

1 HOUSE BILL 120

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Eliseo Lee Alcon

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10 AN ACT

11 RELATING TO LICENSURE; PROVIDING FOR A WAIVER OF FEES FOR AND
12 EXPEDITED ISSUANCE OF CERTAIN PROFESSIONAL AND OCCUPATIONAL,
13 SCHOOL PERSONNEL AND CONSTRUCTION INDUSTRY LICENSES,
14 REGISTRATIONS, CERTIFICATES OF REGISTRATION, CERTIFICATES,
15 PERMITS OR CERTIFICATIONS FOR MILITARY SERVICE MEMBERS, THEIR
16 SPOUSES AND THEIR DEPENDENT CHILDREN AND FOR VETERANS.

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

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

21 "22-10A-2. DEFINITIONS.--As used in the School Personnel
22 Act:

23 A. "constitutional special school" means the New
24 Mexico military institute, New Mexico school for the deaf and
25 New Mexico school for the blind and visually impaired;

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1 B. "discharge" means the act of severing the
2 employment relationship with a licensed school employee prior
3 to the expiration of the current employment contract;

4 C. "employed for three consecutive school years"
5 means a licensed school employee has been offered and accepted
6 in writing a notice of reemployment for the third consecutive
7 school year;

8 D. "governing authority" means the policy setting
9 body of a school district, charter school, constitutional
10 special school or regional education cooperative, or the final
11 decision maker of another state agency;

12 E. "instructional support provider" means a person
13 who is employed to support the instructional program of a
14 public school, including educational assistant, school
15 counselor, social worker, school nurse, speech-language
16 pathologist, psychologist, physical therapist, occupational
17 therapist, recreational therapist, marriage and family
18 therapist, interpreter for the deaf and diagnostician;

19 F. "just cause" means a reason that is rationally
20 related to a school employee's competence or turpitude or the
21 proper performance of the school employee's duties and that is
22 not in violation of the school employee's civil or
23 constitutional rights;

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

25 (1) serving in the armed forces of the United

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

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

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

16 ~~[G.]~~ H. "public school" means a school district,
17 charter school, constitutional special school, regional
18 education cooperative or the educational program of another
19 state agency;

20 ~~[H.]~~ I. "responsibility factor" means a value of
21 1.20 for an elementary school principal, 1.40 for a middle
22 school or junior high school principal, 1.60 for a high school
23 principal, 1.10 for an assistant elementary school principal,
24 1.15 for an assistant middle school or assistant junior high
25 school principal and 1.25 for an assistant high school

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1 principal;

2 ~~[I.]~~ J. "sabbatical leave" means leave of absence
3 with pay as approved by the governing authority during all or
4 part of a regular school term for purposes of study or travel
5 related to a licensed school employee's duties and of direct
6 benefit to the instructional program;

7 ~~[J.]~~ K. "school administrator" means a person
8 licensed to administer in a school district, charter school,
9 constitutional special school or regional education cooperative
10 or a person employed with another state agency who administers
11 an educational program and includes local superintendents,
12 school principals, central district administrators, business
13 managers, charter school head administrators and state agency
14 education supervisors;

15 ~~[K.]~~ L. "school employee" includes licensed and
16 unlicensed employees of a public school;

17 ~~[L.]~~ M. "school premises" means:

18 (1) the buildings and grounds, including
19 playgrounds, playing fields and parking areas and a school bus
20 of a public school, in or on which school or school-related
21 activities are being operated under the supervision of a local
22 school board, charter school or state agency; or

23 (2) any other public buildings or grounds,
24 including playing fields and parking areas that are not public
25 school property, in or on which public school-related and

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1 -sanctioned activities are being performed;

2 [M-] N. "state agency" means a regional education
3 cooperative or state institution;

4 [N-] O. "state institution" means the New Mexico
5 boys' school, girls' welfare home, New Mexico youth diagnostic
6 and development center, Sequoyah adolescent treatment center,
7 Carrie Tingley crippled children's hospital, New Mexico
8 behavioral health institute at Las Vegas and any other state
9 agency responsible for educating resident children;

10 [O-] P. "substitute teacher" means a person who
11 holds a certificate to substitute for a teacher in the
12 classroom;

13 [P-] Q. "superintendent" means a local
14 superintendent, head administrator of a charter school or
15 regional education cooperative, superintendent or commandant of
16 a special school or head administrator of the educational
17 program of a state agency;

18 [Q-] R. "teacher" means a person who holds a level
19 one, level two or level three-A license and whose primary job
20 is classroom instruction or the supervision, below the school
21 principal level, of an instructional program or whose duties
22 include curriculum development, peer intervention, peer
23 coaching or mentoring or serving as a resource teacher for
24 other teachers;

25 [R-] S. "terminate" means the act of severing the

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1 employment relationship with a school employee; ~~and~~

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

7 ~~[S.]~~ U. "working day" means every school calendar
8 day, excluding Saturdays, Sundays and legal holidays."

