[B.]~~ C. The guardian may be fined five dollars
24 (\$5.00) per day for an overdue annual report. The fine shall
25 be used to fund the costs of visitors, counsel and functional

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assessments utilized in conservatorship and guardianship proceedings pursuant to the Uniform Probate Code.

~~[C.]~~ D. The court shall not waive the requirement of an annual report under any circumstance but may grant an extension of time not to exceed sixty days. The court may require the filing of more than one report annually.

E. A guardian of a protected person shall fully comply with the requirements of any audit of an account, inventory, report or property of a protected person."

SECTION 8. Section 45-5-404 NMSA 1978 (being Laws 1975, Chapter 257, Section 5-404, as amended) is amended to read:

"45-5-404. ORIGINAL PETITION FOR APPOINTMENT OF CONSERVATOR.--

~~[A. Any of the following persons may petition for the appointment of a conservator:~~

~~(1) the person for whom a conservator is sought;~~

~~(2) any person who is interested in the estate, affairs or welfare of the person to be protected, including his spouse, parent, guardian or custodian; or~~

~~(3) any person who would be adversely affected by lack of effective management of the property and affairs of the person to be protected.~~

~~B. The petition shall state the following:~~

~~(1) the interest of the petitioner;~~

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1 ~~(2) the name, age, residence and address of~~
 2 ~~the person for whom a conservator is sought;~~

3 ~~(3) the name and address of the guardian, if~~
 4 ~~any, of the person for whom a conservator is sought;~~

5 ~~(4) the names and addresses, as far as known~~
 6 ~~or as can be reasonably ascertained, of the persons most~~
 7 ~~closely related by blood or marriage to the person for whom a~~
 8 ~~conservator is sought;~~

9 ~~(5) the approximate value and description of~~
 10 ~~the property of the person for whom a conservator is sought,~~
 11 ~~including any compensation, insurance, pension or allowance to~~
 12 ~~which the person may be or is entitled;~~

13 ~~(6) the reasons why appointment of a~~
 14 ~~conservator is necessary, including but not limited to evidence~~
 15 ~~of the person's recent behavior that demonstrates gross~~
 16 ~~mismanagement of his income and resources to the extent that it~~
 17 ~~has led or is likely to lead in the near future to waste and~~
 18 ~~dissipation of the income and resources;~~

19 ~~(7) the name and address of the person or~~
 20 ~~institution, if any, having the care and custody of the person~~
 21 ~~for whom a conservator is sought;~~

22 ~~(8) the steps taken to find less restrictive~~
 23 ~~alternatives to the proposed conservatorship;~~

24 ~~(9) the name and address of the person whose~~
 25 ~~appointment is sought;~~

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1 the petition is granted;

2 (2) the name and address of the alleged
 3 incapacitated person's:

4 (a) spouse or, if the alleged
 5 incapacitated person has none, an adult with whom the alleged
 6 incapacitated person has shared household responsibilities for
 7 more than six months in the twelve-month period before the
 8 filing of the petition;

9 (a) spouse, or, if the alleged
 10 incapacitated person has none, an adult with whom the alleged
 11 incapacitated person is in a long-term relationship of
 12 indefinite duration in which the individual has demonstrated an
 13 actual commitment to the alleged incapacitated person similar
 14 to the commitment of a spouse and in which the individual and
 15 the alleged incapacitated person consider themselves to be
 16 responsible for each other's well-being;

17 (b) adult children or, if none, each
 18 parent and adult sibling of the alleged incapacitated person
 19 or, if none, at least one adult nearest in kinship to the
 20 alleged incapacitated person who can be found with reasonable
 21 diligence; and

22 (c) adult stepchildren whom the alleged
 23 incapacitated person actively parented during the
 24 stepchildren's minor years and with whom the alleged
 25 incapacitated person had an ongoing relationship during the two

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1 years immediately preceding the filing of the petition;

2 (3) the name and current address of each of
3 the following, if applicable:

4 (a) a person responsible for the care or
5 custody of the alleged incapacitated person;

6 (b) any attorney currently representing
7 the alleged incapacitated person;

8 (c) the representative payee appointed
9 by the federal social security administration for the alleged
10 incapacitated person;

11 (d) a guardian or conservator acting for
12 the alleged incapacitated person in New Mexico or another
13 jurisdiction;

14 (e) a trustee or custodian of a trust or
15 custodianship of which the alleged incapacitated person is a
16 beneficiary;

17 (f) the fiduciary appointed for the
18 alleged incapacitated person by the federal department of
19 veterans affairs;

20 (g) an agent designated under a power of
21 attorney for health care in which the alleged incapacitated
22 person is identified as the principal;

23 (h) an agent designated under a power of
24 attorney for finances in which the alleged incapacitated person
25 is identified as the principal;

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1 (i) a person known to have routinely
2 assisted the alleged incapacitated person with decision making
3 in the six-month period immediately before the filing of the
4 petition; and

5 (j) any proposed conservator, including
6 a person nominated by the alleged incapacitated person;

7 (4) a general statement of the alleged
8 incapacitated person's property with an estimate of its value,
9 including any insurance or pension and the source and amount of
10 other anticipated income or receipts;

11 (5) the reason conservatorship is necessary,
12 including a brief description of:

13 (a) the nature and extent of the alleged
14 incapacitated person's alleged need;

15 (b) if the petition alleges the alleged
16 incapacitated person is missing, detained or unable to return
17 to the United States, the relevant circumstances, including the
18 time and nature of the disappearance or detention and any
19 search or inquiry concerning the alleged incapacitated person's
20 whereabouts;

21 (c) any less restrictive alternative for
22 meeting the alleged incapacitated person's alleged need that
23 has been considered or implemented;

24 (d) if no less restrictive alternatives
25 have been considered or implemented, the reason it has not been

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1 considered or implemented; and

2 (e) the reason a less restrictive
3 alternative is insufficient to meet the alleged incapacitated
4 person's need;

5 (6) whether the petitioner seeks a limited
6 conservatorship or a full conservatorship;

7 (7) if the petitioner seeks a full
8 conservatorship, the reason a limited conservatorship instead
9 of conservatorship is not appropriate;

10 (8) if the petition includes the name of a
11 proposed conservator, the reason the proposed conservator
12 should be appointed;

13 (9) if the petition is for a limited
14 conservatorship, a description of the property to be placed
15 under the conservator's control and any requested limitation on
16 the authority of the conservator;

17 (10) whether the alleged incapacitated person
18 needs an interpreter, translator or other form of support to
19 communicate effectively with the court or understand court
20 proceedings; and

21 (11) the name and address of an attorney
22 representing the petitioner, if any."

23 SECTION 9. Section 45-5-405 NMSA 1978 (being Laws 1975,
24 Chapter 257, Section 5-405, as amended) is amended to read:

25 "45-5-405. NOTICE IN CONSERVATORSHIP PROCEEDINGS.--

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1 ~~[A. In a proceeding for the appointment or removal~~
 2 ~~of a conservator of an incapacitated person or a person to be~~
 3 ~~protected, other than the appointment of a temporary~~
 4 ~~conservator or the temporary suspension of a conservator,~~
 5 ~~notice of hearing and a copy of the petition and any interim~~
 6 ~~orders that may have been entered shall be given to each of the~~
 7 ~~following:~~

8 ~~(1) the person to be protected; and~~
 9 ~~(2) his spouse, parents and adult children, or~~
 10 ~~if there are no adult children, at least one of his closest~~
 11 ~~adult relatives if any can be found.~~

12 ~~Notice of hearing shall be given to any person who is~~
 13 ~~serving as the guardian or conservator of the person to be~~
 14 ~~protected or who has primary responsibility for his care.~~

15 ~~B. Notice shall be served personally on the person~~
 16 ~~to be protected and his spouse if the spouse can be found~~
 17 ~~within New Mexico. Notice to an out-of-state spouse, parent~~
 18 ~~and all other persons, except the person to be protected, shall~~
 19 ~~be given as provided in Section 45-1-401 NMSA 1978.~~

20 ~~C. At least fourteen days' notice shall be given~~
 21 ~~before the hearing takes place. The notice should be in plain~~
 22 ~~language and large type and shall include the following~~
 23 ~~information and shall be substantially in the following form:~~

24 ~~"NOTICE~~

25 ~~TO: (name and address of person receiving notice)~~

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1 ~~On (date of hearing) at (time of hearing) in (place of~~
2 ~~hearing) at (city), New Mexico, the (name and address of court)~~
3 ~~will hold a hearing to determine whether a conservator should~~
4 ~~be appointed for (name of the person to be protected). The~~
5 ~~purpose of this proceeding is to appoint a conservator. A copy~~
6 ~~of the petition requesting appointment of a conservator is~~
7 ~~attached to this notice.~~

8 ~~At the hearing, the court will determine whether (name of~~
9 ~~person to be protected) needs to be protected by a conservator~~
10 ~~under New Mexico law.~~

11 ~~If the court finds that (name of the person to be~~
12 ~~protected) is in need of a conservator, the court at the~~
13 ~~hearing shall also consider whether (name of proposed~~
14 ~~conservator, if any) should be appointed as conservator of~~
15 ~~(name of person to be protected). The court may, in its~~
16 ~~discretion, appoint some other qualified person as conservator.~~
17 ~~The court may also, in its discretion, limit the powers and~~
18 ~~duties of the conservator to allow (name of person to be~~
19 ~~protected) to retain control over certain activities.~~

20 ~~(Name of person to be protected) shall attend the hearing~~
21 ~~and be represented by an attorney. The petition may be heard~~
22 ~~and determined in the absence of (name of person to be~~
23 ~~protected) if the court determines that the presence of (name~~
24 ~~of person to be protected) is not required. If (name of person~~
25 ~~to be protected) attends the hearing and is not represented by~~

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1 ~~an attorney, the court shall appoint an attorney to represent~~
2 ~~the person to be protected.~~

3 _____
4 ~~(signature of petitioner)".~~

5 ~~D. Notice of a petition for appointment of a~~
6 ~~conservator and of any subsequent hearing shall be given to any~~
7 ~~interested person who has filed a request for notice under~~
8 ~~Section 45-5-406 NMSA 1978 and to such other persons as the~~
9 ~~court may direct. Except as otherwise provided in Subsection A~~
10 ~~of this section, notice shall be given in accordance with~~
11 ~~Section 45-1-401 NMSA 1978.]~~

12 A. On filing of a petition under Section 45-5-404
13 NMSA 1978 for appointment of a conservator, the court shall set
14 a date, time and place for a hearing on the petition.

15 B. A copy of a petition under Section 45-5-404 NMSA
16 1978 and notice of a hearing on the petition shall be served
17 personally on the alleged incapacitated person. If the alleged
18 incapacitated person's whereabouts are unknown or personal
19 service cannot be made, service on the alleged incapacitated
20 person shall be made as provided in Section 45-1-401 NMSA 1978.
21 The notice shall inform the alleged incapacitated person of the
22 alleged incapacitated person's rights at the hearing and the
23 right to attend the hearing. The notice also shall include a
24 description of the nature, purpose and consequences of granting
25 the petition. The court shall not grant a petition for

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1 appointment of a conservator if notice substantially complying
2 with this subsection is not served on the alleged incapacitated
3 person.

4 C. In a proceeding on a petition under Subsection B
5 of this section, the notice required shall be given to the
6 persons required to be listed in the petition under Section
7 45-5-404 NMSA 1978 and any other person interested in the
8 alleged incapacitated person's welfare the court determines.
9 Failure to give notice under this subsection does not preclude
10 the court from appointing a conservator.

11 D. After the appointment of a conservator, notice
12 of a hearing on a petition for an order under Part 4 of Chapter
13 45, Article 5 NMSA 1978, together with a copy of the petition,
14 shall be given to:

15 (1) the protected person subject to
16 conservatorship if the protected person is not missing,
17 detained or unable to return to the United States;

18 (2) the conservator; and

19 (3) any other person the court determines."

20 **SECTION 10. Section 45-5-405.1 NMSA 1978 (being Laws**
21 **1993, Chapter 301, Section 26) is amended to read:**

22 **"45-5-405.1. PROTECTIVE ARRANGEMENTS AND SINGLE**
23 **TRANSACTIONS AUTHORIZED.--**

24 **A. If after notice in accordance with Section**
25 **45-5-405 NMSA 1978 to all interested persons, as defined in**

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1 Section 45-1-201 NMSA 1978, and after hearing, it is
 2 established that a basis exists as described in Section
 3 45-5-401 NMSA 1978 for affecting the estate and financial
 4 affairs of a person, the court, without appointing a
 5 conservator, may ~~authorize, direct or ratify any transaction~~
 6 ~~necessary or desirable to achieve any security, service or care~~
 7 ~~arrangement meeting the foreseeable needs of the person. The~~
 8 ~~court shall appoint a guardian ad litem to represent the~~
 9 ~~interests of the person at the hearing. Protective~~
 10 ~~arrangements and single transactions include:~~

11 ~~(1) payment, delivery, deposit or retention of~~
 12 ~~funds or property;~~

13 ~~(2) sale, mortgage, lease or other transfer of~~
 14 ~~property;~~

15 ~~(3) entry into an annuity contract, a contract~~
 16 ~~for life care, a deposit contract and a contract for training~~
 17 ~~and education; and~~

18 ~~(4) addition to or establishment of a trust.~~

19 ~~B. When it has been established in a proceeding~~
 20 ~~authorized by this section that a basis exists as described in~~
 21 ~~Section 45-5-401 NMSA 1978 for affecting the estate and~~
 22 ~~financial affairs of a person, the court, without appointing a~~
 23 ~~conservator, may authorize, direct or ratify any contract,~~
 24 ~~trust or other single transaction relating to the protected~~
 25 ~~person's estate and financial affairs if the court finds that~~

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1 ~~the transaction is in the best interests of the protected~~
2 ~~person.~~

3 ~~C. Before approving a transaction under this~~
4 ~~section, the court shall consider the interests of creditors~~
5 ~~and dependents of the protected person and, in view of the~~
6 ~~disability, whether the protected person needs the continuing~~
7 ~~protection of a conservator. The court may appoint one or more~~
8 ~~persons to assist in the accomplishment of any protective~~
9 ~~arrangement or other transaction authorized under this section.~~
10 ~~That person shall have the authority conferred by order of the~~
11 ~~court, shall serve until discharged by order of the court and~~
12 ~~shall report to the court of all matters done pursuant to the~~
13 ~~court's order] issue an order pursuant to Subsection B of this~~
14 ~~section for a protective arrangement instead of conservatorship~~
15 ~~for the person. Unless the person already has an attorney of~~
16 ~~the person's own choice, the court shall appoint an attorney to~~
17 ~~represent the person at the hearing. The court-appointed~~
18 ~~attorney shall have the duties of a guardian ad litem, as set~~
19 ~~forth in Section 45-5-303.1 NMSA 1978.~~

20 ~~B. The court, instead of appointing a conservator,~~
21 ~~may:~~

22 ~~(1) authorize a person or direct a person to~~
23 ~~execute a transaction necessary to protect the financial~~
24 ~~interest or property of the protected person, including:~~

25 ~~(a) an action to establish eligibility~~

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for benefits;

(b) payment, delivery, deposit or retention of funds or property;

(c) sale, mortgage, lease or other transfer of property, including water rights and oil, gas and other mineral interests;

(d) purchase of an annuity;

(e) entry into a contractual relationship, including a contract to provide for personal care, supportive services, education, training or employment;

(f) addition to or establishment of a trust;

(g) ratification or invalidation of a contract, trust or other transaction, including a transaction related to the property or business affairs of the protected person; or

(h) settlement of a claim; or

(2) restrict access to the protected person's property by a specified person whose access to the property places the protected person at serious risk of financial harm.

C. After the notice and hearing pursuant to Subsection A of this section, the court may issue an order to restrict access to the protected person or the protected person's property by a specified person that the court finds by clear and convincing evidence:

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1 (1) through fraud, coercion, duress or the use
2 of deception and control caused or attempted to cause an action
3 that would have resulted in financial harm to the protected
4 person or the protected person's property; and

5 (2) poses a serious risk of substantial
6 financial harm to the protected person or the protected
7 person's property.

8 D. Before issuing an order pursuant to Subsection B
9 or C of this section, the court shall consider the factors
10 described in Section 45-5-417 NMSA 1978 that a conservator
11 shall consider when making a decision on behalf of an
12 individual subject to conservatorship.

13 E. Before issuing an order pursuant to Subsection B
14 or C of this section for a protected person who is a minor, the
15 court also shall consider the best interest of the minor, the
16 preference of the parents of the minor and the preference of
17 the minor, if the minor is twelve years of age or older.

18 F. Before issuing an order pursuant to Subsection B
19 or C of this section for a protected person who is an adult,
20 the court shall also consider the adult's prior or current
21 directions, preferences, opinions, values and actions, to the
22 extent actually known or reasonably ascertainable."

23 SECTION 10 11. Section 45-5-407 NMSA 1978 (being Laws
24 1975, Chapter 257, Section 5-407, as amended) is amended to
25 read:

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1 "45-5-407. PROCEDURE FOR COURT APPOINTMENT OF A
 2 CONSERVATOR.--

3 A. Upon receipt of a petition for appointment of a
 4 conservator or other protective order because of minority, the
 5 court shall set a date for hearing on the matters alleged in
 6 the petition. If at any time in the proceeding the court finds
 7 the minor is or may be inadequately represented, it may appoint
 8 an attorney to represent the minor, giving consideration to the
 9 choice of the minor if the minor is fourteen years of age or
 10 older. An attorney appointed by the court to represent a minor
 11 shall represent and protect the interests of the minor.

