

1 SENATE BILL 158

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

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6
7
8 FOR THE GOVERNMENT RESTRUCTURING TASK FORCE

9
10 AN ACT

11 RELATING TO EXECUTIVE REORGANIZATION; REPEALING CERTAIN BOARDS,
12 COMMISSIONS, COMMITTEES, COUNCILS AND SIMILAR ENTITIES;
13 LIMITING OR REASSIGNING POWERS AND DUTIES; CHANGING THE
14 MEMBERSHIP OF CERTAIN BOARDS, COMMISSIONS, COMMITTEES, COUNCILS
15 AND SIMILAR ENTITIES; MAKING CONFORMING AMENDMENTS;
16 TRANSFERRING FUNCTIONS, MONEY, PROPERTY, CONTRACTUAL
17 OBLIGATIONS AND STATUTORY REFERENCES; AMENDING, REPEALING AND
18 ENACTING SECTIONS OF THE NMSA 1978.

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

21 SECTION 1. Section 9-3-11 NMSA 1978 (being Laws 1977,
22 Chapter 257, Section 12) is amended to read:

23 "9-3-11. ADMINISTRATIVE ATTACHMENT.--~~[A.]~~ The [~~following~~
24 ~~entities are~~] parole board is administratively attached to the
25 corrections department

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- 1 ~~[(1) the adult parole board;~~
- 2 ~~(2) the governor's organized crime prevention~~
- 3 ~~commission; and~~
- 4 ~~(3) the public defender department.~~

5 ~~B. All powers and duties vested in the entities~~
6 ~~enumerated in this section shall remain unamended by the~~
7 ~~provisions of the Criminal Justice Department Act]."~~

8 SECTION 2. Section 9-23-1 NMSA 1978 (being Laws 2004,
9 Chapter 23, Section 1) is amended to read:

10 "9-23-1. SHORT TITLE.--~~[Sections 1 through 11 of this~~
11 ~~act]~~ Chapter 9, Article 23 NMSA 1978 may be cited as the "Aging
12 and Long-Term Services Department Act"."

13 SECTION 3. Section 9-23-4 NMSA 1978 (being Laws 2004,
14 Chapter 23, Section 4) is amended to read:

15 "9-23-4. DEPARTMENT CREATED--DIVISIONS.--

16 A. The "aging and long-term services department" is
17 created. The department is a cabinet department and includes
18 the following divisions:

- 19 (1) the administrative services division;
- 20 (2) the consumer and elder rights division;
- 21 (3) the aging network services division;
- 22 (4) the long-term care division; ~~[and]~~
- 23 (5) the adult protective services division;
- 24 and
- 25 (6) the disabilities concerns division.

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1 B. The secretary may organize the department and
2 the divisions specified in Subsection A of this section and may
3 transfer or merge functions between divisions in the interest
4 of efficiency and economy."

5 SECTION 4. A new section of the Aging and Long-Term
6 Services Department Act is enacted to read:

7 "[NEW MATERIAL] DISABILITIES CONCERNS--LONG-TERM PLANS--
8 TRAINING AND EMPLOYMENT--SERVICES FOR PERSONS WITH BRAIN
9 INJURIES.--

10 A. The disabilities concerns division shall
11 establish and maintain a comprehensive statewide program
12 designed to encourage and promote attention to the concerns of
13 the training and employment of individuals with disabilities in
14 the state. To further the purpose, the division shall:

15 (1) cooperate with the president's committee
16 on employment of individuals with disabilities and other
17 federal efforts on behalf of disability concerns;

18 (2) cooperate with all employers and training
19 leaders, both public and private, in locating or developing
20 employment opportunities for individuals with disabilities;

21 (3) encourage and assist in the organization
22 and operation of committees at the community level;

23 (4) assist state, local and federal agencies
24 to coordinate their activities to secure maximum use of funds
25 and efforts that aid in the training and employment of

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1 individuals with disabilities;

2 (5) enter into written agreements with public
3 and private employers, unions and rehabilitation agencies for
4 the purpose of achieving the maximum employment of individuals
5 with disabilities;

6 (6) inform individuals with disabilities who
7 are seeking jobs of specific facilities available to assist
8 them in locating suitable training and employment;