9 **SECTION 2.** Section 22-10A-3 NMSA 1978 (being Laws 2003,
10 Chapter 153, Section 34, as amended) is amended to read:

11 "22-10A-3. LICENSE OR CERTIFICATE REQUIRED--APPLICATION
12 FEE--GENERAL DUTIES.--

13 A. Except as otherwise provided in this subsection,
14 any person teaching, supervising an instructional program or
15 providing instructional support services in a public school;
16 any person administering in a public school; and any person
17 providing health care and administering medications or
18 performing medical procedures in a public school shall hold a
19 valid license or certificate from the department authorizing
20 the person to perform that function. This subsection does not
21 apply to a person performing the functions of a practice
22 teacher or teaching intern as defined by the department.

23 B. Except as provided in Subsection C of this
24 section, the department shall charge a reasonable fee for each
25 application for or the renewal of a license or certificate.

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1 The application fee may be waived if the applicant meets a
2 standard of indigency established by the department.

3 C. No licensing or certificate fee shall be charged
4 for the first three years a license or certificate required by
5 this section is valid if the licensee or certificate holder is
6 a military service member or a veteran.

7 D. A person performing the duties of a licensed
8 school employee who does not hold a valid license or
9 certificate or has not submitted a complete application for
10 licensure or certification within the first three months from
11 beginning employment duties shall not be compensated thereafter
12 for services rendered until the person demonstrates that the
13 person holds a valid license or certificate. This section does
14 not apply to practice teachers or teaching interns as defined
15 by rules of the department.

16 E. Each licensed school employee shall:

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

19 (2) if teaching, teach the prescribed courses
20 of instruction;

21 (3) exercise supervision over students on
22 public school premises and while the students are under the
23 control of the public school; and

24 (4) furnish reports as required.

25 [~~F. As used in this section:~~

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1 ~~(1) "military service member" means a person~~
2 ~~who is:~~

3 ~~(a) serving in the armed forces of the~~
4 ~~United States or in an active reserve component of the armed~~
5 ~~forces of the United States, including the national guard;~~

6 ~~(b) the spouse of a person who is~~
7 ~~serving in the armed forces of the United States or in an~~
8 ~~active reserve component of the armed forces of the United~~
9 ~~States, including the national guard; or~~

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

15 ~~(2) "veteran" means a person who has received~~
16 ~~an honorable discharge or separation from military service in~~
17 ~~the armed forces of the United States or in an active reserve~~
18 ~~component of the armed forces of the United States, including~~
19 ~~the national guard.]"~~

20 SECTION 3. Section 22-10A-12.1 NMSA 1978 (being Laws
21 2018, Chapter 8, Section 1, as amended) is amended to read:

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

24 A. The department shall, no later than thirty days
25 after a military service member or a veteran with a valid and

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1 current or an expired license from another jurisdiction files
2 an application, and provides ~~[all of the documents required for~~
3 ~~the application]~~ a background check if required, for a license
4 or a substitute teacher certificate:

5 (1) process the application; and

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

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

25 C. A military service member or a veteran who is

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

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

8 ~~[E. As used in this section:~~

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

11 ~~(a) serving in the armed forces of the~~
12 ~~United States or in an active reserve component of the armed~~
13 ~~forces of the United States, including the national guard;~~

14 ~~(b) the spouse of a person who is~~
15 ~~serving in the armed forces of the United States or in an~~
16 ~~active reserve component of the armed forces of the United~~
17 ~~States, including the national guard; or~~

18 ~~(c) the child of a person who is serving~~
19 ~~in the armed forces of the United States or in an active~~
20 ~~reserve component of the armed forces of the United States,~~
21 ~~including the national guard; provided that child is also a~~
22 ~~dependent of that person for federal income tax purposes; and~~