12 B. Upon receipt of a petition for appointment of a
 13 conservator for reasons other than minority, the court shall
 14 set a date for hearing. Unless the person to be protected is
 15 already represented by an attorney of ~~[his]~~ the person's own
 16 choice, the court shall appoint an attorney to represent ~~[him]~~
 17 the person to be protected in the proceeding. The court-
 18 appointed attorney shall have the duties of a guardian ad litem
 19 as set forth in Section 45-5-404.1 NMSA 1978.

20 C. If the petition is for the appointment of a
 21 conservator for an incapacitated person, the person to be
 22 protected shall be examined by a qualified health care
 23 professional appointed by the court who shall submit a report
 24 in writing to the court. The report shall:

25 (1) describe the nature and degree of the

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1 person's incapacity, if any, and the level of the intellectual,
2 developmental and social functioning of the person to be
3 protected; and

4 (2) contain observations, with supporting
5 data, regarding the ability of the person to be protected to
6 manage ~~[his]~~ the person's estate or financial affairs.

7 D. The court shall also appoint a visitor who shall
8 interview the person seeking appointment as conservator and the
9 person to be protected. The visitor shall also visit the
10 present place of residence of the person to be protected. The
11 visitor shall evaluate the needs of the person to be protected
12 and shall submit a written report to the court. The report
13 shall include a recommendation regarding the appropriateness of
14 the appointment of the proposed conservator. The report shall
15 also include recommendations regarding:

16 (1) those aspects of ~~[his]~~ the person's
17 financial affairs that the person to be protected can manage
18 without supervision or assistance;

19 (2) those aspects of ~~[his]~~ the person's
20 financial affairs that the person to be protected could manage
21 with the supervision or assistance of support services and
22 benefits; and

23 (3) those aspects of ~~[his]~~ the person's
24 financial affairs that the person to be protected is unable to
25 manage even with the supervision or assistance of support

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services and benefits.

Unless otherwise ordered by the court, the appointment of the visitor terminates and the visitor is discharged from ~~his~~ duties upon entry of ~~the~~ an order appointing ~~the~~ a conservator and acceptance of the appointment by the conservator.

E. The person to be protected shall be present at the hearing on the issues raised by the petition and any response to the petition, unless the court determines it is not in the best interest of the person for whom a conservator is sought to be present because of a threat to the health or safety of the person for whom a conservator is sought or others as determined by the court. The court upon request or its own motion may conduct hearings at the location of the person to be protected if ~~he~~ the person is unable to be present in court.

F. The person to be protected shall not be permitted by the court to consent to the appointment of a conservator.

G. The court, at the hearing on the petition for appointment of conservator, shall:

(1) inquire into the nature and extent of the functional limitations of the person to be protected; and

(2) ascertain ~~his~~ the person's capacity to manage ~~his~~ the person's financial affairs.

H. If it is determined that the person to be

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1 protected possesses the capacity to manage [~~his~~] the person's
2 estate ~~or~~ financial affairs, or both, the court shall dismiss
3 the petition.

4 I. Alternatively, the court may appoint a full
5 conservator, as requested in the petition, or a limited
6 conservator and confer specific powers of conservatorship after
7 finding in the record based on clear and convincing evidence
8 that:

9 (1) the person to be protected is totally
10 incapacitated or is incapacitated only in specific areas as
11 alleged in the petition;

12 (2) the conservatorship is necessary as a
13 means of effectively managing the estate or financial affairs,
14 or both, of the person to be protected;

15 (3) there are not available alternative
16 resources that enable the effective management of the estate
17 and financial affairs of the person to be protected;

18 (4) the conservatorship is appropriate as the
19 least restrictive form of intervention consistent with the
20 preservation of the property of the person to be protected; and

21 (5) the proposed conservator is both qualified
22 and suitable and is willing to serve.

23 J. After hearing, upon finding that a basis for the
24 appointment of a conservator has been established, the court
25 shall make an appointment of a conservator. The court shall

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1 appoint a limited conservator if it determines that the
 2 incapacitated person is able to manage some but not all aspects
 3 of ~~[his]~~ the incapacitated person's estate and financial
 4 affairs. The court shall specify those powers that the limited
 5 conservator shall have and may further restrict each power so
 6 as to permit the incapacitated person to care for ~~[his]~~ the
 7 incapacitated person's estate and financial affairs
 8 commensurate with ~~[his]~~ the incapacitated person's ability to
 9 do so.

10 K. A person for whom a conservator has been
 11 appointed retains all legal and civil rights except those that
 12 have been specifically granted to the conservator by the court.
 13 The conservator shall exercise ~~[his]~~ supervisory powers over
 14 the estate and financial affairs of the incapacitated person in
 15 a manner that is the least restrictive form of intervention
 16 consistent with the order of the court.

17 L. The rules of evidence shall apply and no hearsay
 18 evidence that is not otherwise admissible in a court shall be
 19 admitted into evidence except as otherwise provided in the
 20 Uniform Probate Code.

21 ~~[M. A record of the proceedings shall be made if~~
 22 ~~requested by the person to be protected, his attorney or when~~
 23 ~~ordered by the court. Records, reports and evidence submitted~~
 24 ~~to the court or recorded by the court shall be confidential,~~
 25 ~~except that the public shall be granted access to the following~~

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1 ~~information:~~

2 ~~(1) docket entries;~~

3 ~~(2) date of the proceeding, appointment and~~

4 ~~termination;~~

5 ~~(3) duration of the conservatorship and~~

6 ~~whether limited or unlimited;~~

7 ~~(4) for a limited conservatorship, the nature~~

8 ~~of the limitation; and~~

9 ~~(5) the name and other information necessary~~

10 ~~to identify the alleged incapacitated person.]~~

11 M. The existence of a proceeding for or the
12 existence of conservatorship is a matter of public record
13 unless the court seals the record after:

14 (1) the alleged incapacitated person, the
15 protected person subject to conservatorship or the parent or a
16 guardian of a minor subject to conservatorship requests that
17 the record be sealed; and

18 (2) either:

19 (a) the petition for conservatorship is
20 dismissed; or

21 (b) the conservatorship is terminated.

22 N. An alleged incapacitated person or protected
23 person subject to a proceeding for a conservatorship, whether
24 or not a conservator is appointed, an attorney designated by
25 the alleged incapacitated person or protected person and a

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1 person entitled to notice may access court records of the
 2 proceeding and resulting conservatorship. A person not
 3 otherwise entitled to access to court records under this
 4 section for good cause may petition the court for access to
 5 court records of the conservatorship. The court shall grant
 6 access if access is in the best interest of the alleged
 7 incapacitated person or protected person subject to
 8 conservatorship or furthers the public interest and does not
 9 endanger the welfare or financial interests of the alleged
 10 incapacitated person or individual.

11 0. A report under Section 45-5-409 NMSA 1978 is
 12 confidential and shall be sealed on filing, but is available
 13 to:

14 (1) the court;

15 (2) the alleged incapacitated person or
 16 protected person who is the subject of the report, without
 17 limitation as to use;

18 (3) the petitioner, guardian ad litem, visitor
 19 and an attorney of record, for purposes of the proceeding;

20 (4) unless the court directs otherwise, an
 21 agent appointed under a power of attorney for finances in which
 22 the alleged incapacitated person is identified as the
 23 principal; and

24 (5) any other person if it is in the public
 25 interest, as determined by the court, or for a purpose the

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1 court orders for good cause.

2 M [N.] P. Notwithstanding the provisions of
3 Subsection M of this section, any disclosure of information
4 shall not include any diagnostic information, treatment
5 information or other medical or psychological information.

6 ~~{O.} Q. The issue of whether a conservator shall be~~
7 ~~appointed shall be determined by the court at a closed hearing~~
8 ~~unless the person to be protected requests otherwise.~~

9 Q. The issue of whether a conservator shall be
10 appointed for the alleged incapacitated person shall be
11 determined by the court at an open hearing unless, for good
12 cause, the court determines otherwise.

13 [P.] R. Upon request of the petitioner or person to
14 be protected, the court shall schedule a jury trial.

15 [Q.] S. Upon entry of an order appointing a
16 conservator, a copy of the order shall be furnished to the
17 person for whom the conservator was appointed and that person's
18 counsel. The order shall contain the name and address of the
19 conservator as well as notice to the person for whom the
20 conservator was appointed of that person's right to appeal the
21 appointment and of that person's right to seek alteration or
22 termination of the conservatorship at any time."

23 ~~SECTION 11. A new section of Part 4 of Article 5 of the~~
24 ~~Uniform Probate Code, Section 45-5-409.1 NMSA 1978, is enacted~~
25 ~~to read:~~

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1 ~~"45-5-409.1. [NEW MATERIAL] CONSERVATOR'S REPORT AND~~
 2 ~~ACCOUNTING--NOTICE AND HEARING--WAIVER OF LIABILITY.--~~

3 ~~A. Notice of the filing under this section of a~~
 4 ~~conservator's report, together with a copy of the report, shall~~
 5 ~~be provided to the individual under conservatorship, a person~~
 6 ~~entitled to notice under Section 45-5-405 NMSA 1978 or a~~
 7 ~~subsequent order and any other person the court determines.~~
 8 ~~The notice and report shall be given not later than fourteen~~
 9 ~~days after filing.~~

10 ~~B. If the court determines that there is reason to~~
 11 ~~believe a conservator has not complied with the conservator's~~
 12 ~~duties or the conservatorship should not continue, the court:~~

13 ~~(1) shall notify the individual under~~
 14 ~~conservatorship, the conservator, any other person entitled to~~
 15 ~~notice under Section 45-5-405 NMSA 1978 or a subsequent order~~
 16 ~~and any other person the court determines;~~

17 ~~(2) may require additional information from~~
 18 ~~the conservator;~~

19 ~~(3) may appoint a visitor to interview the~~
 20 ~~individual subject to conservatorship or conservator or~~
 21 ~~investigate any matter involving the conservatorship; and~~

22 ~~(4) consistent with Section 45-5-416 NMSA~~
 23 ~~1978, may hold a hearing to consider removal of the~~
 24 ~~conservator, termination of the conservatorship or a change in~~
 25 ~~the powers granted to the conservator or terms of the~~

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1 ~~conservatorship.~~

2 ~~C. If the court has reason to believe fees~~
3 ~~requested by a conservator are not reasonable, the court shall~~
4 ~~hold a hearing to determine whether to adjust the requested~~
5 ~~fees and give notice of the hearing to the individual under~~
6 ~~conservatorship, a person entitled to notice under Section~~
7 ~~45-5-405 NMSA 1978 or under a subsequent order and any other~~
8 ~~person the court determines.~~

9 ~~D. A conservator may petition the court for~~
10 ~~approval of a report filed under this section. The conservator~~
11 ~~shall send a copy of the petition to the adult subject to~~
12 ~~conservatorship and to a person entitled to notice pursuant to~~
13 ~~Subsection A of this section and shall file proof of the~~
14 ~~sending of the petition with the court. The court shall not~~
15 ~~approve the report until the later of thirty days after its~~
16 ~~filing and fourteen days after the petition was sent to the~~
17 ~~persons entitled to notice. The court may then approve the~~
18 ~~report with or without holding a hearing as the court~~
19 ~~determines is appropriate unless a hearing is requested as~~
20 ~~provided in this subsection. If the conservator, the person~~
21 ~~under conservatorship or a person entitled to notice pursuant~~
22 ~~to Subsection A of this section requests a hearing in~~
23 ~~connection with the report, the court after review shall not~~
24 ~~approve the report without:~~

25 ~~(1) notice to the individual subject to~~

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conservatorship, a person entitled to notice under Section
45-5-405 NMSA 1978 or under a subsequent order and any other
person the court determines; and

(2) a hearing.

E. An order, after timely notice and hearing,
approving an interim report of a conservator filed under this
section adjudicates liabilities concerning a matter adequately
disclosed in the report as to a person given timely notice of
the report or accounting and the hearing.

F. An order, after timely notice and hearing,
approving a final report filed under this section discharges
the conservator from all liabilities, claims and causes of
action by a person given notice of the report and the hearing
as to a matter adequately disclosed in the report.

G. No person shall request, procure or receive a
release or waiver of liability, however denominated, of a
conservator or an agent or affiliate of a conservator:

(1) concerning any matter not adequately
disclosed in a report or accounting filed pursuant to
Subsection E or F of this section; or

(2) from a person who was not given, in a
timely manner, a copy of the report or accounting and a notice
of the hearing pursuant to Subsection E or F of this section.

H. A release or waiver of liability that is
requested, procured or received contrary to the provisions of

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~~Subsection G of this section is void."~~

SECTION 12. Section 45-5-409 NMSA 1978 (being Laws 1989, Chapter 252, Section 22, as amended) is amended to read:

"45-5-409. ANNUAL REPORT AND ACCOUNT--AUDITS.--

A. Every conservator shall file an annual report and account with the appointing court within thirty days of the anniversary date of the conservator's appointment, upon the conservator's resignation or removal or upon termination of the conservatorship. A copy of the annual report and account shall also be mailed to the district judge who appointed the conservator or [his] the conservator's successor, to the incapacitated person and to [his] the incapacitated person's guardian, if any. The report shall include information concerning the progress and condition of the person under conservatorship, a report on the manner in which the conservator carried out [his] the conservator's powers and fulfilled [his] the conservator's duties and the conservator's opinion regarding the continued need for conservatorship. The report may be substantially in the following form:

"IN THE DISTRICT COURT

_____ COUNTY, STATE OF NEW MEXICO

In the matter of the _____) No. _____

Conservatorship of _____)

_____)

(Enter Name of Person Under Conservatorship)

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CONSERVATOR'S REPORT AND ACCOUNT

Pursuant to Section ~~[45-5-407]~~ 45-5-409 NMSA 1978, the undersigned duly appointed, qualified and acting conservator of the above-mentioned protected person reports to the court as follows:

1. My name is: _____
2. My address and telephone number are: _____
3. The name, if applicable, and address of the place where the person under conservatorship now resides are: _____
4. The name of the person primarily responsible for the care of the person under conservatorship at such person's place of residence is: _____
5. The name and address of any hospital or other institution where the person under conservatorship is now admitted on a temporary basis are: _____
6. A brief description of the physical condition of the person under conservatorship is: _____
7. A brief description of the mental condition of the person under conservatorship is: _____
8. A description of contracts entered into on behalf of the person under conservatorship during the past year: _____
9. Describe all financial decisions made during the past year, including all receipts and disbursements, any sale, lease or mortgage of estate assets and any investment made on behalf

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1 of the person under conservatorship (NOTE: If the person under
2 conservatorship is sharing expenses with others in a household
3 and paying into joint household expenses, please identify the
4 percentage of the expenses paid for by the person under
5 conservatorship and how you determined that this percentage is
6 appropriate.): _____

7 10. The reasons, if any, why the conservatorship should
8 continue are: _____

9 Signature of Conservator: _____

10 Date: _____".

11 B. Any conservator may rely on a qualified health
12 care professional's current written report to provide
13 descriptions of the physical and mental conditions required in
14 items 6, 7 and 10 of the annual report and account as specified
15 in Subsection A of this section.

16 C. The court shall not waive the requirement of an
17 annual report and account under any circumstance, but may grant
18 an extension of time. The court may require the filing of more
19 than one report and account annually.

20 D. The conservator may be fined five dollars
21 (\$5.00) per day for an overdue annual report and account. The
22 fine shall be used to fund the costs of visitors, counsel and
23 functional assessments utilized in conservatorship and
24 guardianship proceedings pursuant to the Uniform Probate Code.

25 E. In connection with ~~[any]~~ an account, the court

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1 may require a conservator to submit to a physical check of the
 2 property in ~~[his]~~ the conservator's control, to be made in any
 3 manner the court may order.

4 F. In any case in which property consists in whole
 5 or in part of benefits paid by the United States department of
 6 veterans ~~[administration]~~ affairs to the conservator or ~~[his]~~
 7 the conservator's predecessor for the benefit of the protected
 8 person, the ~~[veterans administration]~~ department office that
 9 has jurisdiction over the area is entitled to a copy of any
 10 report and account filed under Chapter 45, Article 5 NMSA 1978.

11 G. A conservator shall fully comply with the
 12 requirements of any audit of an account, inventory, report or
 13 property of a protected person."

14 SECTION 13. A new section of Part 4 of Article 5 of the
 15 Uniform Probate Code, Section 45-5-409.1 NMSA 1978, is enacted
 16 to read:

17 "45-5-409.1. ~~[NEW MATERIAL]~~ WAIVER OF LIABILITY.--

18 A. No person shall request, procure or receive a
 19 release or waiver of liability, however denominated, of a
 20 conservator, an agent, an affiliate or a designee of a
 21 conservator or any other third party acting on behalf of a
 22 conservator.

23 B. A release or waiver of liability that is
 24 requested, procured or received contrary to the provisions of
 25 Subsection A of this section is void."

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**FIFTY-THIRD LEGISLATURE
SECOND SESSION, 2018**

February 14, 2018

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred

**SENATE JUDICIARY COMMITTEE SUBSTITUTE
FOR SENATE BILL 19**

has had it under consideration and reports same with
recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 11, after the semicolon, strike the remainder of the line, strike line 12 in its entirety, strike line 13 through the semicolon and insert in lieu thereof "AMENDING ARTICLE 5 OF THE UNIFORM PROBATE CODE ADDRESSING SEPARATE ACCOUNTS AND RECORDS, LIABILITY OF A GUARDIAN OR CONSERVATOR, VOTING RIGHTS OF A PROTECTED PERSON, NOTICE, CONFIDENTIALITY, VISITATION, ALTERNATE PROTECTIVE ARRANGEMENTS, WAIVERS OF LIABILITY AND BONDING;".