9 (7) conduct educational programs via
10 publications and other means to acquaint the public, the
11 legislature and the governor with the abilities and the
12 accomplishments of individuals with disabilities;

13 (8) promote the elimination of architectural
14 barriers in construction so as to make buildings used by the
15 public readily accessible to and usable by persons with
16 physical limitations;

17 (9) create and oversee ad hoc committees
18 related to state planning, community organization, public
19 relations and information, federal and state coordination,
20 medical rehabilitation, employment and special projects;

21 (10) establish and administer a residential
22 accessibility modification program to assist low-income
23 individuals with disabilities to make accessibility
24 modifications to residential dwellings as needed to enable
25 those individuals with disabilities to remain in their homes or

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1 to leave institutional settings and be reintegrated into the
2 community;

3 (11) give advice and testimony on disability
4 concerns to the governor or the legislature or any committee
5 established by them, upon request; and

6 (12) provide training to state and local law
7 enforcement officers regarding matters pertaining to accessible
8 parking for persons with disabilities.

9 B. The division shall work with the developmental
10 disabilities planning council and other state agencies to plan
11 for case management, community support systems, long-term care,
12 employment opportunities, emergency medical services and
13 rehabilitation of persons with brain injuries; to foster brain
14 injury prevention activities; and to improve and coordinate
15 state activities relative to the concerns of persons with brain
16 injuries and their families or other caregivers."

17 SECTION 5. A new section of the Aging and Long-Term
18 Services Department Act is enacted to read:

19 "[NEW MATERIAL] STATE AGENCY FOR FEDERAL DISABILITY
20 PROGRAMS.--The department is designated as the state agency for
21 handling all programs of the federal government related to the
22 concerns of individuals with disabilities except those
23 designated by law as the responsibility of another state agency
24 and may enter into contracts and agreements with agencies of
25 the federal government for this purpose that do not conflict

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1 with existing programs of other state agencies."

2 SECTION 6. Section 9-25-1 NMSA 1978 (being Laws 2005,
3 Chapter 289, Section 1) is amended to read:

4 "9-25-1. SHORT TITLE.--~~[Sections 1 through 13 of this~~
5 ~~act]~~ Chapter 9, Article 25 NMSA 1978 may be cited as the
6 "Higher Education Department Act".

7 SECTION 7. Section 9-25-3 NMSA 1978 (being Laws 2005,
8 Chapter 289, Section 3) is amended to read:

9 "9-25-3. DEFINITIONS.--As used in the Higher Education
10 Department Act:

11 ~~[A. "board" means the higher education advisory~~
12 ~~board;~~

13 ~~B.]~~ A. "department" means the higher education
14 department; and

15 ~~[C.]~~ B. "secretary" means the secretary of higher
16 education."

17 SECTION 8. Section 9-25-13 NMSA 1978 (being Laws 2005,
18 Chapter 289, Section 13) is amended to read:

19 "9-25-13. ADVISORY COMMITTEES.--

20 A. ~~[In addition to the higher education advisory~~
21 ~~board]~~ The department may create ~~[other]~~ advisory committees.

22 "Advisory" means furnishing advice, gathering information,
23 making recommendations and performing such other activities as
24 may be instructed or delegated and as may be necessary to
25 fulfill advisory functions or to comply with federal or private

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1 funding requirements and does not extend to administering a
2 program or function or setting policy unless specified by law.
3 Advisory committees shall be appointed in accordance with the
4 provisions of the Executive Reorganization Act.

5 B. All members of advisory committees are entitled
6 to receive per diem and mileage as provided in the Per Diem and
7 Mileage Act and shall receive no other compensation, perquisite
8 or allowance."

9 SECTION 9. Section 12-8A-2 NMSA 1978 (being Laws 2000,
10 Chapter 65, Section 2, as amended) is amended to read:

11 "12-8A-2. DEFINITIONS.--As used in the Governmental
12 Dispute Prevention and Resolution Act:

13 A. "agency" means the state and its agencies,
14 departments, boards, instrumentalities or institutions that are
15 insured by the division;

16 B. "alternative dispute resolution" means a process
17 other than litigation used to prevent or resolve disputes,
18 including mediation, facilitation, regulatory negotiation,
19 settlement conferences, binding and nonbinding arbitration,
20 fact-finding, conciliation, early neutral evaluation and policy
21 dialogues;

