

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

February 26, 2021

Mr. President:

Your **JUDICIARY COMMITTEE**, to whom has been referred

SENATE BILL 140

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

1. On page 4, line 25, after "employment", insert "or is willfully underemployed".

2. On page 5, line 15, after "parties", insert "who is under the age of six or is disabled".

3. 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

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(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;

(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;"

4. Reletter the succeeding subsections accordingly.

5. On pages 72 through 75, strike Section 7 in its entirety.

6. Renumber the succeeding sections accordingly.

7. On page 83, line 7, after the comma, insert "unless prohibited by federal law,".

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8. On page 83, line 9, after "that", insert a colon and the paragraph designation "(1)".

9. On page 83, line 9, after "wedlock", insert a semicolon.

10. On page 83, line 9, after the second occurrence of "that", insert a closing bracket, and on lines 10 and 11, remove the bracket and line-through.

11. On page 83, line 10, before the first occurrence of "the", insert the paragraph designation "(2)".

12. On page 83, line 11, strike "or that" and insert in lieu thereof "; or" and the paragraph designation "(3)".

13. 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.

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Respectfully submitted,

Joseph Cervantes, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Moores

Absent: None

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