2. On page 1, line 13, strike ", REPEALING".

3. On pages 1 through 5, strike Section 1 in its entirety.

4. On page 6, line 13, through page 7, line 9, strike Subsections C through E in their entirety and insert in lieu thereof the following new subsection:

"C. The guardian or conservator shall maintain those books and records that are in the possession, custody or control of the guardian or conservator and that concern the funds, investments or other property held by the guardian or conservator as a fiduciary for an individual for seven years, or for such other period as may be provided by the court."".

5. On page 10, lines 13 through 17, strike Subparagraph (a) in its entirety and insert in lieu thereof the following new subparagraph:

"(a) spouse, or, if the alleged incapacitated person has none, an adult with whom the alleged incapacitated person is in a long-term relationship of indefinite duration in which the individual has demonstrated an actual commitment to the alleged incapacitated person similar to the commitment of a spouse and in which the individual and the alleged incapacitated person consider themselves to be responsible for each other's well-being;".

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6. On page 14, lines 3 through 5, remove the brackets and line-through.

7. On page 18, line 11, after "interest", insert ", as determined by the court,".

8. On page 18, strike lines 16 through 19 in their entirety and insert in lieu thereof the following new subsection:

"N. The issue of whether a guardian shall be appointed for the alleged incapacitated person shall be determined by the court at an open hearing unless, for good cause, the court determines otherwise.".

9. On page 21, line 19, strike "adult".

10. On page 22, line 16, strike "an" and insert in lieu thereof "any".

11. On page 23, lines 4, 8, 9, 14, 18, 21 and 23, strike each occurrence of "incapacitated" and insert in lieu thereof "protected".

12. On page 23, line 17, strike "an incapacitated" and insert in lieu thereof "a protected".

13. On page 24, lines 4, 5, 6, 9, 10, 12, 15, 17, 20 and 23, strike each occurrence of "incapacitated" and insert in lieu thereof "protected".

14. On page 25, lines 1, 2 and 4, strike each occurrence of "incapacitated" and insert in lieu thereof "protected".

15. On page 26, lines 16, 17, 22, 24 and 25, strike each occurrence of "incapacitated" and insert in lieu thereof "protected".

16. On page 26, line 20, strike "an incapacitated" and insert in lieu thereof "a protected".

17. On page 27, line 1, strike "incapacitated" and insert in lieu thereof "protected".

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18. On page 28, between lines 14 and 15, insert:

"SECTION 7. Section 45-5-314 NMSA 1978 (being Laws 1989, Chapter 252, Section 14, as amended) is amended to read:

"45-5-314. ANNUAL REPORT--AUDITS.--

A. The guardian of an incapacitated person shall file an initial report with the appointing court within ninety days of the guardian's appointment. Thereafter, the guardian shall file an annual report within thirty days of the anniversary date of the guardian's appointment. A copy of the report shall also be submitted to the district judge who appointed the guardian or the judge's successor, to the incapacitated person and to the incapacitated person's conservator, if any. The court shall review this report. The report shall include information concerning the progress and condition of the incapacitated person, including [~~but not limited to~~] the incapacitated person's health, medical and dental care, residence, education, employment and habitation; a report on the manner in which the guardian carried out the guardian's powers and fulfilled the guardian's duties; and the guardian's opinion regarding the continued need for guardianship. If the guardian has been provided power pursuant to Paragraph (4) of Subsection B of Section 45-5-312 NMSA 1978, the report shall contain information on financial decisions made by the guardian. The report [~~shall~~] may be substantially in the following form:

"STATE OF NEW MEXICO
COUNTY OF _____
JUDICIAL DISTRICT COURT
IN THE MATTER OF THE GUARDIANSHIP OF

CAUSE NO. _____
an incapacitated adult

GUARDIAN'S 90-DAY _____ ANNUAL _____ FINAL _____ (check one)
REPORT ON THE CONDITION AND WELL-BEING OF AN ADULT PROTECTED PERSON
Date of Appointment: _____

*Pursuant to Section 45-5-314 NMSA 1978, the undersigned duly
appointed, qualified and acting guardian of the above-
mentioned protected person reports to the court as follows*

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(attach additional sheets, if necessary):

1. **PROTECTED PERSON:** Name _____
Residential Address _____
Facility Name _____
City, State, Zip Code _____
Telephone _____ Date of Birth _____

Name of person primarily responsible at protected person's
place of residence: _____.

2. **GUARDIAN:** Name _____
Business Name (if any) _____
Address _____
City, State, Zip Code _____
Telephone _____ Alternate Telephone # _____
Relation to Protected Person _____

3. **FINAL REPORTS ONLY** (otherwise, go to #4)

I am filing a Final Report because of: ____ My resignation
____ Death of the Protected Person ____ Court Order
____ Other (please explain): _____

A. If because of **resignation**, Name of successor, if
appointed: _____

Address _____
City, State, Zip Code _____

B. If because of **Protected Person's death**: (attach
copy of death certificate, if available)

Date and place of death: _____
Name of personal representative if appointed: _____
Address _____
City, State, Zip Code _____

4. During the past year or 90 days (if initial report), I
have visited the Protected Person _____ times. The date of
my last personal visit was _____.

5. (A) Describe the residence of the Protected Person:
____ Hospital/medical facility ____ Protected Person's
home
____ Guardian's home ____ Relative's home (explain

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_____ below)
_____ Nursing home _____ Boarding/Foster/Group Home
_____ Other:

(B) During the past year or 90 days (if first report),
has the Protected Person changed his/her residence? _____
Do you anticipate a change of residence for the protected
person in the next year? _____

6. The name and address of any hospital or other institution
(if any) where the Protected Person is now admitted:

_____.

7. The Protected Person is under a physician's regular care.
_____ Yes _____ No

Identify the health care providers.

Physician: _____

Dentist (if any): _____

Mental Health Professional (i.e., psychiatrist, counselor): _____

Other: _____

8. (A) During the past year or 90 days (if initial report),
the Protected Person's physical health:

Remained the same _____

Primary diagnosis: _____

_____ improved _____ deteriorated

(explain) _____

(B) During the past year or 90 days (if initial report),
the Protected Person's mental health: Remained the same _____
Major diagnosis, if any: _____

Improved _____ deteriorated (explain) _____

If physical or mental health has deteriorated, please explain:

9. Describe any significant hospitalizations or mental or
medical events during the past year or 90 days (if initial report):

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10. List the Protected Person's activities and changes, if any, over the past year or 90 days (if initial report):

Recreational Activities: _____
Educational Activities: _____
Social Activities: _____
List Active Friends and/or Relatives: _____
Occupational activities: _____
Other: _____

11. Describe briefly any contracts entered into and major decisions made on behalf of the Protected Person during the past year or 90 days (if initial report): _____

12. The Protected Person has made the following statements regarding his/her living arrangements and the guardianship over him/her: _____

13. I believe the Protected Person has unmet needs.
_____ Yes (explain) _____ No

If yes, indicate efforts made to meet these needs: _____

14. The Protected Person continues to require the assistance of a guardian: _____ Yes _____ No
Explain why or why not: _____.

15. The authority given to me by the Court should:
_____ remain the same _____ be decreased _____ be increased
Why: _____

16. Additional information concerning the Protected Person or myself (the guardian) that I wish to share with the Court:

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17. If the court has granted you the authority to make financial decisions on behalf of the Protected Person, then please describe the decisions you have made for the protected person:

Signature of Guardian: _____ Date: _____
Printed Name: _____."

~~[A.]~~ B. Any guardian may rely on a qualified health care professional's current written report to provide descriptions of the physical and mental conditions required in items 7, 8, 9, 14 and 15 of the annual report as specified in Subsection A of this section.

~~[B.]~~ C. The guardian may be fined five dollars (\$5.00) per day for an overdue annual report. The fine shall be used to fund the costs of visitors, counsel and functional assessments utilized in conservatorship and guardianship proceedings pursuant to the Uniform Probate Code.

~~[C.]~~ D. The court shall not waive the requirement of an annual report under any circumstance but may grant an extension of time not to exceed sixty days. The court may require the filing of more than one report annually.

E. A guardian of a protected person shall fully comply with the requirements of any audit of an account, inventory, report or property of a protected person."

19. On page 31, lines 9 through 13, strike Subparagraph (a) in its entirety and insert in lieu thereof the following new subparagraph:

"(a) spouse, or, if the alleged incapacitated person has none, an adult with whom the alleged incapacitated person is in a long-term relationship of indefinite duration in which the individual has demonstrated an actual commitment to the alleged incapacitated person similar to the commitment of a spouse and in which the individual and the alleged incapacitated person consider themselves to be responsible for each other's well-being;"

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20. On page 38, between lines 16 and 17, insert the following new section:

"SECTION 10. Section 45-5-405.1 NMSA 1978 (being Laws 1993, Chapter 301, Section 26) is amended to read:

"45-5-405.1. PROTECTIVE ARRANGEMENTS AND SINGLE TRANSACTIONS AUTHORIZED.--

A. If after notice in accordance with Section 45-5-405 NMSA 1978 to all interested persons, as defined in Section 45-1-201 NMSA 1978, and after hearing, it is established that a basis exists as described in Section 45-5-401 NMSA 1978 for affecting the estate and financial affairs of a person, the court, without appointing a conservator, may ~~[authorize, direct or ratify any transaction necessary or desirable to achieve any security, service or care arrangement meeting the foreseeable needs of the person. The court shall appoint a guardian ad litem to represent the interests of the person at the hearing. Protective arrangements and single transactions include:~~

~~(1) payment, delivery, deposit or retention of funds or property;~~

~~(2) sale, mortgage, lease or other transfer of property;~~

~~(3) entry into an annuity contract, a contract for life care, a deposit contract and a contract for training and education; and~~

~~(4) addition to or establishment of a trust.~~

~~B. When it has been established in a proceeding authorized by this section that a basis exists as described in Section 45-5-401 NMSA 1978 for affecting the estate and financial affairs of a person, the court, without appointing a conservator, may authorize, direct or ratify any contract, trust or other single transaction relating to the protected person's estate and financial affairs if the court finds that the transaction is in the best interests of the protected person.~~

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~~G. Before approving a transaction under this section, the court shall consider the interests of creditors and dependents of the protected person and, in view of the disability, whether the protected person needs the continuing protection of a conservator. The court may appoint one or more persons to assist in the accomplishment of any protective arrangement or other transaction authorized under this section. That person shall have the authority conferred by order of the court, shall serve until discharged by order of the court and shall report to the court of all matters done pursuant to the court's order]~~ issue an order pursuant to Subsection B of this section for a protective arrangement instead of conservatorship for the person. Unless the person already has an attorney of the person's own choice, the court shall appoint an attorney to represent the person at the hearing. The court-appointed attorney shall have the duties of a guardian ad litem, as set forth in Section 45-5-404.1 NMSA 1978.

B. The court, instead of appointing a conservator, may:

(1) authorize a person or direct a person to execute a transaction necessary to protect the financial interest or property of the protected person, including:

(a) an action to establish eligibility for benefits;

(b) payment, delivery, deposit or retention of funds or property;

(c) sale, mortgage, lease or other transfer of property, including water rights and oil, gas and other mineral interests;

(d) purchase of an annuity;

(e) entry into a contractual relationship, including a contract to provide for personal care, supportive services, education, training or employment;

(f) addition to or establishment of a trust;

(g) ratification or invalidation of a

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contract, trust or other transaction, including a transaction related to the property or business affairs of the protected person; or

(h) settlement of a claim; or

(2) restrict access to the protected person's property by a specified person whose access to the property places the protected person at serious risk of financial harm.

C. After the notice and hearing pursuant to Subsection A of this section, the court may issue an order to restrict access to the protected person or the protected person's property by a specified person that the court finds by clear and convincing evidence:

(1) through fraud, coercion, duress or the use of deception and control caused or attempted to cause an action that would have resulted in financial harm to the protected person or the protected person's property; and

(2) poses a serious risk of substantial financial harm to the protected person or the protected person's property.

D. Before issuing an order pursuant to Subsection B or C of this section, the court shall consider the factors described in Section 45-5-417 NMSA 1978 that a conservator shall consider when making a decision on behalf of an individual subject to conservatorship.

E. Before issuing an order pursuant to Subsection B or C of this section for a protected person who is a minor, the court also shall consider the best interest of the minor, the preference of the parents of the minor and the preference of the minor, if the minor is twelve years of age or older.

F. Before issuing an order pursuant to Subsection B or C of this section for a protected person who is an adult, the court shall also consider the adult's prior or current directions, preferences, opinions, values and actions, to the extent actually known or reasonably ascertainable."".

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21. On page 39, lines 10 through 12, remove the brackets and line-through.

22. On page 45, line 18, after "interest", insert ", as determined by the court,".

23. On page 45, strike lines 23 through 25 in their entirety and insert in lieu thereof the following new subsection:

"Q. The issue of whether a conservator shall be appointed for the alleged incapacitated person shall be determined by the court at an open hearing unless, for good cause, the court determines otherwise.".

24. On pages 46 through 49, strike Section 11 in its entirety and insert in lieu thereof:

"SECTION 12. Section 45-5-409 NMSA 1978 (being Laws 1989, Chapter 252, Section 22, as amended) is amended to read:

"45-5-409. ANNUAL REPORT AND ACCOUNT--AUDITS.--

A. Every conservator shall file an annual report and account with the appointing court within thirty days of the anniversary date of the conservator's appointment, upon the conservator's resignation or removal or upon termination of the conservatorship. A copy of the annual report and account shall also be mailed to the district judge who appointed the conservator or ~~[his]~~ the conservator's successor, to the incapacitated person and to ~~[his]~~ the incapacitated person's guardian, if any. The report shall include information concerning the progress and condition of the person under conservatorship, a report on the manner in which the conservator carried out ~~[his]~~ the conservator's powers and fulfilled ~~[his]~~ the conservator's duties and the conservator's opinion regarding the continued need for conservatorship. The report may be substantially in the following form:

"IN THE DISTRICT COURT
COUNTY, STATE OF NEW MEXICO

In the matter of the _____)	No. _____	
Conservatorship of _____)		
_____)		

**FIFTY-THIRD LEGISLATURE
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(Enter Name of Person Under Conservatorship)

CONSERVATOR'S REPORT AND ACCOUNT

Pursuant to Section [~~45-5-407~~] 45-5-409 NMSA 1978, the undersigned duly appointed, qualified and acting conservator of the above-mentioned protected person reports to the court as follows:

1. My name is: _____
2. My address and telephone number are: _____
3. The name, if applicable, and address of the place where the person under conservatorship now resides are:

4. The name of the person primarily responsible for the care of the person under conservatorship at such person's place of residence is: _____
5. The name and address of any hospital or other institution where the person under conservatorship is now admitted on a temporary basis are: _____
6. A brief description of the physical condition of the person under conservatorship is: _____
7. A brief description of the mental condition of the person under conservatorship is: _____
8. A description of contracts entered into on behalf of the person under conservatorship during the past year: _____
9. Describe all financial decisions made during the past year, including all receipts and disbursements, any sale, lease or mortgage of estate assets and any investment made on behalf of the person under conservatorship (NOTE: If the person under conservatorship is sharing expenses with others in a household and paying into joint household expenses, please identify the percentage of the expenses paid for by the person under conservatorship and how you determined that this percentage is appropriate.):

**FIFTY-THIRD LEGISLATURE
SECOND SESSION, 2018**

SJC/SB 19

Page 13

10. The reasons, if any, why the conservatorship should continue are: _____

Signature of Conservator: _____
Date: _____".

B. Any conservator may rely on a qualified health care professional's current written report to provide descriptions of the physical and mental conditions required in items 6, 7 and 10 of the annual report and account as specified in Subsection A of this section.

C. The court shall not waive the requirement of an annual report and account under any circumstance, but may grant an extension of time. The court may require the filing of more than one report and account annually.

D. The conservator may be fined five dollars (\$5.00) per day for an overdue annual report and account. The fine shall be used to fund the costs of visitors, counsel and functional assessments utilized in conservatorship and guardianship proceedings pursuant to the Uniform Probate Code.

E. In connection with ~~[any]~~ an account, the court may require a conservator to submit to a physical check of the property in ~~[his]~~ the conservator's control, to be made in any manner the court may order.

F. In any case in which property consists in whole or in part of benefits paid by the United States department of veterans [administration] affairs to the conservator or ~~[his]~~ the conservator's predecessor for the benefit of the protected person, the ~~[veterans administration]~~ department office that has jurisdiction over the area is entitled to a copy of any report and account filed under Chapter 45, Article 5 NMSA 1978.

G. A conservator shall fully comply with the requirements of any audit of an account, inventory, report or property of a protected person."

SECTION 13. A new section of Part 4 of Article 5 of the Uniform Probate Code, Section 45-5-409.1 NMSA 1978, is enacted to

**FIFTY-THIRD LEGISLATURE
SECOND SESSION, 2018**

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Page 14

read:

"45-5-409.1. [NEW MATERIAL] WAIVER OF LIABILITY.--

A. No person shall request, procure or receive a release or waiver of liability, however denominated, of a conservator, an agent, an affiliate or a designee of a conservator or any other third party acting on behalf of a conservator.

B. A release or waiver of liability that is requested, procured or received contrary to the provisions of Subsection A of this section is void."".

25. Renumber sections to correspond with these amendments.,

and thence referred to the **APPROPRIATIONS & FINANCE
COMMITTEE.**

Respectfully submitted,

Gail Chasey, Chair

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 13 For 0 Against

Yes: 13

No: 0

Excused: None

Absent: None

.210639.6

Z:\CommRep\SB0019JC1.wpd

Part H
Memorials

HOUSE MEMORIAL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

A MEMORIAL

DECLARING JANUARY 25, 2019 "SANTA FE COUNTY DAY" IN THE HOUSE
OF REPRESENTATIVES.

