

**FIFTY-FIFTH LEGISLATURE  
FIRST SESSION, 2021**

February 27, 2021

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred  
**HOUSE BILL 190**

has had it under consideration and reports same with  
recommendation that it **DO PASS**, amended as follows:

1. On page 71, between lines 5 and 6, insert the following  
new subsection:

"F. "gross income" means income from any source and  
includes income from salaries, wages, tips, commissions, bonuses,  
dividends, severance pay, pensions, interest, trust income,  
annuities, capital gains, social security benefits, workers'  
compensation benefits, unemployment insurance benefits, disability  
insurance benefits, significant in-kind benefits that reduce  
personal living expenses, prizes and alimony or maintenance  
received; provided that:

(1) "gross income" does not include benefits  
received from:

(a) means-tested public assistance programs,  
including temporary assistance for needy families, supplemental  
security income and general assistance;

(b) the earnings or public assistance  
benefits of a child who is the subject of a child support award; or

(c) child support received by a parent for  
the support of other children;

(2) for income from self-employment, rent,  
royalties, proprietorship of a business or joint ownership of a  
partnership or closely held corporation, "gross income" means gross  
receipts minus ordinary and necessary expenses required to produce  
such income, but ordinary and necessary expenses do not include  
expenses determined by the court to be inappropriate for purposes of  
calculating child support;

(3) "gross income" does not include the amount of  
alimony payments actually paid in compliance with a court order;

**FIFTY-FIFTH LEGISLATURE  
FIRST SESSION, 2021**

HJC/HB 190

Page 2

(4) "gross income" does not include the amount of child support actually paid by a parent in compliance with a court order for the support of prior children; and

(5) "gross income" does not include a reasonable amount for a parent's obligation to support prior children who are in that parent's custody. A duty to support subsequent children is not ordinarily a basis for reducing support owed to children of the parties but may be a defense to a child support increase for the children of the parties. In raising such a defense, a party may use Table A as set forth in Subsection M of Section 40-4-11.1 NMSA 1978 to calculate the support for the subsequent children;".

2. Reletter the succeeding subsections accordingly.
3. On pages 72 through 75, strike Section 7 in its entirety.
4. Renumber the succeeding sections accordingly.
5. On page 91, line 10, after the period, strike the remainder of the line, strike lines 11 and 12 in their entirety and strike line 13 through the period.,

Respectfully submitted,

\_\_\_\_\_  
Gail Chasey, Chair

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

**FIFTY-FIFTH LEGISLATURE  
FIRST SESSION, 2021**

HJC/HB 190

Page 3

The roll call vote was 12 For 0 Against  
Yes: 12  
No: 0  
Excused: None  
Absent: None

.219871.2

Z:\CommRep\HB0190JC1.wpd