22 [~~G. "council" means the alternative dispute
23 prevention and resolution advisory council;~~

24 ~~D.] C. "department" means the general services
25 department;~~

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1 ~~[E.]~~ D. "division" means the risk management
2 division of the department;

3 ~~[F.]~~ E. "interested party" means a person having or
4 anticipating a dispute with any agency, or a representative of
5 that person;

6 ~~[G.]~~ F. "neutral party" means a person who is
7 trained to provide services as a mediator, arbitrator,
8 facilitator, fact-finder or conciliator who aids parties to
9 prevent or resolve disputes;

10 ~~[H.]~~ G. "office" means the bureau known as the
11 office of alternative dispute prevention and resolution in the
12 division; and

13 ~~[I.]~~ H. "public facilitation" means collaboration
14 with identified stakeholders concerning public policy issues,
15 including policy dialogues and other techniques to seek
16 consensus, reconcile differences or prevent disputes from
17 arising in the development or implementation of public
18 administration issues."

19 **SECTION 10.** Section 12-8A-8 NMSA 1978 (being Laws 2007,
20 Chapter 206, Section 8) is amended to read:

21 "12-8A-8. OFFICE OF ALTERNATIVE DISPUTE PREVENTION AND
22 RESOLUTION--CREATED--POWERS--DUTIES.--

23 A. The "office of alternative dispute prevention
24 and resolution" is created as a bureau of the division.

25 B. In order to promote alternative dispute

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1 resolution, the office shall:

2 (1) organize and manage alternative dispute
3 resolution programs for agencies, employees, vendors,
4 businesses regulated by governmental entities and other
5 interested parties;

6 (2) coordinate the use of neutral parties to
7 facilitate alternative dispute resolution for interested
8 parties and training for agency staff;

9 (3) implement development and use of
10 alternative dispute resolution strategies;

11 [~~(4)~~ provide staff support for the council;

12 ~~(5)]~~ (4) maintain information and educate
13 government officials about training and use of alternative
14 dispute resolution and referrals; and

15 [~~(6)~~] (5) prepare an annual report [~~for review~~
16 ~~and presentation by the council]~~ on the use, cost and success
17 of alternative dispute resolution programs."

18 SECTION 11. Section 13-1-98 NMSA 1978 (being Laws 1984,
19 Chapter 65, Section 71, as amended) is amended to read:

20 "13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE.--The
21 provisions of the Procurement Code shall not apply to:

22 A. procurement of items of tangible personal
23 property or services by a state agency or a local public body
24 from a state agency, a local public body or external
25 procurement unit except as otherwise provided in Sections

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1 13-1-135 through 13-1-137 NMSA 1978;

2 B. procurement of tangible personal property or
3 services for the governor's mansion and grounds;

4 C. printing and duplicating contracts involving
5 materials that are required to be filed in connection with
6 proceedings before administrative agencies or state or federal
7 courts;

8 D. purchases of publicly provided or publicly
9 regulated gas, electricity, water, sewer and refuse collection
10 services;

11 E. purchases of books and periodicals from the
12 publishers or copyright holders thereof;

13 F. travel or shipping by common carrier or by
14 private conveyance or to meals and lodging;

15 G. purchase of livestock at auction rings or to the
16 procurement of animals to be used for research and
17 experimentation or exhibit;

18 H. contracts with businesses for public school
19 transportation services;

20 I. procurement of tangible personal property or
21 services, as defined by Sections 13-1-87 and 13-1-93 NMSA 1978,
22 by the corrections industries division of the corrections
23 department pursuant to rules adopted by the corrections
24 [~~industries commission~~] department, which shall be reviewed by
25 the purchasing division of the general services department

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1 prior to adoption;

2 J. minor purchases not exceeding five thousand
3 dollars (\$5,000) consisting of magazine subscriptions,
4 conference registration fees and other similar purchases
5 ~~[where]~~ for which prepayments are required;

6 K. municipalities having adopted home rule charters
7 and having enacted their own purchasing ordinances;

8 L. the issuance, sale and delivery of public
9 securities pursuant to the applicable authorizing statute, with
10 the exception of bond attorneys and general financial
11 consultants;

12 M. contracts entered into by a local public body
13 with a private independent contractor for the operation, or
14 provision and operation, of a jail pursuant to Sections
15 33-3-26 and 33-3-27 NMSA 1978;