WHEREAS, in 1852, Santa Fe county was established as one
of the first counties in the United States territory of New
Mexico; and

WHEREAS, Santa Fe county has within its boundaries the
local government jurisdictions of the city of Espanola, the
city of Santa Fe and the town of Edgewood; and

WHEREAS, Santa Fe county has within its boundaries the
tribal government jurisdictions of the Pueblo of Santa Clara,
the Pueblo of San Ildefonso, the Pueblo of Nambe, the Pueblo
of Pojoaque, the Pueblo of Tesuque, the Pueblo of Cochiti and
the Pueblo of Santo Domingo; and

WHEREAS, Santa Fe county also encompasses many long-

.209470.1

Simple Memorial

1 inhabited traditional communities extending from the north to
2 the south of the county; and

3 WHEREAS, the Santa Fe county government and its elected
4 officials work to be inclusive of all persons and authorities
5 in the county to utilize resources to best provide services
6 for everyone; and

7 WHEREAS, Santa Fe county honors and promotes the strong
8 traditions and multicultural history of New Mexico;

9 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
10 REPRESENTATIVES OF THE STATE OF NEW MEXICO that Santa Fe
11 county residents, past and present, be recognized for their
12 contributions in creating an inclusive environment honoring
13 the county's diverse cultures and traditions; and

14 BE IT FURTHER RESOLVED that January 25, 2019 be declared
15 "Santa Fe County Day" in the house of representatives; and

16 BE IT FURTHER RESOLVED that copies of this memorial be
17 transmitted to the Santa Fe county board of county
18 commissioners, the mayor of the city of Espanola, the mayor of
19 the city of Santa Fe, the mayor of the town of Edgewood and
20 the governors of the Pueblo of Santa Clara, the Pueblo of San
21 Ildefonso, the Pueblo of Nambe, the Pueblo of Pojoaque, the
22 Pueblo of Tesuque, the Pueblo of Cochiti and the Pueblo of
23 Santo Domingo.

24 - 2 -

25 .209470.1

underscored material = new
[bracketed material] = delete

HOUSE JOINT MEMORIAL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

A JOINT MEMORIAL

HONORING THE MEMORY OF ROBERT "BOBBY" UNRUH, A TOW TRUCK
DRIVER WHO LOST HIS LIFE WHILE TRYING TO SAVE ANOTHER;
RECOGNIZING THE IMPORTANCE OF NEW MEXICO'S EXPANDED "MOVE
OVER" LAW FOR PROTECTING TOWING AND ROADSIDE REPAIR WORKERS.

WHEREAS, Robert "Bobby" Unruh is an example of a person
whose death exemplifies the concern and selflessness that
guided him in his life; and

WHEREAS, Robert, a veteran tow truck driver employed by
All-Rite towing and repair in Tucumcari, died on February 19,
2017 at age thirty-seven; and

WHEREAS, on that day, Robert was dispatched with his
service truck to clean up an oil spill on the freeway; and

WHEREAS, another of the company's employees, who had
already arrived at the site of the spill, was setting up

.209089.3

underscored material = new
[bracketed material] = delete

Joint Memorial

1 equipment on the side of his pulled-over service truck facing
2 traffic; and

3 WHEREAS, once on the scene, Robert began directing
4 oncoming traffic away from his co-worker and a trainee Robert
5 had brought with him; and

6 WHEREAS, most of the passing vehicles were heeding
7 Robert's signals and moving over to the far lane, except for
8 one passing truck; and

9 WHEREAS, recognizing the hazard, Robert cried out a
10 warning, bolted toward his co-worker and shoved him to safety
11 in the service truck's tool box compartment; and

12 WHEREAS, the passing truck then clipped Robert at the
13 hips and thrust him into the air; and

14 WHEREAS, Robert died soon thereafter, leaving behind his
15 fourteen-year-old daughter, Destiny, ten-year-old son, Robert,
16 nine-year-old son, Leland, and mother, Linda Unruh, who is now
17 raising the children; and

18 WHEREAS, in the face of her grief, Linda began promoting
19 the expansion of New Mexico's "move over" law, a measure that
20 had been proposed in the then-occurring 2017 regular session
21 of the legislature; and

22 WHEREAS, the measure, Senate Bill 76, provided that the
23 heightened level of caution that drivers must exercise when
24 passing public safety vehicles stopped on roadsides and
25 displaying flashing lights extend also to recovery or repair

.209089.3

Joint Memorial

vehicles under those circumstances; and

WHEREAS, Linda's efforts helped lead to the enactment of Senate Bill 76; and

WHEREAS, many now call the expanded "move over" law, brought about by Senate Bill 76, "Bobby's Law" after Robert "Bobby" Unruh;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the memory of Robert "Bobby" Unruh, a New Mexican who lost his life while saving that of another, be honored and that condolences be extended to his family and friends; and

BE IT FURTHER RESOLVED that the expanded "move over" law be recognized as important for public safety and for its potential to save the lives of towing and roadside repair workers like Robert; and

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted to the family of Robert "Bobby" Unruh.

- 3 -

.209089.3

Part I
Resolutions

HOUSE RESOLUTION
54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019
INTRODUCED BY

A RESOLUTION

CREATING A HOUSE COMMITTEE TO INVESTIGATE AND REPORT ON
CONDITIONS, OPERATIONS AND POLICIES OF THE HUMAN SERVICES
DEPARTMENT.

WHEREAS, the house of representatives is desirous of
information on the conditions, operations and policies of the
human services department; and

WHEREAS, it is considered that this matter should receive
the immediate attention of the house of representatives;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
REPRESENTATIVES OF THE STATE OF NEW MEXICO that a five-member
committee be immediately appointed by the speaker of the house
to investigate conditions, operations and policies of the human
services department and report to the house of representatives by
the twenty-fifth legislative day.

.776655.1

Simple Resolution — Enact House Rule

12/10/18

HOUSE RESOLUTION

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

A RESOLUTION

AMENDING THE RULES OF THE HOUSE TO PROVIDE FOR FLOOR AMENDMENTS
AND SUBSTITUTIONS TO BE MADE AVAILABLE TO THE PUBLIC AT THE
TIME OF THEIR INTRODUCTION.

WHEREAS, House Rule 24-1 provides that the rules of the
house may be amended by a two-thirds' vote of the members of
the house or by a majority vote of the members of the house
upon recommendation of the house rules and order of business
committee;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
REPRESENTATIVES OF THE STATE OF NEW MEXICO that a new House
Rule 11-23-2 be adopted to read:

"11-23-2 Each floor amendment and floor substitute shall be
made available on the legislature's website at the
time of its introduction.".

.205549.1

underscored material = new
[bracketed material] = delete

Simple Resolution — Amend Senate Rule

SENATE RESOLUTION

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

A RESOLUTION

AMENDING THE SENATE RULES REGARDING THE PRESERVATION OF THE
DECORUM OF THE SENATE.

WHEREAS, Senate Rule 24-1 provides that the rules of the
senate may be amended by a two-thirds' vote of all the members
of the senate or by a majority vote of the members of the senate
upon the recommendation of the senate rules committee;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
OF NEW MEXICO that Senate Rule 7-12 be amended to read:

"7-12 While the senate is in session, a senator shall not
speak to another senator in a disruptive manner,
otherwise interrupt the business of the senate,
detract from the decorum of the senate, communicate
with a person outside the chamber concerning the
substance of the question before the body while

.204144.1

Simple Resolution — Amend Senate Rule

1 debating the question without disclosing that fact
2 or read any newspaper. [~~while the journals or~~
3 ~~public papers are being read. No~~] A senator shall
4 not walk out of the chamber or across the chamber
5 when the president is putting a question. [~~No~~] A
6 senator shall not walk between a senator who is
7 speaking and the chair."; and

8 BE IT FURTHER RESOLVED that Senate Rule 9-5-6 be amended
9 to read:

10 "9-5-6 Committee meetings shall be governed by the
11 following:

12 (a) All meetings of a quorum of members of
13 any committee or policymaking body of the senate
14 held for the purpose of discussing public business
15 or for the purpose of taking any action within the
16 authority of or the delegated authority of such
17 committee are declared to be public meetings open
18 to the public at all times except for initial
19 probable cause deliberations and hearings relating
20 to allegations of unethical conduct brought before
21 the senate ethics committee, unless it is requested
22 by the senator against whom the allegation is made.

23 (b) The provisions of Subsection (a) of this
24 rule shall not apply to matters relating to
25 personnel, or matters adjudicatory in nature, or to

.204144.1

Simple Resolution — Amend Senate Rule

any bill, resolution or other legislative matter not yet presented to either house of the legislature.

(c) Meetings of a committee on general appropriations bills may be closed by a majority vote of the committee.

(d) For the purposes of Rule 9-5-6, "meeting" means a gathering of the members called by the presiding officer of a standing committee.

(e) A person presenting information to a committee or a senator debating the question before the committee shall not communicate with another person outside the meeting concerning the substance of the question before the body without disclosing that fact."

- 3 -

underscored material = new
[bracketed material] = delete

.204144.1

Simple Resolution — Amend Standing Committees

HOUSE RESOLUTION

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

A RESOLUTION

AMENDING THE HOUSE RULES PERTAINING TO THE STANDING COMMITTEES.

WHEREAS, House Rule 24-1 provides that the rules of the house may be amended by a two-thirds' vote of the members of the house or by a majority vote of the members of the house upon the recommendation of the house rules and order of business committee;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the following house rules be amended to read:

"9-2 The following shall be the standing committees of the house:

(Substantive)

(a) agriculture [~~water and wildlife~~] and water resources;

.205822.1

underscored material = new
[bracketed material] = delete

Simple Resolution — Amend Standing Committees

- (b) appropriations and finance;
- (c) business and ~~[employment]~~ industry;
- (d) ~~[education]~~ consumer and public affairs;
- (e) ~~[energy, environment and natural resources]~~ education;
- (f) ~~[government, elections and Indian affairs]~~ energy, environment and natural resources;
- (g) health and human services;
- (h) judiciary;
- (i) ~~[regulatory and public affairs]~~ labor and economic development;
- (j) ~~[safety and civil affairs]~~ local government, elections, land grants and cultural affairs;
- (k) ~~[transportation and public works]~~ state government, Indian and veterans affairs;
- (l) ~~[ways and means]~~ taxation and revenue;
- (m) transportation, public works and capital improvements;

(Procedural)

- ~~[(m)]~~ (n) enrolling and engrossing;
- ~~[(n)]~~ (o) printing and supplies; and
- ~~[(o)]~~ (p) rules and order of business."; and

"11-27 One capital outlay expenditures bill will be
introduced and one general obligation bond bill may

.205822.1

underscored material = new
[bracketed material] = delete

Simple Resolution — Amend Standing Committees

1 be introduced in the house. The bills will be
2 referred to the house [~~ways and means~~] taxation and
3 revenue committee. Except as provided in this rule,
4 any other request by a house member to appropriate
5 money for capital outlay projects shall be submitted
6 as a capital outlay request prepared by the
7 legislative council service. Signed and numbered
8 capital outlay requests shall be read into the
9 journal and referred to the house [~~ways and means~~]
10 taxation and revenue committee for consideration for
11 inclusion in a capital outlay expenditures bill or a
12 general obligation bond bill. A capital outlay
13 request may be made by bill if there is broad
14 legislative interest in both houses in the matter or
15 if referral to several committees is desirable. All
16 such bills must be referred to the rules and order
17 of business committee for a determination that the
18 bill meets such criteria. Capital outlay requests
19 will be treated as amendments, but shall be subject
20 to the limitations for the introduction of bills in
21 Section 2-6-1 NMSA 1978 and Joint Rule 10-1."

22 - 3 -
23
24
25

.205822.1

Joint Resolution — Amend the Constitution

SENATE JOINT RESOLUTION

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 8, SECTION 10 OF THE CONSTITUTION OF
NEW MEXICO BY REQUIRING AN ADDITIONAL DISTRIBUTION FROM THE
SEVERANCE TAX PERMANENT FUND FOR EARLY CHILDHOOD EDUCATION AND
CARE PROGRAMS AS PROVIDED BY LAW.

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

SECTION 1. It is proposed to amend Article 8, Section 10
of the constitution of New Mexico to read:

"A. There shall be deposited in a permanent trust
fund known as the "severance tax permanent fund" that part of
state revenue derived from excise taxes that have been or shall
be designated severance taxes imposed upon the severance of
natural resources within this state, in excess of that amount
that has been or shall be reserved by statute for the payment
of principal and interest on outstanding bonds to which

.209142.1

Joint Resolution — Amend the Constitution

1 severance tax revenue has been or shall be pledged. Money in
2 the severance tax permanent fund shall be invested as provided
3 by law. Distributions from the fund shall be appropriated by
4 the legislature as other general operating revenue is
5 appropriated for the benefit of the people of the state.

6 B. All additions to the fund and all earnings,
7 including interest, dividends and capital gains from investment
8 of the fund shall be credited to the corpus of the fund.

9 C. The annual distributions from the fund shall be
10 one hundred two percent of the amount distributed in the
11 immediately preceding fiscal year until the annual
12 distributions equal four and seven-tenths percent of the
13 average of the year-end market values of the fund for the
14 immediately preceding five calendar years. Thereafter, the
15 amount of the annual distributions shall be four and seven-
16 tenths percent of the average of the year-end market values of
17 the fund for the immediately preceding five calendar years.

18 D. In addition to the distribution in Subsection C
19 of this section, an additional distribution of eight-tenths
20 percent of the average of the year-end market values of the
21 fund for the immediately preceding five calendar years shall be
22 made to the general fund dedicated to early childhood education
23 and care programs as provided by law.

24 [~~D.~~] E. The frequency and the time of the
25 distributions made pursuant to Subsection C of this section

.209142.1

Joint Resolution — Amend the Constitution

shall be as provided by law."

SECTION 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

- 3 -

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Joint Resolution — Repeal Part of the Constution

SENATE JOINT RESOLUTION

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

A JOINT RESOLUTION

PROPOSING TO REPEAL ARTICLE 10, SECTION 11 OF THE CONSTITUTION OF
NEW MEXICO, WHICH PROVIDES PROCEDURES TO MERGE THE GOVERNMENTS OF
BERNALILLO COUNTY AND ALBUQUERQUE INTO A SINGLE URBAN GOVERNMENT.

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

SECTION 1. It is proposed to amend Article 10 of the
constitution of New Mexico by repealing Section 11.

SECTION 2. The amendment proposed by this resolution shall
be submitted to the people for their approval or rejection at the
next general election or at any special election prior to that
date that may be called for that purpose.

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HOUSE JOINT RESOLUTION

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 12 OF THE CONSTITUTION OF NEW
MEXICO TO CREATE A PERMANENT EDUCATION EMERGENCY RESERVE FUND
AND TO CONDITIONALLY ALLOW FOR APPROPRIATIONS FROM THAT FUND
TO THE BENEFICIARIES OF THE PERMANENT SCHOOL FUND WHEN GENERAL
FUND REVENUE LEVELS ARE FORECASTED TO DECLINE.

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

SECTION 1. It is proposed to amend Article 12 of the
constitution of New Mexico by adding a new section to read:

"On January 1, 2019, the state investment officer shall
transfer an amount equal to one-fourth percent of the 2017
year-end market value of the permanent school fund to the
"permanent education emergency reserve fund", which is hereby
created. Money in the permanent education emergency reserve
fund shall be invested in the same way as money in the fund

.210043.3

Joint Resolution — Enact a New Section of the Constitution

described in Article 12, Section 7 of this constitution is invested. All additions to the permanent education emergency reserve fund and all earnings, including interest, dividends and capital gains, from investment of the fund shall be credited to the fund. If the market value of the fund is thirty-six million dollars (\$36,000,000) or more and if, at the time of the appropriation, the forecast for general fund revenue for the current or following fiscal year shows a decline of five percent or more from its prior fiscal year level, the legislature may appropriate money from the fund to the beneficiaries of the permanent school fund in an amount less than the difference between the market value of the permanent education emergency reserve fund and thirty-six million dollars (\$36,000,000)."

SECTION 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

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.210043.3

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HOUSE JOINT RESOLUTION

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

A JOINT RESOLUTION

RATIFYING AND APPROVING THE SALE BY THE GENERAL SERVICES
DEPARTMENT OF 31 GAIL HARRIS STREET, LOCATED ON THE FORMER
WALKER AIR FORCE BASE IN ROSWELL, NEW MEXICO.