23 ~~(2) "veteran" means a person who has received~~
24 ~~an honorable discharge or separation from military service in~~
25 ~~the armed forces of the United States or in an active reserve~~

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1 ~~component of the armed forces of the United States, including~~
2 ~~the national guard.]~~

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

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

13 "[NEW MATERIAL] EXPEDITED LICENSURE--MILITARY SERVICE
14 MEMBERS, SPOUSES AND DEPENDENTS--VETERANS--WAIVER OF FEES.--

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

- 21 (1) process the application; and
22 (2) issue a license prima facie to a qualified
23 applicant who submits satisfactory evidence that the applicant
24 holds a license or certificate that is current and in good
25 standing, issued by another jurisdiction, including a branch of

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1 the armed forces of the United States, and has met minimal
2 licensing or certification requirements that are substantially
3 equivalent to the licensing or certification requirements for
4 the license or certificate that the applicant applies for
5 pursuant to the Construction Industries Licensing Act.

6 B. A license or certificate issued pursuant to this
7 section is not a provisional license and shall confer the same
8 rights, privileges and responsibilities as a license issued
9 pursuant to the Construction Industries Licensing Act.

10 C. A license issued pursuant to this section shall
11 not be renewed unless the license holder satisfies the
12 requirements for the issuance and the renewal of a license
13 pursuant to the Construction Industries Licensing Act. Upon
14 the issuance of a license pursuant to this section, the
15 division shall notify the license holder of the requirements
16 for renewing the license in writing.

17 D. Notwithstanding the provisions of Subsection A
18 of this section, a military service member or a veteran who is
19 issued a license pursuant to this section shall not be charged
20 a licensing or certificate fee for the first three years a
21 license or certificate issued pursuant to this section is
22 valid.

23 E. Upon the conclusion of the state fiscal year,
24 the division shall prepare a report on the number and type of
25 licenses or certificates that were issued during the fiscal 13

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1 year under this section. The report shall be provided to the
2 director of the office of military base planning and support
3 not later than ninety days after the end of the fiscal year.

4 F. As used in this section:

5 (1) "military service member" means a person
6 who is:

7 (a) serving in the armed forces of the
8 United States as an active duty or civil service member or in
9 an active reserve component of the armed forces of the United
10 States, including the national guard;

11 (b) the spouse of a person who is
12 serving in the armed forces of the United States as an active
13 duty or civil service member or in an active reserve component
14 of the armed forces of the United States, including the
15 national guard; or a surviving spouse of a member who at the
16 time of death was serving on active duty; or

17 (c) the child of a person who is serving
18 in the armed forces of the United States as an active duty or
19 civil service member or in an active reserve component of the
20 armed forces of the United States, including the national
21 guard; provided that child is also a dependent of that person
22 for federal income tax purposes; and

23 (2) "veteran" means a person who has received
24 an honorable discharge or separation from military service in
25 the armed forces of the United States or in an active reserve

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1 component of the armed forces of the United States, including
2 the national guard."

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

5 "60-13-13. APPLICATION FOR CONTRACTOR'S LICENSE.--

6 A. Applications for a contractor's license or a
7 certificate of qualification shall be submitted to the division
8 on forms prescribed and furnished by the division and shall
9 contain the information and be accompanied by the attachments
10 required by regulation of the commission.

11 B. Except as provided in Section 4 of this 2021
12 act, the application shall be accompanied by the prescribed
13 fee."

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

16 "60-13-18. LICENSES--RENEWAL.--

17 A. Licenses issued by the division are not
18 transferable.

19 B. Contractor's licenses shall expire two years
20 after the issuance date or as determined by the division, but
21 in no instance less than one year, and shall be renewable upon
22 application to the division and payment of the prescribed
23 renewal fee; provided that nothing in this subsection shall
24 prohibit the division from establishing a staggered system of
25 license expiration and a procedure for proration of fees for

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1 licenses issued for less than the two-year period or other
2 period provided by the division pursuant to this subsection.

3 C. Licenses shall expire upon the date established
4 by regulation of the commission, such regulation to provide for
5 a staggered system of license expiration and for proration of
6 fees for licenses issued for less than a full year.

7 Thereafter, such licenses shall be issued for a period of two
8 years or as otherwise provided by the division pursuant to
9 Subsection B of this section. Except as provided in Section 4
10 of this 2021 act, licenses and certificates shall be subject to
11 renewal upon application to the division and payment of the
12 prescribed renewal fee.