16 N. contracts for maintenance of grounds and
17 facilities at highway rest stops and other employment
18 opportunities, excluding those intended for the direct care and
19 support of persons with handicaps, entered into by state
20 agencies with private, nonprofit, independent contractors who
21 provide services to persons with handicaps;

22 O. contracts and expenditures for services or items
23 of tangible personal property to be paid or compensated by
24 money or other property transferred to New Mexico law
25 enforcement agencies by the United States department of justice

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1 drug enforcement administration;

2 P. contracts for retirement and other benefits
3 pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;

4 Q. contracts with professional entertainers;

5 R. contracts and expenditures for litigation
6 expenses in connection with proceedings before administrative
7 agencies or state or federal courts, including experts,
8 mediators, court reporters, process servers and witness fees,
9 but not including attorney contracts;

10 S. contracts for service relating to the design,
11 engineering, financing, construction and acquisition of public
12 improvements undertaken in improvement districts pursuant to
13 Subsection L of Section 3-33-14.1 NMSA 1978 and in county
14 improvement districts pursuant to Subsection L of Section
15 4-55A-12.1 NMSA 1978;

16 T. works of art for museums or for display in
17 public buildings or places;

18 U. contracts entered into by a local public body
19 with a person, firm, organization, corporation or association
20 or a state educational institution named in Article 12, Section
21 11 of the constitution of New Mexico for the operation and
22 maintenance of a hospital pursuant to Chapter 3, Article 44
23 NMSA 1978, lease or operation of a county hospital pursuant to
24 the Hospital Funding Act or operation and maintenance of a
25 hospital pursuant to the Special Hospital District Act;

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1 V. purchases of advertising in all media, including
2 radio, television, print and electronic;

3 W. purchases of promotional goods intended for
4 resale by the tourism department;

5 X. procurement of printing services for materials
6 produced and intended for resale by the cultural affairs
7 department;

8 Y. procurement by or through the public education
9 department from the federal department of education relating to
10 parent training and information centers designed to increase
11 parent participation, projects and initiatives designed to
12 improve outcomes for students with disabilities and other
13 projects and initiatives relating to the administration of
14 improvement strategy programs pursuant to the federal
15 Individuals with Disabilities Education Act; provided that the
16 exemption applies only to procurement of services not to exceed
17 two hundred thousand dollars (\$200,000);

18 Z. procurement of services from community
19 rehabilitation programs or qualified individuals pursuant to
20 the State Use Act;

21 AA. purchases of products or services for eligible
22 persons with disabilities pursuant to the federal
23 Rehabilitation Act of 1973;

24 BB. procurement, by either the department of health
25 or Grant county or both, of tangible personal property,

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1 services or construction that are exempt from the Procurement
2 Code pursuant to Section 9-7-6.5 NMSA 1978;

3 CC. contracts for investment advisory services,
4 investment management services or other investment-related
5 services entered into by the educational retirement board, the
6 state investment officer or the retirement board created
7 pursuant to the Public Employees Retirement Act;

8 DD. the purchase for resale by the state fair
9 commission of feed and other items necessary for the upkeep of
10 livestock; and

11 EE. contracts entered into by the crime victims
12 reparation commission to distribute federal grants to assist
13 victims of crime, including grants from the federal Victims of
14 Crime Act of 1984 and the federal Violence Against Women Act."

15 SECTION 12. Section 13-1-189 NMSA 1978 (being Laws 1984,
16 Chapter 65, Section 162, as amended) is amended to read:

17 "13-1-189. PROCUREMENTS PURSUANT TO THE CORRECTIONS
18 INDUSTRIES ACT.--

19 A. All state agencies shall purchase and all local
20 public bodies may purchase items of tangible personal property
21 and services offered pursuant to the provisions of the
22 Corrections Industries Act.

23 B. The corrections [~~industries commission~~]
24 department shall prepare a catalogue containing an accurate and
25 complete description of all items of tangible personal property

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1 and services available. A copy of the catalogue shall be
2 provided to each state agency and local public body. The
3 catalogue shall contain an approximate time required for
4 delivery of each item of tangible personal property and
5 service.