WHEREAS, Section 13-6-2 NMSA 1978 provides that a state
agency may sell or otherwise dispose of real property by
competitive sealed bid, public auction or negotiated sale to a
private person or to other entities; and

WHEREAS, Section 13-6-3 NMSA 1978 provides in pertinent
part that any sale, trade or lease of real property belonging
to a state agency for consideration of one hundred thousand
dollars (\$100,000) or more shall be subject to the
ratification and approval by the state legislature prior to
the sale, trade or lease becoming effective; and

WHEREAS, the real property and improvements at 31 Gail

.210114.1

Joint Resolution — Land Sale

1 Harris street, more particularly described below, on the former
2 Walker air force base in Roswell, New Mexico (the "property"),
3 were transferred to the state by the federal government and,
4 pursuant to a deed without warranty issued on May 2, 1980, the
5 property vests in fee simple in the state, without
6 consideration, if the property is continuously used for health
7 and welfare purposes for a period of thirty years, which
8 condition has been met; and

9 WHEREAS, the general services department holds the title
10 to the property, but no longer has a use for it and proposes to
11 sell it by competitive sealed bid, public auction or
12 negotiation, which negotiation may begin with a request for
13 proposals to purchase the property; and

14 WHEREAS, the property is described as follows:

15 BEING a tract of land lying and being situated in Section
16 33, Township 11 South, Range 24 East,
17 N.M.P.M., and being more particularly described as
18 follows:

19 BEGINNING at a point from which the NW corner
20 of Section 33 bears N 15° 23' 21" W a distance of
21 927.23 feet;
22 THENCE S 89° 42' 22" E a distance of 1076.15 feet;
23 THENCE S 0° 13' 38" W a distance of 524.94 feet;
24 THENCE S 89° 52' 22" E a distance of 61.22 feet;
25 THENCE S 0° 16' 38" W a distance of 142.74 feet;

.210114.1

Joint Resolution — Land Sale

1 THENCE N 89° 34' 22" W a distance of 1138.10 feet;
2 THENCE N 0° 04' 51" E a distance of 664.85 feet to
3 the point of beginning containing 16.06 acres, more
4 or less, together with the Buildings described in
5 Schedule "A" attached to the aforesaid Correction
6 Deed; and

7 WHEREAS, consideration for sale of the property shall be
8 one hundred thousand dollars (\$100,000) or more;

9 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
10 STATE OF NEW MEXICO that the sale of the property as described
11 above be hereby ratified and approved by the legislature; and

12 BE IT FURTHER RESOLVED that a copy of this resolution be
13 transmitted to the general services department.

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Joint Resolution — Land Trade

HOUSE JOINT RESOLUTION

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

A JOINT RESOLUTION

PROPOSING A TRADE OF REAL PROPERTY IN LINCOLN COUNTY.

WHEREAS, Section 13-6-3 NMSA 1978 requires ratification and approval of any trade for a period exceeding twenty-five years in duration of real property belonging to a state agency, which trade shall be for a consideration of one hundred thousand dollars (\$100,000) or more; and

WHEREAS, the museum of New Mexico, a state agency and owner of the Wortley hotel, proposes to trade for a period exceeding twenty-five years the Wortley hotel, situated on approximately one-half acre in Lincoln county, value appraised at one hundred twelve thousand dollars (\$112,000), legal description set forth below, as consideration for the Montano store and corral, situated on two and three-tenths acres in Lincoln county, value appraised at forty-eight thousand five .433238.1

underscored material = new
[bracketed material] = delete

1 hundred dollars (\$48,500), legal description set forth below,
2 and owned by the Lincoln county heritage trust, a New Mexico
3 nonprofit corporation; and

4 WHEREAS, the Wortley hotel is legally described as tract
5 A, plat of survey for the museum of New Mexico in the town of
6 Lincoln within the SE 1/4 of section 29, township 9 south,
7 range 16 east N.M.P.M. county of Lincoln, state of New Mexico;
8 and

9 WHEREAS, the Montano store is legally described as
10 beginning at the northwest corner of the store building
11 formerly occupied and used as a store by Jose Montano; running
12 thence in a direction west of south 390 feet to a stake on
13 section line; thence along said section line to acequia; thence
14 along said acequia 55 feet, to a stake, being the southeast
15 corner; thence westerly to the northeast corner of the building
16 formerly occupied by Jose Montano as a warehouse or corn house;
17 thence 147 feet to place of beginning; and

18 WHEREAS, the Montano corral is legally described as
19 beginning from the southwest corner of the Jose Montano corral,
20 60 feet to a stump; thence northeast 90 feet, more or less, to
21 the public street, thence southeast 60 feet to the northwest
22 corner of the Jose Montano store building; thence southwest 90
23 feet, more or less, to place of beginning;

24 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
25 STATE OF NEW MEXICO that the proposed trade of the Wortley

.433238.1

Joint Resolution — Land Trade

1 hotel as consideration for the Montano store and corral be
2 hereby ratified and approved pursuant to the provisions of
3 Section 13-6-3 NMSA 1978; and

4 BE IT FURTHER RESOLVED that a copy of this resolution be
5 transmitted to the museum of New Mexico.

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Joint Resolution — Property Transfer with Contingent Authorization

HOUSE JOINT RESOLUTION

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

A JOINT RESOLUTION

AUTHORIZING THE PARTIAL TRANSFER OF THE PROPERTY COMPRISING
THE OLD FORT BAYARD FACILITY FROM THE FACILITIES MANAGEMENT
DIVISION OF THE GENERAL SERVICES DEPARTMENT TO THE VILLAGE OF
SANTA CLARA.

WHEREAS, Fort Bayard national historic landmark, known
as "Fort Bayard", is a significant historic facility in Grant
county that was founded in 1866; and
[...]

WHEREAS, the purpose of the property is to continue as a
public facility with the preservation of its historical
significance maintained;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
STATE OF NEW MEXICO that the transfer of the property to the
village of Santa Clara be authorized by the legislature; and

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Joint Resolution — Property Transfer with Contingent Authorization

1 BE IT FURTHER RESOLVED that the authorization be
2 contingent upon agreement by the parties in the conveyance
3 document that if the village of Santa Clara ever decides that
4 the property is no longer needed by the village for any public
5 or public preservation purpose, or that the purpose has
6 changed, then the property, at the option of the state and at
7 no cost to the state, may be reconveyed by the village of Santa
8 Clara to the state. Any property reconveyed shall include all
9 improvements on the property whether constructed by the village
10 of Santa Clara or others; and

11 BE IT FURTHER RESOLVED that the property shall not be
12 transferred until it has been reviewed and approved by the
13 capitol buildings planning commission; and

14 BE IT FURTHER RESOLVED that copies of this resolution be
15 transmitted to the secretary of general services, the secretary
16 of health, the secretary of cultural affairs, the office of the
17 state engineer, the capitol buildings planning commission, the
18 mayor of the village of Santa Clara and the Grant county
19 manager.

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SENATE CONCURRENT RESOLUTION

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

A CONCURRENT RESOLUTION

ADOPTING A JOINT RULE TO ESTABLISH A SYSTEM TO ALLOW ELECTRONIC
TRANSMISSION SUBMISSION AND STORAGE OF PUBLIC COMMENTS FOR A
STANDING COMMITTEE DURING A LEGISLATIVE SESSION.

WHEREAS, Legislative Joint Rule 8-1 provides for the
adoption, amendment or repeal of joint rules by concurrent
resolution approved by two-thirds of the membership of each
house;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, THE HOUSE OF
REPRESENTATIVES CONCURRING THEREIN, that the following new
proposed Joint Rule 13-1 be adopted to read:

"ELECTRONIC SUBMISSION OF PUBLIC COMMENT TO STANDING
COMMITTEES (13-1)

Effective with the fifty-fourth legislature,
the legislative council service shall develop a

.209259.1

underscored material = new
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Concurrent Resolution

1 system by which the public may submit written
2 comments to a standing committee via
3 electronic transmission on specific pieces of
4 legislation under consideration by the
5 standing committee during a legislative
6 session. The chief clerks shall store the
7 comments for thirty days after the end of the
8 relevant session.".

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underscored material = new
[bracketed material] = delete

.209259.1

Joint Resolution — Calling for Federal
Constitutional Convention — Document "As Is"

HOUSE JOINT RESOLUTION

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

A JOINT RESOLUTION

APPLYING FOR A CONVENTION OF STATES UNDER ARTICLE V OF THE
UNITED STATES CONSTITUTION.

WHEREAS, the Founders of our Constitution empowered State
Legislators to be guardians of liberty against future abuses of
power by the federal government; and

WHEREAS, the federal government has created a crushing
national debt through improper and imprudent spending; and

WHEREAS, the federal government has invaded the legitimate
roles of the states through the manipulative process of federal
mandates, most of which are unfunded to a great extent; and

WHEREAS, the federal government has ceased to interpret
the Constitution of the United States properly; and

WHEREAS, it is the solemn duty of the States to protect
the liberty of our people by preparing Amendments to the

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**Joint Resolution — Calling for Federal
Constitutional Convention — Document "As Is"**

1 Constitution of the United States through a Convention of the
2 States under Article V to place clear restraints on abuses of
3 power;

4 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
5 STATE OF NEW MEXICO that the legislature of New Mexico hereby
6 applies to Congress, under the provisions of Article V of the
7 Constitution of the United States, for the calling of a
8 convention of the states limited to proposing amendments to the
9 Constitution of the United States that impose fiscal restraints
10 on the federal government, limit the power and jurisdiction of
11 the federal government and limit the terms of office for its
12 officials and for Members of Congress; and

13 BE IT FURTHER RESOLVED that the New Mexico secretary of
14 state is hereby directed to transmit copies of this application
15 to the President and Secretary of the United States Senate and
16 to the Speaker and Clerk of the United States House of
17 Representatives, and copies to the members of the Senate and
18 House of Representatives from this State; also to transmit
19 copies to the presiding officers of each of the legislative
20 houses in the several States, requesting their cooperation; and

21 BE IT FURTHER RESOLVED that this application constitute a
22 continuing application in accordance with Article V of the
23 Constitution of the United States until the legislatures of at
24 least two-thirds of the several states have made applications
25 on the same subject.

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HOUSE JOINT RESOLUTION

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

A JOINT RESOLUTION

TO RATIFY THE PROPOSED EQUAL RIGHTS AMENDMENT TO THE FEDERAL
CONSTITUTION.

WHEREAS, the ninety-second congress of the United States
of America at its second session, in both houses, by a
constitutional majority of two-thirds thereof, adopted the
following proposition to amend the constitution of the United
States of America in the following words, to wit:

"JOINT RESOLUTION

Resolved by the Senate and the House of Representatives of
the United States of America in Congress assembled (two-thirds
of each House concurring therein), that the following article
is proposed as an amendment to the Constitution of the United
States, which shall be valid to all intents and purposes as a
part of the Constitution when ratified by the Legislatures of

.453234.7

Joint Resolution — Federal Ratification

1 three-fourths of the several States within seven years from the
2 date of its submission by the Congress:

3 ARTICLE

4 Section 1. Equality of rights under law shall not be
5 denied or abridged by the United States or any State on account
6 of sex.

7 Section 2. The Congress shall have the power to enforce
8 by appropriate legislation the provisions of this article.

9 Section 3. This Amendment shall take effect two years
10 after the date of ratification.";

11 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
12 STATE OF NEW MEXICO that such proposed amendment to the
13 constitution of the United States of America be and the same is
14 hereby ratified; and

15 BE IT FURTHER RESOLVED that certified copies of this
16 resolution be forwarded by the governor of New Mexico to the
17 administrator of the general services administration,
18 Washington, D.C., and the president of the senate and the
19 speaker of the house of representatives of the congress of the
20 United States.

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underscored material = new
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Joint Resolution — Cession of Concurrent State and Federal Jurisdiction

SENATE JOINT RESOLUTION

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

A JOINT RESOLUTION

APPROVING THE CESSION OF CONCURRENT LEGISLATIVE JURISDICTION TO
THE UNITED STATES OVER CERTAIN UNITS OF THE NATIONAL PARK
SYSTEM IN NEW MEXICO.

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

SECTION 1. Pursuant to the provisions of Section 19-2-2
NMSA 1978, approval is granted to the cession of concurrent
legislative jurisdiction to the United States in accordance
with a like cession of concurrent legislative jurisdiction by
the United States to the state of New Mexico for land now
owned, controlled, leased or administered by the United States
within the boundaries of the following units of the national
park system in New Mexico:

- A. Petroglyph national monument; and
- B. Valles Caldera national preserve.

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Joint Resolution — Cession of Concurrent State and Federal Jurisdiction

1 Specific legal descriptions of the park boundaries are to be
2 provided by the national park service.

3 **SECTION 2.** As used in Section 1 of this resolution,
4 "concurrent legislative jurisdiction" means the vesting in the
5 state and the United States of all the rights accorded a
6 sovereign with the broad qualification that such authority is
7 held concurrently over matters including criminal laws, public
8 powers and tax laws and that it is the parallel right of both
9 the state and the federal government to legislate with respect
10 to such land and persons present or residing on it, subject
11 only to the United States and state constitutional complaints.

12 **SECTION 3.** The approval of the cession of concurrent
13 legislative jurisdiction provided in Section 1 of this
14 resolution is subject to compliance by the secretary of the
15 interior with the provisions of 54 U.S.C. 100754 with respect
16 to the relinquishment of such legislative jurisdiction.

17 **SECTION 4.** It is recognized that additional tracts of
18 land may be added to Petroglyph national monument, as
19 authorized in Public Law 101-313, or the Valles Caldera
20 national preserve, as authorized in Public Law 113-291, Sec
21 3043, due to land exchanges, donations or acquisitions. Upon
22 any such modifications to the boundary, a letter to that effect
23 with adequate legal descriptions will be provided to the
24 governor to ensure that concurrent jurisdiction is acquired by
25 the United States.

.205895.1

Part J
Certificates

Certificates of Condolence

The Senate Office of Enrolling and Engrossing has requested that surviving family members be listed in the following order in the certificate:

- wife/husband;
- children;
- parents;
- grandchildren;
- great-grandchildren;
- siblings; and
- other family members and friends.

Certificate of Condolence

FIFTY-FOURTH LEGISLATURE
FIRST SESSION

January 21, 2019

SENATE CERTIFICATE OF CONDOLENCE number _____

Certificate sponsored by Senator Richard C. Martinez

Requesting the chief clerk to prepare suitable documents to express the condolence of the senate upon the passing of:

Eddie R. Sanchez

Suggested language:

WHEREAS, Eddie R. Sanchez, a resident of Hernandez, New Mexico, died on December 16, 2018; and

WHEREAS, Eddie was a loving father and husband and was married to his wife, Eneda Sanchez, for fifty years; and

WHEREAS, Eddie was a Vietnam War veteran and loved his cat, Taz; and

WHEREAS, Eddie will be missed by all who knew him and loved him; and

WHEREAS, Eddie was preceded in death by his son, Eddie L. Sanchez; his parents, Frank and Severina Sanchez; his in-laws, Vianes and Olivama Maestas; his sister-in-law, Patty Vigil; his brothers-in-law, Sam Garcia and Orlando Maestas; and his uncle, Jimmy S. Sanchez; and

WHEREAS, Eddie is survived by his wife, Eneda Sanchez; his brothers, Frank R. Sanchez and Jerome Sanchez; his nieces, Daniella Vigil, Eloisa Vigil and Tonianne Vigil; his nephew, Angelo Vigil; his special nephew, Alex Sisneros, Jr. and his wife, Carol; and many other relatives and special friends;

.209633.1

Certificate of Condolence

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
STATE OF NEW MEXICO that condolences be extended to the family
and friends of Eddie R. Sanchez, a loving and devoted New
Mexican.

Richard C. Martinez

.209633.1

Certificate of Recognition

FIFTY-FOURTH LEGISLATURE
FIRST SESSION

January 15, 2019

SENATE CERTIFICATE OF RECOGNITION number _____

Certificate sponsored by Senator Elizabeth "Liz" Stefanics

Requesting the chief clerk to prepare suitable documents to express the recognition of the senate to:

Melissa Kovac

Suggested language:

WHEREAS, Melissa Kovac, an Amy Biehl Community School second-grade teacher, was awarded the 2017-2018 Milken Educator Award and a twenty-five-thousand-dollar (\$25,000) cash prize and was recognized for her commitment to her students, their families and the community; and

WHEREAS, Melissa was honored at a surprise all-school assembly in November 2016; and

WHEREAS, Melissa earned a bachelor of arts degree in elementary education from New Mexico Highlands University in 2005; and

WHEREAS, Melissa was a born teacher whose first classroom was made up of an ironing board and some stuffed animals that Melissa used to act out lessons on the alphabet, numbers and the animal kingdom; and

WHEREAS, Melissa is known to surprise her students by dressing up as Wonder Woman or by donning a mouse or giant bee costume; and

WHEREAS, Melissa engages her students at Amy Biehl Community School with a multitude of hands-on activities, using a theatrical flair; and

.209534.1

Certificate of Recognition

WHEREAS, whether the topic is science, mathematics, social studies or English, Melissa employs consistent procedures and techniques to keep students' attention and accommodate their learning styles; and

WHEREAS, Melissa's students posted significant gains in test scores under her tutelage and, in 2016-2017, proficiency rates rose more than forty-five percent in mathematics and almost thirty-five percent in reading; and

WHEREAS, Milken educators are selected in early- or mid-career for what they have achieved and for the promise of what they will accomplish;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NEW MEXICO that recognition be given to Melissa Kovac for her outstanding dedication to education and that congratulations be extended to Melissa as the recipient of a 2017-2018 Milken Educator Award.

Elizabeth "Liz" Stefanics

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Certificate of Congratulations

FIFTY-FOURTH LEGISLATURE
FIRST SESSION

February 8, 2019

HOUSE CERTIFICATE OF CONGRATULATIONS number _____

Certificate sponsored by Representative D. Wonda Johnson

Requesting the chief clerk to prepare suitable documents to express the congratulations of the house of representatives to:

Brianna Miranda

Suggested language:

WHEREAS, Brianna Miranda is an amazing young woman with a story of hope, tenacity and bravery; and

WHEREAS, Brianna is a former student of New Mexico Graduation, Reality and Dual-Role Skills, more commonly known as NM GRADS; and

WHEREAS, Brianna became pregnant when she was sixteen but managed to finish high school; and

WHEREAS, Brianna faced many struggles as she attempted to start her adult life, including living at home, managing her finances and co-parenting; and

WHEREAS, Brianna did not give up and pressed through the hard times; and

WHEREAS, Brianna has shared stories about her life as a teen parent, her successes and her times of struggle with current NM GRADS students; and

WHEREAS, Brianna has urged students to use the resources available to them and stresses that the NM GRADS program was important to her success; and

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Certificate of Congratulations

WHEREAS, Brianna is a motivating success story of someone who persevered and achieved her goal, graduating as a theater major from New Mexico State University on December 10, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that congratulations be extended to Brianna Miranda for empowering other young women and for persevering and achieving her goal of graduating from New Mexico State University.