13 D. Licensees and journeyman certificate holders may
14 be required to complete and submit proof of continuing
15 education as a prerequisite for renewal of a license. When
16 required by rule adopted by the division, an applicant for a
17 license renewal must submit with the application for license
18 renewal proof of eight hours of instruction in code change and
19 eight hours of instruction in other industry-related and
20 division-approved subjects. The sixteen hours of continuing
21 education must have been completed within the three years prior
22 to the date of the license renewal application.

23 E. The director shall, at least thirty days prior
24 to the expiration date of a license, notify the licensee of the
25 approaching expiration. Notice shall be given by mail

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1 addressed to the licensee's last address on file with the
2 division. The notice shall include a renewal application form,
3 instructions and any other information prescribed by the
4 division.

5 F. Failure of a licensee to make application for
6 the renewal of the licensee's license, to furnish such other
7 information required by the commission and, if required, to pay
8 the prescribed renewal fee by the last working day prior to the
9 expiration of the license shall cause the license to be
10 suspended by operation of law.

11 G. Unless the license is renewed within a three-
12 month period, it shall be canceled. The suspended license may
13 be renewed only after payment of a fee equal to one dollar
14 (\$1.00) for each day, up to thirty days, that has elapsed since
15 the expiration date of the license and thereafter for a fee
16 equal to twice the amount of the renewal fee."

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

19 "60-13-20. FEES ESTABLISHED BY THE DIVISION--PAYMENT OF
20 EXAMINATION AND LICENSING SERVICE FEES.--

21 A. The division shall by regulation establish and
22 charge, except as provided in Section 4 of this 2021 act,
23 reasonable candidate and applicant fees for each license and
24 certificate classification for initial applications, initial
25 and additional examinations, license issuance and renewals,

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1 certificate of qualification issuance and renewal and licensing
2 verification services.

3 B. The division by regulation may provide that fees
4 charged pursuant to Subsection A of this section shall be paid
5 to the agency providing or administering the service if the
6 service is provided pursuant to authority of the division."

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

9 "61-1-34. EXPEDITED LICENSURE--MILITARY SERVICE MEMBERS,
10 SPOUSES AND DEPENDENTS AND VETERANS--WAIVER OF FEES [~~RECENT~~
11 ~~VETERANS~~].--

12 A. A state agency, board or commission that issues
13 an occupational or professional license pursuant to Chapter 61
14 NMSA 1978 shall, as soon as practicable but no later than
15 [~~sixty~~] thirty days after a military service member or a
16 [~~recent~~] veteran files an application, and provides [~~all of the~~
17 ~~documents required for the application~~] a background check if
18 required, for a license accompanied by [~~the~~] any required fees:

- 19 (1) process the application; and
- 20 (2) issue a license prima facie to a qualified
- 21 applicant who submits satisfactory evidence that the applicant
- 22 holds a license that is current and in good standing, issued by
- 23 another jurisdiction, including a branch of the armed forces of
- 24 the United States, and has met minimal licensing requirements
- 25 that are substantially equivalent to the licensing requirements

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1 for the occupational or professional license that the applicant
2 applies for pursuant to Chapter 61 NMSA 1978.

3 B. A license issued pursuant to this section is not
4 a provisional license and shall confer the same rights,
5 privileges and responsibilities as a license issued pursuant to
6 Chapter 61 NMSA 1978.

7 C. A license issued pursuant to this section shall
8 not be renewed unless the license holder satisfies the
9 requirements for the issuance and the renewal of a license
10 pursuant to Chapter 61 NMSA 1978. Upon the issuance of a
11 license pursuant to this section, the issuing state agency,
12 board or commission shall notify the license holder of the
13 requirements for renewing the license in writing.

14 D. Notwithstanding the provisions of Subsection A
15 of this section, a military service member or a [~~recent~~]
16 veteran who is issued a license pursuant to this section shall
17 not be charged a licensing fee for the first three years a
18 license issued pursuant to this section is valid.

19 E. Each state agency, board or commission that
20 issues a license or certificate to practice a trade or
21 profession shall, upon the conclusion of the state fiscal year,
22 prepare a report on the number and type of licenses or
23 certificates that were issued during the fiscal year under this
24 section. The report shall be provided to the director of the
25 office of military base planning and support not later than

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1 ninety days after the end of the fiscal year.