6 C. The state purchasing agent or a central
7 purchasing office shall purchase available items of tangible
8 personal property and services from the catalogue unless a
9 determination is made that:

10 (1) an emergency exists requiring immediate
11 action to procure the items of tangible personal property or
12 service;

13 (2) the specifications for the items of
14 tangible personal property or service, including quality,
15 quantity and delivery requirements, cannot be met within a
16 reasonable time by the corrections department; or

17 (3) the price to be paid to the corrections
18 department for the items of tangible personal property or
19 service is higher than the bid price of comparable items of
20 tangible personal property or services."

21 SECTION 13. Section 15-3A-3 NMSA 1978 (being Laws 1989,
22 Chapter 363, Section 3) is amended to read:

23 "15-3A-3. TRUST FUND CREATED--PURPOSES.--~~[There is~~
24 ~~created in the state treasury a permanent trust fund which~~
25 ~~shall be known as]~~

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1 A. The "governor's residence preservation fund" is
2 created as a nonreverting permanent trust fund in the state
3 treasury. The fund shall consist of all gifts, donations and
4 bequests of money to the [~~governor's residence advisory~~
5 ~~commission~~] fund as well as any appropriations made to the
6 [~~commission~~] fund. Earnings from the investment of the fund
7 shall be credited to the fund. Expenditure of the fund shall
8 be [~~only for the purposes for which the commission was created~~
9 ~~and shall be~~] paid to the [~~commission~~] general services
10 department upon vouchers signed by the [~~chairman of the~~
11 ~~commission~~] secretary of general services and warrants issued
12 by the secretary of finance and administration.

13 B. The fund shall be used to:

14 (1) plan, assemble, dispose and acquire
15 furnishings, art, landscaping materials and plans and other
16 decorations for the public areas of the official residence of
17 the governor;

18 (2) monitor and report on the status of
19 maintenance of the governor's residence and recommend to the
20 legislature actions necessary to repair, maintain and renovate
21 the residence; and

22 (3) develop statewide interest in the
23 residence and effect such measures as will enhance the
24 governor's ability to provide appropriate hospitality to the
25 visitors of the residence.

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1 C. The general services department shall conduct a
2 detailed inventory at the beginning of each governor's term and
3 annually prepare and submit to the legislature and the governor
4 a written inventory of and a statement on the condition of
5 these public furnishings, art decorations and other items of
6 the residence, as well as written statement on the condition of
7 the residence as a whole.

8 D. The general services department may:
9 (1) use the assistance of the cultural affairs
10 department, other state agencies and other persons in carrying
11 out its duties; and
12 (2) accept on behalf of the state from any
13 private or other public sources, money, gifts, donations and
14 bequests for use in carrying out its duties."

15 SECTION 14. Section 18-5-5 NMSA 1978 (being Laws 1978,
16 Chapter 70, Section 4, as amended) is amended to read:

17 "18-5-5. COMMISSION--DUTIES.--
18 A. The commission [~~will~~] shall:
19 (1) be advisory to the director [of the arts
20 division], to the [state] secretary of cultural affairs
21 [officer] and to state government in general where not in
22 conflict with other statutory agencies. The governor [will]
23 shall receive general counsel on the arts from the commission
24 and from the division;

25 [~~B. The commission will~~]

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1 (2) advise the division, the department, other
2 state agencies and the governor concerning the protection,
3 promotion and preservation of music and the music industry in
4 New Mexico;

5 (3) advise and assist public agencies in
6 elevating the role of music in New Mexico;

7 (4) protect, promote and preserve the music
8 traditions of New Mexico;

9 (5) advise the director on all division
10 policies, and the director shall provide the commission with
11 all information requisite to such advice

12 ~~[G. The commission shall]~~; and

13 (6) be consulted by the director before [he]
14 the director approves, disapproves or modifies the distribution
15 of federal and state program funds. The director shall provide
16 the commission with all information requisite to such
17 consultation.

18 ~~[D.]~~ B. The director shall keep the commission
19 informed of the fiscal affairs of the division, including
20 budget requests, appropriations and disbursements."