D. Wonda Johnson

Certificate of Appreciation

FIFTY-FOURTH LEGISLATURE
FIRST SESSION

February 7, 2019

HOUSE CERTIFICATE OF APPRECIATION number _____

Certificate sponsored by Representative D. Wonda Johnson

Requesting the chief clerk to prepare suitable documents to express the appreciation of the house of representatives to:

Stella Snyder

Suggested language:

WHEREAS, New Mexico is experiencing rapid population growth of people aged sixty or older and an even faster growth rate of individuals aged eighty-five or older; and

WHEREAS, this extreme population growth challenges New Mexico to sustain and support services that allow individuals to live independently and with dignity; and

WHEREAS, maintaining or increasing the current funding of the Aging and Long-Term Services Department is vital to sustaining New Mexico's aging population;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that appreciation be extended to Stella Snyder for visiting the New Mexico Legislature to advocate for maintaining or increasing funding for the Aging and Long-Term Services Department.

D. Wonda Johnson

.210216.1

Part K
***Info Memos, Letters &
Other Documents***

State of New Mexico

Legislative Council Service

411 State Capitol, Santa Fe, New Mexico 87501

(505) 986-4600 Fax: (505) 986-4680

Information Memorandum

DATE: September 18, 2019

TO: [Senator or Representative _____]

FROM: Pam Stokes

SUBJECT: UNEMPLOYMENT COMPENSATION ISSUES

You have requested information regarding which contribution schedule, under current law, will be in effect in the year 2019 and thereafter; when employer contributions pursuant to the Unemployment Compensation Law are due to the state; and what possible action the legislature may take in the upcoming session in January 2019. The following memorandum is submitted in compliance with that request. Any opinions expressed are those of the author and do not necessarily reflect the opinions of the New Mexico Legislative Council or any other member of its staff.

[Confidential text goes here.]

LCS Staff: If you would like to see the text of this example to get an idea of the general style, you can ask Word Processing to email the original document to you. The request needs to be made using the 202 number at the bottom of this page.
Note: This document is confidential.

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Information Memorandum — Talking Points

State of New Mexico

Legislative Council Service

411 State Capitol, Santa Fe, New Mexico 87501

(505) 986-4600 Fax: (505) 986-4680

Information Memorandum

DATE: February 3, 2019

DISCUSSION DRAFT

TO: [Representative or Senator _____]

FROM: Damian Lara

SUBJECT: SUMMARY OF HCPAC/HB 78

You have requested talking points regarding House Consumer and Public Affairs Committee Substitute for House Bill 78 expressing the point of view articulated below. The following information is submitted in compliance with that request and does not necessarily reflect the opinions of the author or the New Mexico Legislative Council or any other member of its staff.

.184867

[Confidential text, in speech font, goes here.]

LCS Staff: If you would like to see the text of this example to get an idea of the general style, you can ask Word Processing to email the original document to you. The request needs to be made using the 202 number at the bottom of the cover page.
Note: This document is confidential.

Information Memorandum — Op-Ed

State of New Mexico

Legislative Council Service

411 State Capitol, Santa Fe, New Mexico 87501

(505) 986-4600 Fax: (505) 986-4680

Information Memorandum

DATE: September 19, 2019

DISCUSSION DRAFT

TO: [Senator or Representative _____]

FROM: John Yaeger

SUBJECT: OP-ED — REDISTRICTING AND THE ECONOMY

You have requested an op-ed article based on notes you provided on the subject of redistricting and rural economic development expressing the point of view articulated below. The following information is submitted in compliance with that request and does not necessarily reflect the opinion of the author or the New Mexico Legislative Council or any other member of its staff.

.187524

One State — Filled with Opportunity for All

By Senator _____

[Text goes here. Text is confidential until the legislator allows its publication.]

LCS Staff: If you would like to see the text of this example to get an idea of the general style, you can ask Word Processing to email the original document to you. The request needs to be made using the 202 number at the bottom of the cover page.
Note: This document is confidential.

Press Release

State of New Mexico

Legislative Council Service

411 State Capitol, Santa Fe, New Mexico 87501

(505) 986-4600 Fax: (505) 986-4680

Information Memorandum

DATE: February 27, 2019

DISCUSSION DRAFT

TO: Senator _____ and Representative _____

FROM: Shawn Mathis, Staff Attorney

SUBJECT: PRESS RELEASE ON STATE AUDITOR FINDINGS RELATED TO PUBLIC
CONSULTING GROUP AUDIT

You have requested a press release expressing the point of view articulated below. The following information is submitted in compliance with that request and does not necessarily reflect the opinions of the author or the New Mexico Legislative Council or any other member of its staff.

.197225

FOR IMMEDIATE RELEASE

February 27, 2019

CONTACT: Senator _____, (505) 986-[senator's phone number], or
Representative _____, (505) 986-[representative's phone number]

SANTA FE — [Text goes here. The Press Release is confidential until the legislator chooses to release it. Note: "-more-" at the bottom of the page is used to signify that another page follows, and "-30-" is used directly under the last line of the text to signify the end of the dispatch.]

LCS Staff: If you would like to see the text of this example to get an idea of the general style, you can ask Word Processing to email the original document to you. The request needs to be made using the 202 number at the bottom of the cover page.
Note: This document is confidential.

-more-

Letter — On LCS Stationery from LCS Staff, Block Form

January 18, 2019

File No. 202.609099

The Honorable Virgil V. Vigil
New Mexico State Representative
1460 Peanut Gulch
Portales, NM 88130

Dear Representative Vigil:

Enclosed is a copy of the bill draft for the Moonlight Savings Act that you requested. If passed by the legislature during the upcoming session, this bill will require the full moon to last two days and two nights longer than usual when it rises on the third Monday of the month.

If you have any questions concerning the draft, please contact me.

Sincerely,

MAROONA LUNA
Staff Attorney

ML:jm

Enc.

[If the letter is from the director of the LCS, do not add "Director" under the name. (The director's name and title are contained in the letterhead.)]

Letter — On Legislature Stationery from a Legislator, Indented Form

January 22, 2019

Ms. Janet Atwood
Rt. 7, Box 62A
Gallup, NM 87301

Dear Ms. Atwood:

Thank you for your informative letter of January 15, 2019. As you know, I am a member of the Senate Corporations and Transportation Committee to which Senate Bill 17 has been referred. The bill is scheduled to be heard by that committee at 8:00 a.m., Thursday, January 24, and you are cordially invited to attend the hearing.

I fully intend to be sure in my own mind before I vote for the bill that it does not diminish the excellent work that has been done by the Gopher Commission.

Sincerely,

JOSÉ RASCON
State Senator, District 89

[Delete the information under the legislator's name if the letter is printed on the legislator's personal letterhead. (Personal letterhead contains the legislator's district number and status as representative or senator.)]

JR:jm

Letter — Two Addresses, Multiple Signatures

April 24, 2018

Heather Tubman-Carbone, Senior Policy Advisor
Bureau of Justice Assistance
U.S. Department of Justice
810 Seventh Street NW
Washington, DC 20531
Heather.Tubman-Carbone@usdoj.gov

Adam Gelb, Director
Public Safety Performance Project
The Pew Charitable Trusts
901 E Street NW, 10th Floor
Washington, DC 20004-1409
agelb@pewtrusts.org

Dear Ms. Tubman-Carbone and Mr. Gelb:

[Confidential text goes here.]

LCS Staff: If you would like to see the text of this example to get an idea of the general style, you can ask Word Processing to email the original document to you. The request needs to be made using the 202 number — .210839.
Note: This document is confidential.

Letter — Two Addresses, Multiple Signatures

Heather Tubman-Carbone
Adam Gelb
April 24, 2018
Page 2

[Confidential text continued.]

Sincerely,

BRIAN EGOLF
State Representative, District 47
Speaker of the House of Representatives

MARY KAY PAPEN
State Senator, District 38
Senate President Pro Tempore

JUDITH K. NAKAMURA
Chief Justice
New Mexico Supreme Court

SUSANA MARTINEZ
Governor of New Mexico

BE:clm

Letter — Via Email, Single Address

State of New Mexico
Legislative Council Service

411 State Capitol, Santa Fe, New Mexico 87501
(505) 986-4600
Raúl E. Burciaga, Director



April 29, 2019

VIA EMAIL: timburr@savethetrees.com

Tim Burr
Save the Trees Campaign
120 Wildwood Lane
Shady Oaks, NM 87425

Dear Mr. Burr:

This is in response to your request dated April 26, 2019 and made pursuant to the Inspection of Public Records Act for "a complete accounting, including purchase orders, invoices and payments, of all paper products consumed during the 2019 legislative session".

I am in receipt of your request and will respond no later than May 10, 2019.

Sincerely,

A handwritten signature in dark ink, appearing to read "Burciaga", followed by a long horizontal flourish.

RAÚL E. BURCIAGA

REB:ar



New Mexico State Legislature

STATE CAPITOL
Santa Fe

September 29, 2019

VIA EMAIL

Mark Hansen
Vice President, Network Support
Services
Commnet Wireless, LLC
mhansen@atni.com

Dailey A. Humphreys
Field Service Technician
Verizon Wireless
dailey.humphreys@verizonwireless.com

Shannon Jameson
Manager
Network Switch Operations, Central and
Northern New Mexico
Verizon Wireless
shannon.jameson@verizonwireless.com

Valerie Dodd
Vice President, General Manager
CenturyLink of New Mexico
valerie.dodd@centurylink.com

Dear Ladies and Gentlemen:

[Confidential text goes here.]

LCS Staff: If you would like to see the text of this example to get an idea of the general style, you can ask Word Processing to email the original document to you. The request needs to be made using the 202 number — .197731. Note: This document is confidential.

We appreciate your consideration of our requests and of the importance of resolving this important issue.

Sincerely,

Handwritten signature of Debbie A. Rodella in black ink.

DEBBIE A. RODELLA
State Representative, District 41
Chair, Economic and Rural
Development Committee

DAR/BS:cm

Handwritten signature of Benny Shendo, Jr. in black ink.

BENNY SHENDO, JR.
State Senator, District 22
Vice Chair, Economic and Rural
Development Committee

Letter — Merge

July 20, 2019

VIA EMAIL

FIELD(1)

FIELD(2)

Dear FIELD(3):

I have submitted my resignation [Confidential text goes here]. I respectfully request that the FIELD(1) submit the name of _____ to the governor to fill this vacancy.

It has been an honor and a privilege to serve in your county.

Sincerely,

[e-signature]

[LEGISLATOR'S NAME]

[Senator or Representative, District ____]

WKM:kr

enc.

LCS Staff: If you would like to see the text of this example to get an idea of the general style, you can ask Word Processing to email the original document to you. The request needs to be made using the 202 numbers — .204538 and .204538MRG.
Note: This document is confidential.

Bernalillo County Board of Commissioners^{ENDFIELD}
c/o Julie Morgas Baca, County Manager, jmorgasbaca@bernco.gov^{ENDFIELD}
Ms. Morgas Baca^{ENDFIELD}
^{ENDRECORD}

Cibola County Board of Commissioners^{ENDFIELD}
c/o Tony M. Boyd, County Manager, tboyd@co.cibola.nm.us^{ENDFIELD}
Mr. Boyd^{ENDFIELD}
^{ENDRECORD}

McKinley County Board of Commissioners^{ENDFIELD}
c/o Anthony Dimas, Jr., Acting County Manager, adimas@co.mckinley.nm.us^{ENDFIELD}
Mr. Dimas^{ENDFIELD}
^{ENDRECORD}

Socorro County Board of Commissioners^{ENDFIELD}
c/o Delilah Walsh, County Manager, dwalsh@co.socorro.nm.us^{ENDFIELD}
Ms. Walsh^{ENDFIELD}
^{ENDRECORD}

San Juan County Commission^{ENDFIELD}
c/o Kim Carpenter, County Executive Officer, kcarpenter@sjcounty.net^{ENDFIELD}
Ms. Carpenter^{ENDFIELD}
^{ENDRECORD}

Valencia Board of County Commissioners^{ENDFIELD}
c/o Danny Monette, County Manager, danny.monette@co.valencia.nm.us^{ENDFIELD}
Mr. Monette^{ENDFIELD}
^{ENDRECORD}

Part L
Interim Committee Documents

**2018 PROPOSED
WORK PLAN AND MEETING SCHEDULE
for the
COURTS, CORRECTIONS AND JUSTICE COMMITTEE
and the
CRIMINAL JUSTICE REFORM SUBCOMMITTEE**

Members

Rep. Gail Chasey, Co-Chair
Sen. Richard C. Martinez, Co-Chair
Rep. Eliseo Lee Alcon
Sen. Gregory A. Baca
Sen. Jacob R. Candelaria
Rep. Zachary J. Cook
Rep. Jim Dines
Sen. Linda M. Lopez

Rep. Antonio Maestas
Rep. Sarah Maestas Barnes
Rep. Javier Martínez
Sen. Cisco McSorley
Rep. William "Bill" R. Rehm
Rep. Angelica Rubio
Sen. Sander Rue

Advisory Members

Rep. Deborah A. Armstrong
Sen. William F. Burt
Rep. Brian Egolf
Rep. Doreen Y. Gallegos
Sen. Daniel A. Ivey-Soto
Sen. Bill B. O'Neill

Sen. William H. Payne
Sen. John Pinto
Rep. Patricia Roybal Caballero
Sen. Mimi Stewart
Rep. Christine Trujillo
Sen. Peter Wirth

Criminal Justice Reform Subcommittee

Members

Rep. Antonio Maestas, Co-Chair
Sen. Sander Rue, Co-Chair
Sen. Gregory A. Baca
Rep. Gail Chasey

Rep. Zachary J. Cook
Rep. Jim Dines
Sen. Richard C. Martinez
Sen. Cisco McSorley

Work Plan

The Courts, Corrections and Justice Committee (CCJ) and the Criminal Justice Reform Subcommittee of the CCJ were created by the New Mexico Legislative Council on April 26, 2018. During the 2018 interim, and as time permits, the CCJ will receive presentations on the following:

1. an update from the Corrections Department, including discussion of:
 - the department's staffing and staff training, programs, budget, budget priorities and legislative priorities;
 - inmate housing and facilities;
 - probation and parole;
 - inmate health care;

Proposed Work Plan and Meeting Schedule

- the status of efforts to reduce recidivism and improve public safety using the New Mexico Results First initiative;
 - gender-specific policies and practices of the department, including treatment of pregnant and lactating inmates;
 - the use of isolated confinement;
 - good-time policies; and
 - the use of private prisons in New Mexico;
2. an update from the Department of Public Safety, including discussion of:
 - the department's staffing and staff training, programs, budget, budget priorities and legislative priorities;
 - forensic laboratory issues, including sexual assault examination kit testing and processing progress; and
 - criminal justice clearinghouse project update;
 3. an update from the Children, Youth and Families Department, including discussion of:
 - the department's staffing and staff training, programs, budget, budget priorities and legislative priorities;
 - juvenile justice and the school-to-prison pipeline; and
 - the Protective Services Division;
 4. an update from the Administrative Office of the Courts, including discussion of:
 - staffing and staff training, programs, unified budget, budget priorities and legislative priorities;
 - court updates;
 - case management systems; and
 - bail/pretrial detention and release issues;
 5. an update from the Public Defender Department, including discussion of:
 - the department's staffing and staff training, programs, budget, budget priorities and legislative priorities; and
 - changes in indigent defense policies;
 6. an update from the Administrative Office of the District Attorneys and the New Mexico District Attorney's Association, including discussion of:
 - caseloads, staffing, budgets and budget priorities in each district; and
 - legislative priorities;
 7. an update from the New Mexico Association of Counties, including discussion of:
 - issues affecting county jails; and
 - the association's legislative priorities;

Proposed Work Plan and Meeting Schedule

8. the 2018 New Mexico Prison Population Forecast from the New Mexico Sentencing Commission;
9. reports on 2018 legislative memorial studies, including:
 - House Joint Memorial 16, Criminal Justice and Public Safety Task Force;
 - House Memorial (HM) 82, Encourage Pro Bono Legal Services;
 - HM 89/Senate Memorial (SM) 92, Services for Victims of Human Trafficking;
 - HM 106, Corrections Department Health Care System;
 - Senate Bill 19, Uniform Guardianship & Other Arrangements; and
 - SM 98/HM 104, Study Law Enforcement Body Camera Issues;
10. sexual assault and violence, domestic violence and gun violence;
11. elections and voting laws;
12. the NewMexicoWomen.Org report, *The Heart of Gender Justice in New Mexico: Intersectionality, Health Equity and Economic Security*;
13. data collection across agencies;
14. a state ethics commission;
15. a joint meeting with the Legislative Health and Human Services Committee, including discussion of issues implicating public health and the criminal justice system; and
16. legislation for committee consideration.

The Criminal Justice Reform Subcommittee will focus on reforms to the Criminal Code and the state's criminal justice system.