2 [~~E.~~] F. As used in this section:

3 (1) "license" means a license, registration,
4 certificate of registration, certificate, permit or
5 certification;

6 [~~(1)~~] (2) "licensing fee" means a fee charged
7 at the time an application for a professional or occupational
8 license is submitted to the state agency, board or commission
9 and any fee charged for the processing of the application for
10 such license; "licensing fee" does not include a fee for an
11 annual inspection or examination of a licensee or a fee charged
12 for copies of documents, replacement licenses or other expenses
13 related to a professional or occupational license;

14 [~~(2)~~] (3) "military service member" means a
15 person who is:

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

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

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

7 [~~(3)~~] (4) "[~~recent~~] veteran" means a person
8 who has received an honorable discharge or separation from
9 military service [~~within the three years immediately preceding~~
10 ~~the date the person applied for a professional or occupational~~
11 ~~license pursuant to this section]."~~

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

14 "61-3-10.1. HEMODIALYSIS TECHNICIANS--TRAINING PROGRAMS--
15 CERTIFICATION.--

16 A. A statewide program for certification of
17 hemodialysis technicians is created according to the rules
18 adopted by the board.

19 B. Unless certified as a certified hemodialysis
20 technician pursuant to the Nursing Practice Act, no person
21 shall:

22 (1) practice as a certified hemodialysis
23 technician; or

24 (2) use the title "certified hemodialysis
25 technician", "hemodialysis technician" or other title,

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1 abbreviation, letters, figures, signs or devices to indicate or
2 imply that the person is a certified hemodialysis technician.

3 C. The board shall:

4 (1) maintain a permanent register of all
5 certified hemodialysis technicians;

6 (2) adopt rules for certified hemodialysis
7 technician training programs, including standards and
8 curricula;

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

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

14 (5) conduct disciplinary hearings of certified
15 hemodialysis technicians or on the denial, suspension or
16 revocation of certified hemodialysis technician certificates in
17 accordance with the Uniform Licensing Act.

18 D. Except as provided in Section 61-1-34 NMSA 1978,
19 every applicant for certification as a certified hemodialysis
20 technician shall pay the required application fee, submit
21 written evidence of having completed a board-approved training
22 program for hemodialysis technicians and successfully complete
23 a board-approved examination. The board shall issue a
24 certificate to any person who fulfills the requirements for
25 certification.

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1 E. Every certificate issued by the board to
2 practice as a certified hemodialysis technician shall be
3 renewed every two years. The certified hemodialysis technician
4 seeking renewal shall submit proof of employment as a certified
5 hemodialysis technician and proof of having met continuing
6 education requirements adopted by the board.

7 F. The board shall set the following nonrefundable
8 fees:

9 (1) for initial certification by initial or
10 subsequent examination, a fee not to exceed sixty dollars
11 (\$60.00);

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

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

17 (4) for initial review and approval of a
18 training program, a fee not to exceed three hundred dollars
19 (\$300);

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

23 (6) for subsequent review and approval of a
24 training program when a change has been required by a change in
25 board policy or rules, a fee not to exceed fifty dollars

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1 (\$50.00); and

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

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

8 "61-3-10.2. MEDICATION AIDES.--

9 A. A statewide program for certification of
10 medication aides and approval of medication aide training
11 programs is created under the board.

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

14 (1) practice as a certified medication aide;
15 or

16 (2) use the titles "certified medication aide"
17 or "medication aide" or any other title, abbreviation, letters,
18 figures, signs or devices to indicate or imply that the person
19 is a certified medication aide.

20 C. The board shall:

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

23 (2) adopt rules for certified medication aide
24 education and certification, including standards and curricula;

25 (3) adopt rules governing the supervision of

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1 certified medication aides by licensed nurses, including
2 standards and performance evaluations of certified medication
3 aides;

4 (4) conduct disciplinary hearings of certified
5 medication aides or on the denial, suspension or revocation of
6 certified medication aide certificates in accordance with the
7 Uniform Licensing Act; and

8 (5) grant approval to a certified medication
9 aide training program that meets all the requirements set by
10 the board and deny or withdraw approval from medication aide
11 training programs that fail to meet prescribed standards or
12 fail to maintain a current contract.

13 D. Except as provided in Section 61-1-34 NMSA 1978,
14 every applicant for certification as a certified medication
15 aide shall pay the required application fee, submit written
16 evidence of having completed a board-approved training program
17 for certified medication aides and successfully complete a
18 board-approved examination. The board shall issue a
19 certificate to any person who fulfills the requirements for
20 certification.