21 SECTION 15. Section 18-5-7 NMSA 1978 (being Laws 1978,
22 Chapter 70, Section 6, as amended) is amended to read:

23 "18-5-7. DIVISION--POWERS--DUTIES.--The powers and duties
24 of the [arts] division [~~of the office of cultural affairs shall~~
25 ~~be~~] are to:

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- 1 A. [tø] advise and assist public agencies in
2 planning civic beautification;
- 3 B. [tø] foster appreciation for the fine arts;
- 4 C. foster appreciation for the music traditions of
5 New Mexico and encourage educational, creative and professional
6 musical activities throughout the state;
- 7 [G.—tø] D. make this state more appealing to the
8 world;
- 9 [D.—tø] E. encourage the creative activity in the
10 arts of residents of this state and [tø] attract to this
11 state's residency additional outstanding creators in the field
12 of fine arts through appropriate programs of publicity,
13 education, coordination and direct activities such as
14 sponsorship of performing and visual arts;
- 15 [E.—tø] F. accept on behalf of the state such
16 donations of money, property or memorials as in its discretion
17 are suitable and shall best further the aims of [~~Sections~~
18 ~~18-5-1 through 18-5-7~~] Chapter 18, Article 5 NMSA 1978. The
19 division shall be empowered to accept any additional gifts,
20 contributions or bequests from private persons, corporations,
21 foundations or agencies or the federal government. Such money
22 so gained may be reemployed as part of a revolving fund to be
23 used to further the purpose of [~~Sections 18-5-1 through 18-5-7~~]
24 Chapter 18, Article 5 NMSA 1978;
- 25 [F.—tø] G. make, through its director, rules [~~and~~

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1 ~~regulations~~] necessary to administer the division and as
2 provided by law; and

3 ~~[G. to]~~ H. perform other duties as provided by
4 law."

5 SECTION 16. Section 20-8-2 NMSA 1978 (being Laws 1987,
6 Chapter 318, Section 53, as amended) is amended to read:

7 "20-8-2. DEFINITIONS.--

8 A. "Armory" means any building, training area,
9 warehouse, vehicle storage compound, organizational maintenance
10 shop or other facility and the lands appurtenant thereto used
11 by the national guard for the storage and maintenance of arms
12 or military equipment or the administration or training of the
13 national guard and state defense force personnel.

14 B. "Armory rental" means the casual rental of all
15 or part of an armory facility to an individual or organization
16 for a limited and specified purpose, duration and fee, which
17 use is not in conflict with the ongoing occupancy and use of
18 the armory by the national guard or state defense force.

19 C. "Local armory" means a particular armory by the
20 name designation of the municipality or county commonly
21 associated with it, including the armory building proper and
22 any appurtenant facilities co-located with it.

23 ~~[D. "Armory board council" means the advisory body~~
24 ~~comprised of the chairmen of all local armory boards, serving~~
25 ~~ex officio, and of the members of the state armory board,~~

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1 ~~chaired by the adjutant general and convened semi-annually by~~
2 ~~the call of the state armory board to aid and advise that board~~
3 ~~in the formation of its regulations and policies.]"~~

4 SECTION 17. Section 20-8-3 NMSA 1978 (being Laws 1987,
5 Chapter 318, Section 54, as amended) is amended to read:

6 "20-8-3. POWERS AND RESPONSIBILITIES.--The state armory
7 board shall be empowered to:

8 A. act on behalf of the state in the exercise of
9 its powers and responsibilities;

10 B. hold title to armories in its name on behalf of
11 the state;

12 C. employ and maintain or retain technical, legal,
13 administrative and clerical personnel, including an architect
14 or engineer, a construction manager and a finance manager as
15 deemed necessary by the board within its appropriated budget or
16 federal reimbursement funds, as approved by itself and the
17 department of finance and administration;

18 D. have control and supervision over the
19 acquisition, construction, replacement, repair, alteration,
20 improvement, furnishing, equipping, maintenance and operation
21 of all armories and over all funds appropriated or obtained for
22 those purposes;

23 E. acquire property deemed necessary for military
24 purposes by purchase, exchange, lease, grant, gift or
25 condemnation;

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1 F. disregard the requirements of Sections 13-6-3
2 [~~15-3-20~~] and [~~15-3-23~~] 15-38-16 NMSA 1978;

3 G. borrow money for acquiring, constructing,
4 replacing, repairing, altering, improving, furnishing,
5 equipping and operating armories, as provided in Chapter 20,
6 Article 8 NMSA 1978;