Proposed Work Plan and Meeting Schedule

Courts, Corrections and Justice Committee 2018 Proposed Meeting Schedule

<u>Date</u>	<u>Location</u>
May 30	Santa Fe
July 16-17	Albuquerque
August 6-7	Albuquerque (joint meeting with the Legislative Health and Human Services Committee)
September 6-7	Albuquerque
September 24-25	Albuquerque
October 18-19	Albuquerque
November 29-30	Santa Fe

Criminal Justice Reform Subcommittee 2018 Proposed Meeting Schedule

<u>Date</u>	<u>Location</u>
July 18	Albuquerque
August 10	Ruidoso
August 24	Albuquerque
September 26	Albuquerque
October 17	Albuquerque
November 13	Albuquerque

- 4 -

Proposed Work Plan, Meeting Schedule and Budget

2018 PROPOSED WORK PLAN, MEETING SCHEDULE AND BUDGET for the COURTS, CORRECTIONS AND JUSTICE COMMITTEE and the CRIMINAL JUSTICE REFORM SUBCOMMITTEE

Members

Rep. Gail Chasey, Co-Chair
Sen. Richard C. Martinez, Co-Chair
Rep. Eliseo Lee Alcon
Sen. Gregory A. Baca
Sen. Jacob R. Candelaria
Rep. Zachary J. Cook
Rep. Jim Dines
Sen. Linda M. Lopez

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Rep. Sarah Maestas Barnes
Rep. Javier Martínez
Sen. Cisco McSorley
Rep. William "Bill" R. Rehm
Rep. Angelica Rubio
Sen. Sander Rue

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Sen. Bill B. O'Neill

Sen. William H. Payne
Sen. John Pinto
Rep. Patricia Roybal Caballero
Sen. Mimi Stewart
Rep. Christine Trujillo
Sen. Peter Wirth

Criminal Justice Reform Subcommittee

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Work Plan

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1. an update from the Administrative Office of the Courts, including discussion of:
 - priorities;
 - court updates;
 - case management systems; and
 - bail/pretrial detention and release issues;

Proposed Work Plan, Meeting Schedule and Budget

2. an update from the Corrections Department, including discussion of:
 - the department's staffing and staff training, programs, budget, budget priorities and legislative priorities;
 - inmate housing and facilities;
 - probation and parole;
 - inmate health care;
 - the status of efforts to reduce recidivism and improve public safety using the New Mexico Results First initiative;
 - gender-specific policies and practices of the department, including treatment of pregnant and lactating inmates;
 - the use of isolated confinement;
 - good-time policies; and
 - the use of private prisons in New Mexico;
3. an update from the Department of Public Safety, including discussion of:
 - the department's staffing and staff training, programs, budget, budget priorities and legislative priorities;
 - forensic laboratory issues, including sexual assault examination kit testing and processing progress; and
 - criminal justice clearinghouse project update;
4. an update from the Children, Youth and Families Department, including discussion of:
 - the department's staffing and staff training, programs, budget, budget priorities and legislative priorities;
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5. an update from the Public Defender Department, including discussion of:
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6. an update from the Administrative Office of the District Attorneys and the New Mexico District Attorney's Association, including discussion of:
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Proposed Work Plan, Meeting Schedule and Budget

8. the 2018 New Mexico Prison Population Forecast from the New Mexico Sentencing Commission;
9. reports on 2018 legislative memorial studies, including:
 - House Joint Memorial 16, Criminal Justice and Public Safety Task Force;
 - House Memorial 82, Encourage Pro Bono Legal Services;
 - House Memorial 89/Senate Memorial 92, Services for Victims of Human Trafficking;
 - House Memorial 106, Corrections Department Health Care System;
 - Senate Bill 19, Uniform Guardianship and Other Arrangements; and
 - Senate Memorial 98/House Memorial 104, Study Law Enforcement Body Camera Issues;
10. sexual assault and violence, domestic violence and gun violence;
11. consideration of elections and voting laws as they pertain to access to justice issues;
12. a report on gender justice issues;
13. data collection across law enforcement and public safety agencies and courts;
14. discussion of a state ethics commission;
15. a joint meeting with the Legislative Health and Human Services Committee, including discussion of issues implicating public health and the criminal justice system; and
16. legislation for committee consideration.

The Criminal Justice Reform Subcommittee will focus on reforms to the Criminal Code and the state's criminal justice system.

Proposed Work Plan, Meeting Schedule and Budget

Courts, Corrections and Justice Committee and Criminal Justice Reform Subcommittee 2018 Proposed Meeting Schedule and Budget

Courts, Corrections and Justice Committee

<u>Date</u>	<u>Location</u>	<u>Voting</u>	<u>Advisory</u>
May 30	Santa Fe	\$4,529*	\$1,398*
July 16-17	Santa Fe/Albuquerque	7,447	6,307
August 6-7	Albuquerque (joint meeting with the Legislative Health and Human Services Committee)	6,737	5,689
September 6-7	Albuquerque	6,737	5,689
September 24-25	Albuquerque	6,572	5,689
October 18-19**	Albuquerque	6,206	5,689
November 29-30	Santa Fe	<u>7,521</u>	<u>6,154</u>
	Totals	\$45,749	\$36,615

*Actual expenditure

Criminal Justice Reform Subcommittee

<u>Date</u>	<u>Location</u>	<u>Voting</u>
July 18	Albuquerque	\$1,666
August 10	Ruidoso	4,215
August 24	Albuquerque	2,196
September 26	Albuquerque	1,666
October 17**	Albuquerque	2,032
November 13**	Albuquerque	<u>2,196</u>
	Total	\$13,971

**Meetings outside the State Capitol after September 30 require New Mexico Legislative Council approval.

**2018 APPROVED
WORK PLAN AND MEETING SCHEDULE
for the
COURTS, CORRECTIONS AND JUSTICE COMMITTEE
and the
CRIMINAL JUSTICE REFORM SUBCOMMITTEE**

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Sen. Mimi Stewart
Rep. Christine Trujillo
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Criminal Justice Reform Subcommittee

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 - inmate health care;

Approved Work Plan and Meeting Schedule

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Approved Work Plan and Meeting Schedule

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 - House Memorial 106, Corrections Department Health Care System;
 - Senate Bill 19, Uniform Guardianship and Other Arrangements; and
 - Senate Memorial 98/House Memorial 104, Study Law Enforcement Body Camera Issues;
10. sexual assault and violence, domestic violence and gun violence;
11. elections and voting laws;
12. the NewMexicoWomen.Org report, *The Heart of Gender Justice in New Mexico: Intersectionality, Health Equity and Economic Security*;
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Approved Work Plan and Meeting Schedule

Courts, Corrections and Justice Committee 2018 Approved Meeting Schedule

<u>Date</u>	<u>Location</u>
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August 6-7	Albuquerque (joint meeting with the Legislative Health and Human Services Committee)
September 6-7	Albuquerque
September 24-25	Albuquerque
October 18-19	Albuquerque
November 29-30	Santa Fe

Criminal Justice Reform Subcommittee 2018 Approved Meeting Schedule

<u>Date</u>	<u>Location</u>
July 18	Albuquerque
August 10	Ruidoso
August 24	Albuquerque
September 26	Albuquerque
October 17	Albuquerque
November 13	Albuquerque

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State of New Mexico

Legislative Council Service

411 State Capitol, Santa Fe, New Mexico 87501

(505) 986-4600 Fax: (505) 986-4680

Meeting Notice

DATE: August 30, 2019

TO: Economic and Rural Development Committee Members

FROM: Shawna Casebier

SUBJECT: SEPTEMBER 16-17, 2019 — COMMITTEE MEETING IN TRUTH OR
CONSEQUENCES AND SANTA TERESA

The fourth meeting of the 2019 interim of the Economic and Rural Development Committee is scheduled to begin at 9:00 a.m. on Monday, September 16, at the Virgin Galactic Lounge, Spaceport America, County Road A021, Truth or Consequences. The committee will reconvene at 10:00 a.m. on Tuesday, September 17, for a joint meeting with the Mortgage Finance Authority Act Oversight Committee at the Gadsden Administrative Complex, 4950 McNutt Road, Santa Teresa/Sunland Park. A tentative agenda for the meeting accompanies this notice. Maps to the meeting locations from the State Capitol and lodging lists are also enclosed.

If you cannot attend the meeting, please let me know as soon as possible by phone at (505) 986-4644 or by email at shawna.casebier@nmlegis.gov. If you have any questions, please do not hesitate to contact me.

Tentative Agenda

TENTATIVE AGENDA for the NINTH MEETING of the LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

**November 14-15, 2019
State Capitol, Room 321
Santa Fe**

Thursday, November 14

- 9:00 a.m. **Welcome and Introductions**
—Representative Deborah A. Armstrong, Chair, Legislative Health and Human Services Committee (LHHS)
—Senator Gerald Ortiz y Pino, Vice Chair, LHHS
- 9:10 a.m. (1) **Senate Memorial 99 (2019 Regular Session) State Agency Health Expenditures Study**
—Jenny Felmley, Ph.D., Program Evaluator, Legislative Finance Committee (LFC)
—Dawn Hunter, J.D., Deputy Secretary, Department of Health
—David Archuleta, Executive Director, Retiree Health Care Authority (RHCA)
- 10:30 a.m. (2) **Interagency Benefits Advisory Committee Cost and Utilization Trends**
—Jenny Felmley, Ph.D., Program Evaluator, LFC
—Maria Griego, Program Evaluator, LFC
—David Archuleta, Executive Director, RHCA
—Lara White-Davis, Director, Risk Management Division, General Services Department
—Vera M. Dallas, Senior Director, Employee Benefits, Albuquerque Public School District
—Ernestine Chavez, Deputy Director, Public School Insurance Authority
- 11:30 a.m. (3) **Public Comment**
- 12:00 noon **Lunch**
- 1:30 p.m. (4) **Centennial Care 2.0 Waiver Application Impact Analysis**
—Sireesha Manne, Staff Attorney, New Mexico Center on Law and Poverty (NMCLP)
- 3:00 p.m. (5) **Supplemental Nutrition Assistance Program Court Order Compliance Update**
—Sovereign Hager, Staff Attorney, NMCLP
- 4:30 p.m. **Recess**

Friday, November 15

- 9:00 a.m. **Welcome and Introductions**
—Representative Deborah A. Armstrong, Chair, LHHS
—Senator Gerald Ortiz y Pino, Vice Chair, LHHS
- 9:10 a.m. (6) **Early Childhood Services Collaboration: Report Pursuant to Senate Memorial 23 (2018)**
—Michael Weinberg, Ed.D., Early Childhood Education Policy Officer, Thornburg Foundation
- 10:30 a.m. (7) **Developing a Primary Care Workforce in New Mexico Communities**
—John Andazola, M.D., Program Director, Southern New Mexico Family Medicine Residency Program
—Dan Otero, Chief Executive Officer, Hidalgo Medical Services
—Darrick Nelson, M.D., Chief Medical Officer, Hidalgo Medical Services
—Charlie Alfero, Director, New Mexico Primary Care Training Consortium
—Senator Howie C. Morales
—Representative Rebecca Dow
- 12:00 noon **Lunch**
- 1:30 p.m. (8) **Public Comment**
- 2:00 p.m. (9) **Endorsement Review of Legislation for 2019 Regular Session**
—Michael Hely, Staff Attorney, Legislative Council Service
- 3:30 p.m. **Adjourn**

Revised: November 8, 2019

**TENTATIVE AGENDA
for the
NINTH MEETING
of the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**November 14-15, 2019
State Capitol, Room 321
Santa Fe**

Thursday, November 14

- 9:00 a.m. **Welcome and Introductions**
—Representative Deborah A. Armstrong, Chair, Legislative Health
and Human Services Committee (LHHS)
—Senator Gerald Ortiz y Pino, Vice Chair, LHHS
- 9:10 a.m. (1) **Senate Memorial 99 (2019 Regular Session) State Agency Health
Expenditures Study**
—Jenny Felmley, Ph.D., Program Evaluator, Legislative Finance
Committee (LFC)
—Dawn Hunter, J.D., Deputy Secretary, Department of Health
—David Archuleta, Executive Director, Retiree Health Care Authority
(RHCA)
—Lara White-Davis, Director, Risk Management Division (RMD), General
Services Department (GSD)
—Vera M. Dallas, Senior Director, Employee Benefits, Albuquerque
Public School District (APS)
—Ernestine Chavez, Deputy Director, Public School Insurance Authority
(PSIA)
- 10:30 a.m. (2) **Interagency Benefits Advisory Committee Cost and Utilization Trends**
—Jenny Felmley, Ph.D., Program Evaluator, LFC
—Maria Griego, Program Evaluator, LFC
—David Archuleta, Executive Director, RHCA
—Lara White-Davis, Director, RMD, GSD
—Vera M. Dallas, Senior Director, Employee Benefits, APS
—Ernestine Chavez, Deputy Director, PSIA
- 11:30 a.m. (3) **Public Comment**
- 12:00 noon **Lunch**
- 1:30 p.m. (4) **Centennial Care 2.0 Waiver Application Impact Analysis**
—Sireesha Manne, Staff Attorney, New Mexico Center on
Law and Poverty (NMCLP)

3:00 p.m. (5) **Supplemental Nutrition Assistance Program Court Order Compliance Update**
—Sovereign Hager, Staff Attorney, NMCLP

4:30 p.m. **Recess**

Friday, November 15

9:00 a.m. **Welcome and Introductions**
—Representative Deborah A. Armstrong, Chair, LHHS
—Senator Gerald Ortiz y Pino, Vice Chair, LHHS

9:10 a.m. (6) **Early Childhood Services Collaboration: Report Pursuant to Senate Memorial 23 (2018)**
—Michael Weinberg, Ed.D., Early Childhood Education Policy Officer, Thornburg Foundation

10:30 a.m. (7) **Developing a Primary Care Workforce in New Mexico Communities**
—John Andazola, M.D., Program Director, Southern New Mexico Family Medicine Residency Program
—Dan Otero, Chief Executive Officer, Hidalgo Medical Services
—Darrick Nelson, M.D., Chief Medical Officer, Hidalgo Medical Services
—Charlie Alfero, Director, New Mexico Primary Care Training Consortium
—Senator Howie C. Morales
—Representative Rebecca Dow

12:00 noon **Lunch**

1:30 p.m. (8) **Public Comment**

2:00 p.m. (9) **Endorsement Review of Legislation for 2019 Regular Session**
—Michael Hely, Staff Attorney, Legislative Council Service

3:30 p.m. **Adjourn**

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**MINUTES
of the
FOURTH MEETING
of the
WATER AND NATURAL RESOURCES COMMITTEE**

**October 15-16, 2019
Ballroom B, Fidel Center
New Mexico Institute of Mining and Technology
Socorro**

The fourth meeting of the Water and Natural Resources Committee was called to order by Senator Joseph Cervantes, co-chair, on October 15, 2019 at 10:15 a.m. in Ballroom B of the Fidel Center at the New Mexico Institute of Mining and Technology (NMIMT) in Socorro.

Present

Sen. Joseph Cervantes, Co-Chair
Rep. Bealquin Bill Gomez, Co-Chair
Rep. Matthew McQueen, Vice Chair (10/16)
Rep. Gail Armstrong
Rep. Paul C. Bandy
Rep. Randal S. Crowder
Rep. Derrick J. Lente
Rep. Rodolpho "Rudy" S. Martinez (10/16)
Sen. Sander Rue
Sen. Benny Shendo, Jr. (10/15)
Rep. Nathan P. Small (10/15)
Sen. Jeff Steinborn
Sen. Mimi Stewart
Rep. James R.J. Strickler
Rep. Carl Trujillo
Sen. Pat Woods
Rep. Bob Wooley

Absent

Sen. Cliff R. Pirtle

Advisory Members

Sen. Carlos R. Cisneros
Rep. Rebecca Dow (10/16)
Rep. Candy Spence Ezzell
Rep. Harry Garcia (10/15)
Rep. Yvette Herrell
Rep. D. Wonda Johnson
Rep. Larry A. Larrañaga
Rep. Rick Little
Rep. Sarah Maestas Barnes (10/15)
Rep. Bill McCamley (10/15)

Sen. Craig Brandt
Sen. Pete Campos
Rep. Sharon Clahchischilliage
Rep. George Dodge, Jr.
Rep. Brian Egolf
Sen. Ron Griggs
Rep. Stuart Ingle
Sen. Gay G. Kernan
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Sen. Linda M. Lopez

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Rep. Greg Nibert
Sen. Gerald Ortiz y Pino (10/15)
Sen. Mary Kay Papen
Rep. Debbie A. Rodella
Sen. Nancy Rodriguez
Sen. Peter Wirth

Rep. Javier Martínez
Sen. Steven P. Neville
Rep. Angelica Rubio
Rep. Patricio Ruiloba
Rep. Tomás E. Salazar
Sen. William E. Sharer
Sen. John Arthur Smith

Guest Legislators

Rep. Kelly K. Fajardo (10/16)
Rep. Jason C. Harper (10/16)
Rep. Rod Montoya
Rep. Larry R. Scott
Rep. James G. Townsend

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Jon Boller, Senior Staff Attorney, Legislative Council Service (LCS)
Shawna Casebier, Staff Attorney, LCS
Jeret Fleetwood, Researcher, LCS
Sara Weidmaier, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file.

Tuesday, October 15

Call to Order and Welcome

Senator Cervantes began the meeting by having members of the committee introduce themselves to the audience.

Stephen G. Wells, president, NMIMT, welcomed the committee to Socorro, provided the committee with an overview of the university's operations and thanked the committee for coming.