21 E. Every certificate issued by the board to
22 practice as a certified medication aide shall be renewed every
23 two years. The certified medication aide seeking renewal shall
24 submit proof of employment as a certified medication aide and
25 proof of having met continuing education requirements adopted

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1 by the board.

2 F. The board shall set the following nonrefundable
3 fees:

4 (1) for initial certification by initial or
5 subsequent examination, a fee not to exceed sixty dollars
6 (\$60.00);

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

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

12 (4) for initial review and approval of a
13 training program, a fee not to exceed three hundred dollars
14 (\$300);

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

18 (6) for subsequent review and approval of a
19 training program when a change has been required by a change in
20 board policy or rules, a fee not to exceed fifty dollars
21 (\$50.00); and

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

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

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

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

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

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

12 D. two hundred dollars (\$200) for an application
13 for renewal of registration based upon an application for
14 renewal of registration or licensure submitted in another
15 state."

16 SECTION 12. Section 61-15-7 NMSA 1978 (being Laws 1931,
17 Chapter 155, Section 6, as amended) is amended to read:

18 "61-15-7. CERTIFICATES OF REGISTRATION.--

19 A. The board shall issue a certificate of
20 registration to each architect. An architect may, upon
21 registration, obtain the seal of the design authorized by the
22 board, which bears the registrant's name and the legend
23 "Registered Architect--State of New Mexico". All plans,
24 specifications, plats and reports prepared by an architect or
25 under an architect's responsible charge shall be signed and

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1 sealed by that architect, including all plans and
2 specifications prepared by an architect or under an architect's
3 responsible charge on work described in Subsection B of Section
4 61-15-9 NMSA 1978.

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

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

12 D. The failure on the part of any registrant to
13 renew a certificate prior to expiration shall not deprive that
14 person of the right of renewal within three years of the
15 expiration date of the certificate. Except as provided in
16 Section 61-1-34 NMSA 1978, reinstatement of the certificate may
17 be effected in a manner prescribed by rule and may include
18 penalties and fees.

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

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

2 "61-17B-5. LICENSE--APPLICATION--REVOCATION--
3 SUSPENSION.--

4 A. A body artist shall obtain a body art license,
5 and an operator shall obtain a body art establishment license,
6 the requirements for which shall be defined by the board and
7 shall include the requirement that a body artist applicant
8 demonstrate that the body artist has the training and
9 experience necessary to perform body piercing, tattooing or
10 scarification and the requirement that a sanitary and sterile
11 body art establishment be maintained; provided that the board
12 shall grant credit for training and experience obtained from
13 any source, whether obtained within or outside the state, if
14 the applicant demonstrates that the training and experience
15 received by the applicant is equivalent to the training and
16 experience required pursuant to the Body Art Safe Practices
17 Act.

18 B. An operator or body artist shall possess and
19 post in a conspicuous place a valid and unsuspended license
20 issued by the board in accordance with the Body Art Safe
21 Practices Act and the rules promulgated pursuant to that act.
22 An operator or a body artist shall not display a license unless
23 it has been issued to that operator or body artist by the board
24 and has not been suspended or revoked.

25 C. An operator or body artist shall apply to the

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

16 D. The board shall promulgate rules for the
17 revocation or suspension of a license for a body art
18 establishment or a body artist who fails to comply with a
19 provision of the Body Art Safe Practices Act or rules
20 promulgated pursuant to that act. A license shall not be
21 suspended or revoked pursuant to the Body Art Safe Practices
22 Act without providing the operator or the body artist with an
23 opportunity for an administrative hearing unless conditions in
24 the body art establishment warrant immediate suspension
25 pursuant to Section 61-17B-9 NMSA 1978. The hearing officer

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1 shall not be a person previously involved in the suspension or
2 revocation action. An inspection made more than twenty-four
3 months prior to the most recent inspection shall not be used as
4 a basis for suspension or revocation.

5 E. Except as provided in Section 61-1-34 NMSA 1978,
6 the board shall charge a fee not to exceed three hundred
7 dollars (\$300) for the application to issue a new or renewed
8 license. The applicant shall provide proof of current
9 immunization as required by the board and proof of the
10 applicant's attendance at a blood-borne pathogen training
11 program and other training as required by the board before a
12 license is issued or renewed.