7 H. enter into contracts on behalf of the state with
8 the United States or any of its agencies for the purpose of
9 participating in any joint federal-state military construction
10 for the purpose of receiving federal funds for military
11 construction;

12 I. sell or exchange armory property when it
13 determines the property is no longer necessary or suitable for
14 military purposes; lease the property if its non-necessity or
15 nonsuitability is determined to be temporary, but that any such
16 lease shall be revocable at will should the adjutant general
17 determine and declare military necessity and suitability,
18 without liability against the state or the board being
19 occasioned by the revocation; or to donate all or part of an
20 armory property to the state, to a county or to a municipality
21 pursuant to new or replacement armory acquisition or
22 construction in the state;

23 J. guide, direct and supervise the local armory
24 boards [~~the armory board council~~] and the state armory board
25 fund;

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1 K. delegate to local armory boards such powers as
2 it deems appropriate, retaining the responsibility for proper
3 supervision and accountability of the delegated powers;

4 L. regulate and audit armory rentals contracted by
5 local armory boards;

6 M. submit an annual report to the governor,
7 accounting for all state appropriated funds received and
8 disbursed by it; and

9 N. meet quarterly or at the more frequent call of
10 the adjutant general. The adjutant general shall prescribe and
11 issue ~~[regulations which he]~~ rules that the adjutant general
12 and the board deem appropriate for the operations of armories
13 and for the exercise of powers by and the fulfillment of
14 responsibilities of the board stated in Chapter 20, Article 8
15 NMSA 1978."

16 SECTION 18. Section 20-8-4 NMSA 1978 (being Laws 1987,
17 Chapter 318, Section 55) is amended to read:

18 "20-8-4. LOCAL ARMORY BOARDS--MEMBERS.--~~[There are~~
19 ~~created]~~ A local armory [boards] board is created for each
20 local armory. The management and control of each local armory
21 shall be the responsibility of its local armory board, subject
22 to the guidance, direction and supervision of the state armory
23 board. The senior commander of the national guard units
24 occupying the armory, as ~~[chairman]~~ chair; one enlisted member
25 serving in the armory, as secretary-treasurer; and one resident

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1 of the locality, who is not a member of the national guard,
2 shall constitute the board for that locality. Discretionary
3 appointments to each board shall be made by the adjutant
4 general and shall be for [~~a term~~] terms of two years. Members
5 shall serve without compensation but shall be paid per diem and
6 mileage as provided in the Per Diem and Mileage Act. Each
7 local armory board shall:

8 A. manage and control its local armory, subject to
9 the guidance, supervision and direction of the state armory
10 board and such [~~regulations~~] rules as the state armory board
11 may promulgate;

12 B. maintain a local checking account;

13 C. administer and contract for armory rentals as it
14 deems appropriate within [~~regulations~~] rules promulgated by the
15 state armory board;

16 D. administer and account to the state armory board
17 for all revenues therefrom;

18 E. transmit all revenues, less actual and
19 reasonable expenses of the board and operations costs of its
20 armory rentals, to the state armory board fund quarterly or
21 more frequently;

22 F. report to the adjutant general annually, in
23 September, on the physical condition of its local armory,
24 including recommendations for improvements, repair and
25 maintenance; and

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1 G. participate in the semiannual meeting of the
2 state armory board [~~council~~]."

3 SECTION 19. Section 21-22F-3 NMSA 1978 (being Laws 2005,
4 Chapter 83, Section 3, as amended) is amended to read:

5 "21-22F-3. DEFINITIONS.--As used in the Public Service
6 Law Loan Repayment Act:

7 [~~A.~~] "~~committee~~" ~~means the public service law~~
8 ~~advisory committee;~~

9 ~~B.]~~ A. "department" means the higher education
10 department;

11 [~~G.]~~ B. "legal education" means education at an
12 accredited law school and any bar review preparation courses
13 for the state bar examination;

14 [~~D.]~~ C. "loan" means money allocated to defray the
15 costs incidental to a legal education under a contract between
16 the federal government or a commercial lender and a law school
17 student, requiring either repayment of principal and interest
18 or repayment in services;

19 [~~E.]~~ D. "participating attorney" means an attorney
20 who receives a loan repayment award from the department
21 pursuant to the provisions of the Public Service Law Loan
22 Repayment Act; and

23 [~~F.]~~ E. "public service employment" means
24 employment with:

25 (1) an organization that is exempt from

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1 taxation pursuant to Section 501(c)(3) of Title 26 of the
2 United States Code and that provides for the care and
3 maintenance of indigent persons in New Mexico through civil
4 legal services;

- 5 (2) the public defender department; or
- 6 (3) a New Mexico district attorney's office."