Before the committee began its agenda, several members raised the issue of the sudden resignations of three interstate stream commissioners, Caleb Chandler, James Wilcox and Jim Dunlap, as well as the departure of several senior water policy staff members, including the director, of the Interstate Stream Commission (ISC). Senator Cervantes noted that the

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resignations come at a particularly bad time, as the United States Supreme Court earlier in the week denied New Mexico's motion to dismiss Texas' complaint against New Mexico concerning water deliveries to Texas under the Rio Grande Compact.

Watershed Restoration Program Update and Response to House Memorial 99 and Senate Memorial 124 (2018 Regular Session)

Laura McCarthy, director of conservation programs, The Nature Conservancy, provided the committee with an update regarding watershed restoration programs. She noted the importance of watershed restoration, explaining that wildfires have produced significant amounts of sediment, which then washes into rivers and has had a negative impact on several New Mexico communities.

Brent Racher, president, New Mexico Forest Industry Association, explained that recent massive wildfires have had an estimated \$1.5 billion impact on the state. He noted that watershed restoration, particularly forest thinning and controlled burns, helps to mitigate the effects of wildfires. Mr. Racher also said that restoration efforts have to take place across watersheds, regardless of land ownership.

Ms. McCarthy explained that state funds for restoration have been used to leverage federal funds, resulting in a watershed workforce that has grown to 330 employees working 10 months per year on restoration projects. She noted that increased funding has also led to a massive increase in thinning projects and prescribed burns, with still more projects in the planning stages. Ms. McCarthy highlighted agreements between Bernalillo County and the Middle Rio Grande Conservancy District (MRGCD) as an example of cross-agency collaboration on watersheds projects.

Mr. Racher and Ms. McCarthy both noted that differing interpretations of the Constitution of New Mexico's Anti-Donation Clause could present an obstacle to using public money to the benefit of private land, regardless of the public benefit that watershed thinning represents. They stated that the issue prevents many projects from getting past the planning process. Mr. Racher and Ms. McCarthy explained that this issue was also a driving force behind House Memorial 99 and Senate Memorial 124 (both from the 2018 regular legislative session), which directed Governor Susana Martinez and the attorney general to conduct meetings to develop a consistent application of the law governing the use of public funds for watershed restoration projects on any lands within the state. They went on to note that meetings between stakeholders and state agencies identified the critical need for cross-boundary management of land and suggested that a solution to the issue of the Anti-Donation Clause and use of public money on private land would be to seek an attorney general opinion on the matter.

Questions and comments from the committee included the following:

- soil and water conservation districts routinely conduct watershed restoration projects that benefit private lands;

- stakeholders have not yet begun to seek an amendment to the Constitution of New Mexico regarding the Anti-Donation Clause;
- the shrinking of the timber industry in New Mexico and fewer sawmills;
- several studies have drawn a link between rising global temperatures and catastrophic wildfires;
- controlled burns do create air quality issues, but they tend to be a short-term imposition in order to address a larger problem;
- thinning projects are under way in various parts of the state;
- the important role of the United States Forest Service in land management; and
- that the federal National Environmental Policy Act of 1969 process can take anywhere from 18 months to six years to complete.

On a motion made, seconded and passed, the committee directed staff to work with stakeholders to draft a letter to the attorney general seeking an opinion on whether the incidental benefits to non-state-owned lands from watershed restoration projects violate the Anti-Donation Clause and asking for a response in a reasonable amount of time.

Senator Cervantes explained that he planned to deviate from the agenda in order to hear an update regarding developments on litigation between New Mexico and Texas. He said that New Mexico had filed a motion to dismiss the case but that the special master assigned to the case recommended the motion be denied, and the United States Supreme Court later denied the motion.

Tessa Davidson, an attorney representing pecan growers, provided the committee with additional updates regarding amicus parties to the suit and motions by various parties seeking to intervene, including a motion by the federal government to join the case, which has not yet been granted but will be argued in the court in the near future. She noted that the court's calendar is full for the remainder of 2018 and that she expects the federal motion to be argued in early 2019.

Questions and comments from the committee included the following:

- additional details regarding New Mexico's motion to dismiss and the court's denial of the motion;
- that Elephant Butte Irrigation District and El Paso County Water Improvement District Number One were denied intervenor status because United States Supreme Court cases typically concern litigation between states, making it difficult for parties that are not states to join;
- involvement of the federal government in the case could set a precedent regarding jurisdiction over ground water resources in many western states, which could prompt other states to file amicus briefs in the case; and
- possible outcomes in the case.

Oil and Gas Research at NMIMT

Dr. Nelia Dunbar, director and state geologist, NMIMT, provided the committee with an overview of the New Mexico Bureau of Geology and Mineral Resources, explaining its role as a non-regulatory government agency that conducts scientific investigations leading to responsible economic development of the state's resources. She also noted the bureau's research activities and its efforts to distribute accurate information in the form of maps and reports available to decision makers and the public, both physically and on the internet.

Dr. Ron Broadhead, senior principal petroleum geologist, New Mexico Bureau of Geology and Mineral Resources, NMIMT, provided the committee with an overview of oil and gas research at NMIMT. He began by highlighting the bureau's areas of activity, including data collection and archives, service to industry and the public, applied research projects, educational activities and petroleum staffing. Dr. Broadhead noted the school's core collection that features cores from 1,433 drill holes, including oil and gas cores, mineral cores and various other cores. He also noted the school's cuttings collection of over 50,000 cuttings from 16,639 drill holes, representing 150 million feet of drill holes. He explained that both collections are used by industry, researchers and students. Dr. Broadhead discussed the school's subsurface library, which contains data from oil and gas wells, uranium wells, deep water wells and a host of other data regarding subsurface resources across New Mexico. He went on to discuss some of the current research the bureau is conducting in both the Permian Basin and in Sandoval County, as well as research regarding environmental and societal concerns regarding petroleum production.

Robert Balch, director, Petroleum Recovery Research Center (PRRC), NMIMT, provided the committee with an overview of the PRRC, including its location, history and relationship with NMIMT. Mr. Balch also discussed the PRRC's finances, noting that while the state provides a base budget, other research, particularly federally funded research, accounts for a significant portion of its overall budget. He also discussed various PRRC research projects, including 12 active federally and industry-funded projects that were active in 2017, the largest of which involved carbon sequestration. Mr. Balch described several other PRRC efforts, such as development of hollow fiber membranes for use in water filtration, which can remove over 95 percent of some contaminants at relatively low pressure. He also discussed several other PRRC research capabilities.

Questions and comments from the committee included the following:

- involvement of the bureau in brine well remediation;
- mapping of underground water resources in Sandoval County;
- the difficulty in spinning off new technology into jobs for New Mexico residents;
- new uses for carbon sequestration technology;
- that oil and gas resources near Raton consist mostly of methane, but also some deeper oil deposits in shale;

- that rare earth elements exist in south central New Mexico, but not in economic quantities, so research is being conducted into their formation in an effort to find economic deposits;
- deep water well information in the subsurface library includes information on wells up to 2,000 feet deep near Albuquerque;
- industrial uses for water purified by hollow fiber membrane technology; and
- the NMIMT's decision-makers field conference was staff- and funding-intensive and was discontinued, but the school is looking into pursuing grants from the National Science Foundation as a means of bringing the conference back.

On a motion made, seconded and passed, the minutes of the June meeting were approved as submitted.

MRGCD Overview; Middle Rio Grande Levee Projects; Federal Endangered Species Act of 1973 (ESA) Collaborative Compliance Efforts; Cooperative Management of the Middle Rio Grande for Water Deliveries

John Kelly, chair, Board of Directors, MRGCD, provided the committee with an overview of the investments made by the district in water infrastructure projects in central and northern New Mexico, including watershed restoration projects, recreation trails, dam restoration projects and various other projects along the Rio Grande.

Mike Hamman, chief executive officer/chief engineer, MRGCD, provided the committee with an overview of the hydrology and operations of the district. He began by explaining that between 2010 and 2016, annual river flows were below average and the district was forced to use credit water and stored water to help deliver enough water to Elephant Butte Reservoir to avoid compact debits. Mr. Hamman noted that the outlook in 2018 is better, though. He discussed operations by the district, pointing out that operational efficiency has helped the district to significantly lower its river diversions over the past 20 years. Mr. Hamman went on to discuss the district's role in Rio Grande Compact deliveries to Texas, as well as the various consumptive uses of water in the district, noting that agriculture and the bosque account for about two-thirds of total consumption. He went on to discuss the partnership between the district and the Office of the State Engineer (OSE) and the ISC, particularly in the area of ESA compliance, noting the district's efforts to comply with the United States Fish and Wildlife Service's 2016 Biological Opinion regarding the Rio Grande silvery minnow. Mr. Hamman also discussed the district's involvement with the Middle Rio Grande Levee Task Force and the district's response to recent flooding events.

Glen Duggins, vice chair, Board of Directors, MRGCD, provided the committee with information regarding his background as a farmer in the district, his involvement with the Board of Directors and the district itself. He noted that the district focuses on the wise use of water and strives to be a good neighbor by working with other area entities, including tribes and pueblos.

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Rolf Schmidt-Petersen, acting manager, Colorado River Basin, ISC, provided the committee with a presentation regarding cooperative management between the MRGCD and the ISC for water deliveries, levee projects and ESA collaborative compliance efforts.

Questions and comments from the committee included the following:

- continued work on the Rio Grande Trail;
- in the wake of Hurricane Katrina, many levees in New Mexico have been deemed not compliant with federal regulations, prompting a massive effort to upgrade them, with projects under way near San Acacia and Bernalillo, as well as others planned for the Belen area and, eventually, Albuquerque;
- attempts to return the Rio Grande to its appearance of decades ago and the difficulty of getting sediment onto some parts of the flood plain without actually flooding other areas;
- it is necessary to provide backwater spawning habitats for the silvery minnow;
- the MRGCD is trying to better cooperate with area acequia users to address their concerns;
- the district has an extensive observation system in place, featuring ditch riders who consult maps provided by the OSE to prevent residents from selling their water rights but continuing to divert water;
- water rights in the district have been lost due to sale, transfer and development;
- users in the district may sell their water rights and continue diverting water by leasing those rights;
- the status of lawsuits regarding approved annual accounting by the district;
- the middle Rio Grande is the most active water rights market in the state, with transfers approved through the permitting process and a sophisticated process in place at the OSE's Albuquerque office, which serves as a rolling adjudication;
- older lawsuits questioning ownership of water rights in other parts of the state have made adjudications in those areas a more urgent priority; and
- different rules for water use exist in different regions of the state.

Greg Ridgley, general counsel, OSE, also provided the committee with an update regarding the *Texas v. New Mexico* lawsuit. He explained that New Mexico's motion to dismiss the case had been denied by the United States Supreme Court and that oral arguments on the federal government's motion to intervene would be scheduled for 2019. Mr. Ridgley noted that, despite the special master's report and the denial of New Mexico's motion to dismiss, the case will not be one-sided in favor of Texas. Rather, now that the court has decided to hear the case, New Mexico and Colorado can file an answer to Texas' claims and file counterclaims against Texas.

Senator Cervantes suggested that the issue be heard in a closed hearing at the committee's November meeting and asked committee members to raise their concerns so that presenters would be prepared to address them in November. Some of those concerns include:

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- the federal government's role in the case and the implications for jurisdiction over ground water both in New Mexico and in other states;
 - the basis of the lawsuit and its relationship to compact deliveries and ground water pumping below Elephant Butte Reservoir;
 - the responsible party for New Mexico's defense, which is the attorney general, and experts hired to help the state prepare for the case;
 - the pursuit of two approaches by both states: litigation and settlement;
 - the likelihood of multiple amicus briefs being filed by various parties;
 - the role of the special master versus that of the United States Supreme Court itself;
 - the complex hydrology of the area;
 - what remedies Texas has requested;
 - the likelihood of multiple developments as the case moves on; and
 - that the case could take years to reach completion.

Recess

The committee recessed at 5:15 p.m.

Wednesday, October 16

State Land Office (SLO) Issues: Implementation of State Trust Lands Restoration and Remediation Fund

Laura Riley, deputy commissioner of public lands, SLO, provided the committee with an update regarding implementation of the State Trust Lands Restoration and Remediation Fund, explaining that the fund had been created by the legislature during the 2018 regular session. She provided the committee with a map showing the locations of various remediation projects, as well as total funding for projects and various partnerships the SLO has entered into as a means of identifying and completing restoration and remediation projects. Ms. Riley also provided the committee with a breakdown, by county, of fiscal year 2019 projects, as well as a copy of the rule developed for use of the fund.

Questions and comments from the committee included that:

- fiscal year 2019 projects are focused on watershed restoration, as the land commissioner has identified it as a priority;
- current projects do not involve salt cedar removal, in part because state trust lands do not consist of much land along stream beds; and
- other projects involving invasive species are planned.

SLO Policy on Protection of the Ogallala Aquifer

Ms. Riley provided the committee with a presentation regarding the commissioner of public lands' announcement of a policy to not automatically approve or renew land access, without first reviewing hydrologic data, to drill water wells on state trust land that involve the use of fresh water from the Ogallala Aquifer for oil and gas production and related activities. She

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explained that the commissioner issued the policy in response to the rapid depletion of the Ogallala Aquifer, despite the availability of other non-fresh water resources that can be used in oil and gas production. Ms. Riley went on to explain that the commissioner of public lands has a fiduciary duty to oversee state trust lands and optimize the revenue earned from them, as well as to balance management of lands in terms of both income and conservation, thus preserving their legacy for generations to come. She provided the committee with a breakdown of water easements in the Ogallala Aquifer in 2017, noting that oil and gas used, by far, the most water. Ms. Riley also provided the committee with a map showing water easements in the area of southeastern New Mexico that sit above the Ogallala Aquifer, as well as a copy of the SLO's new policy regarding easements for drilling and operating water wells.

Ray Westall, a business owner in Loco Hills, explained that the policy would have a massive effect on his company, which transports and sells water for oil and gas development. He noted that he had invested about \$15 million in new water lines and that the policy would make it difficult, if not impossible, for him to recoup his investment.

Questions and comments from the committee included:

- that the Ogallala Aquifer stretches from Nebraska through Texas to southeastern New Mexico, but other states, particularly Texas, do not have a similar policy in place;
- the effect of implementation of the policy on the oil and gas industry;
- the commissioner will evaluate applications and renewals on a case-by-case basis;
- SLO staff makes recommendations to the commissioner;
- the SLO owns some water rights and has joint ownership with other agencies on other water rights;
- the commissioner can evaluate land uses based on future values and protection of state trust lands for long-term use;
- the SLO rules on water easements have not changed, but this is a new policy;
- the potential economic impact of the policy;
- the amount of fresh water used for oil and gas development versus amounts used for other industries, such as agriculture;
- that oil and gas production contributes to the growth of the Land Grant Permanent Fund and to gross receipts tax income for all of New Mexico;
- the potential cost of transporting water to oil and gas wells;
- that most leases on state land are five-year leases; longer leases require public auctions;
- that some municipalities have well fields on state trust land, including some with long-term leases;
- the SLO has tried to improve the turnaround time on right-of-way applications;
- administrative differences between rules and policies;
- the policy does not affect existing leases, only new ones and renewals;
- the notice provided to stakeholders regarding the policy change; and
- that Mr. Westall owns wells on state trust land.

Oil and Gas Water Recycling Reuse Technology

Kenneth Nichols, Devon Energy, described his company's efforts to treat water for reuse in oil and gas production. He began with an overview of Devon Energy's operations in southeastern New Mexico. Mr. Nichols noted that the company has highlighted the cost and availability of fresh water as a potential risk, which has led to identifying recycling of produced water as a key strategy. He also noted that some regulatory changes have made it easier to use produced water for hydraulic fracturing. Mr. Nichols went on to discuss two separate technologies the company is using to treat water: a mobile technology produced by Fountain Quail Energy Services called ROVER; and a gradient selective chemical extraction process.

Robert Huizenga, Cimarex Energy, also discussed efforts to develop long-term water sourcing and disposal solutions for oil and gas development projects. He provided the committee with a map of the company's water reuse area that is mostly located in Texas. Mr. Huizenga went on to discuss the various methods used by Cimarex, beginning in 2013, to treat water for reuse, noting the pros and cons of each method, as well as the volume of water produced for reuse. Mr. Huizenga noted that while the technology currently employed by the company features less operational maintenance cost and reduced environmental liability, it still presents issues with regard to disposal of solids and the balancing act between reuse and production operations.

Patrick Padilla, deputy director, New Mexico Oil and Gas Association, also provided the committee with a presentation regarding reuse and recycling of water used in oil and gas development. He explained that technological advances allow for treatment of water to secondary drinking water standards, as well as creating multiple opportunities for reuse and commoditization of what are currently classified as waste products. Mr. Padilla noted that challenges to recycling include New Mexico's checkerboard land ownership and regulatory impediments and suggested that solutions include regulatory improvements such as rule changes to allow for industrial uses of produced water outside of the oilfield.

Questions and comments from the committee included:

- evaporation of water held in open storage ponds;
- development of desalination technology for use in oil and gas development;
- that use of recycled water tends to be near recycling facilities because of the current costs of transporting it;
- varying philosophies about how to use and store produced water; and
- deeper well casings help protect water in shallow aquifers.

Adjournment

There being no further business, the committee adjourned at 12:10 p.m.

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Note: The minutes for the last meeting of the interim should contain the following heading and text, positioned between the "Staff" and "Guests" headings:

Minutes Approval

Because the committee will not meet again this year, the minutes for this meeting have not been officially approved by the committee.

Approved Minutes

MINUTES of the FOURTH MEETING of the WATER AND NATURAL RESOURCES COMMITTEE

**October 15-16, 2019
Ballroom B, Fidel Center
New Mexico Institute of Mining and Technology
Socorro**

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Tuesday, October 15

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