13 F. A current body art license or body art
14 establishment license shall not be transferable from one person
15 to another.

16 G. The following information shall be kept on the
17 premises of a body art establishment and shall be available for
18 inspection by the board:

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

21 (2) the board-issued license with
22 identification photograph for the operator and any body
23 artists;

24 (3) the body art establishment name and hours
25 of operation;

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

2 (5) a complete description of all body art
3 performed at the body art establishment;

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

9 (7) a current copy of the Body Art Safe
10 Practices Act.

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

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

17 "61-24C-14. LICENSE FEES.--~~[The]~~ Except as provided in
18 Section 61-1-34 NMSA 1978, any fees for an original license or
19 renewal of license, late charges or any other fees authorized
20 by the provisions of the Interior Designers Act shall be set by
21 [regulation] rule of the board. The fee for initial licensure
22 shall not exceed two hundred dollars (\$200)."

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

25 "61-28B-27. FEES.--Except as provided in Section 61-1-34

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1 NMSA 1978, the board may collect from certificate holders,
2 permit holders, applicants and others the following fees:

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

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

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

13 D. for incomplete or delinquent continuing
14 education reports, certificate or permit renewals, a fee not to
15 exceed one hundred dollars (\$100) each;

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

19 F. reasonable administrative fees for such services
20 as research, record copies, duplicate or replacement
21 certificates or permits;

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

25 H. for certificate reinstatement, a fee not to

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1 exceed one hundred seventy-five dollars (\$175), plus past due
2 fees and penalties;

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

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

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

11 "61-32-6. BOARD POWERS.--

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

14 (1) adopt, in accordance with the provisions
15 of the Uniform Licensing Act, and file, in accordance with the
16 State Rules Act, rules necessary to carry out the provisions of
17 the Funeral Services Act;

18 (2) adopt rules implementing continuing
19 education requirements;

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

23 (4) except as provided in Section 61-1-34 NMSA
24 1978, establish reasonable fees to carry out the provisions of
25 the Funeral Services Act;

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

3 (6) establish committees as the board deems
4 necessary for carrying out the provisions of the Funeral
5 Services Act;

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

9 (8) conduct criminal background checks on
10 applicants for licensure.

11 B. No action or other legal proceedings for damages
12 shall be instituted against the board, any board member or
13 employee of the board for any act performed in good faith and
14 in the intended performance of any power or duty granted under
15 the Funeral Services Act or for any neglect or default in the
16 good faith performance or exercise of any such power or duty."

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

19 "61-33-5. APPLICATION REQUIREMENTS--FEES--FUND CREATED--
20 ENDORSEMENT.--

21 A. An applicant for certification as a certified
22 operator shall:

23 (1) make application on forms furnished by the
24 department;

25 (2) submit evidence satisfactory to the

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1 department that the applicant has reached the age of majority;
2 and

3 (3) except as provided in Section 61-1-34 NMSA
4 1978, pay in advance to the department fees set by rule not to
5 exceed:

6 (a) for examination for certification in
7 each classification \$100;

8 (b) for renewal of a certificate after a
9 period set by rule. [~~\$40~~] \$40.00; and

10 (c) for issuance of a certificate by
11 endorsement \$100.

12 B. Fees collected pursuant to Subsection A of this
13 section shall be deposited with the state treasurer in the
14 "public water supply system operator and public wastewater
15 facility operator fund", hereby created. The fund shall be
16 used solely for the purpose of administering and enforcing the
17 Utility Operators Certification Act. The fund shall be
18 administered by the department. Money in the fund shall be
19 retained by the department for use, subject to appropriation by
20 the legislature. Balances in the fund at the end of any fiscal
21 year shall not revert to the general fund, but shall accrue to
22 the credit of the fund. Earnings on the fund shall be credited
23 to the fund.

24 C. The department may, in its discretion, endorse
25 for certification without examination an operator who submits

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1 evidence satisfactory to the department that the applicant has
2 reached the age of majority and holds a valid license or
3 certification in any state, territory or foreign jurisdiction
4 having standards equal to or exceeding those of New Mexico.

5 D. Fees shall not be increased more than once per
6 calendar year. The first increase of the fees shall not result
7 in any fee greater than thirty dollars (\$30.00). Any
8 subsequent increase of the fees shall not be more than five
9 percent of the existing fee."

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