7 **SECTION 20.** Section 22-15E-1 NMSA 1978 (being Laws 2007,
8 Chapter 44, Section 1 and Laws 2007, Chapter 239, Section 1) is
9 amended to read:

10 "22-15E-1. SHORT TITLE.--~~[This act]~~ Chapter 22, Article
11 15E NMSA 1978 may be cited as the "Mathematics and Science
12 Education Act"."

13 **SECTION 21.** Section 22-15E-2 NMSA 1978 (being Laws 2007,
14 Chapter 44, Section 2 and Laws 2007, Chapter 239, Section 2) is
15 amended to read:

16 "22-15E-2. DEFINITIONS.--As used in the Mathematics and
17 Science Education Act:

- 18 A. "bureau" means the mathematics and science
19 bureau; and
- 20 B. "chief" means the chief of the bureau [~~and~~
- 21 ~~C. "council" means the mathematics and science~~
22 ~~advisory council]."~~

23 **SECTION 22.** Section 22-15E-3 NMSA 1978 (being Laws 2007,
24 Chapter 44, Section 3 and Laws 2007, Chapter 239, Section 3) is
25 amended to read:

1 "22-15E-3. BUREAU CREATED--DUTIES.--

2 A. The "mathematics and science bureau" is created
3 in the department. The secretary shall appoint the chief as
4 provided in the Public Education Department Act.

5 B. The bureau shall:

6 (1) administer the provisions of the
7 Mathematics and Science Education Act;

8 [~~(2)~~] ~~provide staff support for and coordinate~~
9 ~~the activities of the council;~~

10 [~~(3)~~] ~~work with the council to]~~

11 (2) develop a statewide strategic plan for
12 mathematics and science education in the public schools and
13 coordinate education activities with other state agencies, the
14 federal government, business consortia and public or private
15 organizations or other persons;

16 [~~(4)~~] (3) ensure that school districts' plans
17 include goals for improving mathematics and science education
18 aligned to the department's strategic plan;

19 [~~(5)~~] (4) recommend funding mechanisms that
20 support the improvement of mathematics and science education in
21 the state, including web-based mathematics and science
22 curricula, mentoring and web-based homework assistance;

23 [~~(6)~~] (5) promote partnerships among public
24 schools, higher education institutions, government, business
25 and educational and community organizations to improve the

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1 mathematics and science education in the state;

2 ~~[(7)]~~ (6) develop and evaluate curricula,
3 instructional programs and professional development programs in
4 mathematics and science aligned with state academic content and
5 performance standards; and

6 ~~[(8)]~~ (7) assess the outcomes of efforts to
7 improve mathematics and science education using existing data."

8 SECTION 23. Section 24-1-24 NMSA 1978 (being Laws 1997,
9 Chapter 242, Section 7 and also Laws 1997, Chapter 247, Section
10 4) is amended to read:

11 "24-1-24. BRAIN INJURY SERVICES FUND CREATED.--

12 A. There is created in the state treasury the
13 "brain injury services fund". The fund shall be invested in
14 accordance with the provisions of Section 6-10-10 NMSA 1978,
15 and all income earned on the fund shall be credited to the
16 fund.

17 B. The brain injury services fund shall be used to
18 institute and maintain a statewide brain injury services
19 program designed to increase the independence of persons with
20 traumatic brain injuries.

21 C. The department of health shall adopt all rules
22 [~~regulations and policies~~] necessary to administer a statewide
23 brain injury services program. The department of health shall
24 coordinate with and seek advice from the [~~brain injury~~
25 ~~advisory~~] developmental disabilities planning council to ensure

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1 that the statewide brain injury services program is appropriate
2 for persons with traumatic brain injuries.

3 D. All money credited to the brain injury services
4 fund shall be appropriated to the department of health for the
5 purpose of carrying out the provisions of this section and
6 shall not revert to the general fund."

7 SECTION 24. Section 24-1-28 NMSA 1978 (being Laws 2004,
8 Chapter 46, Section 2, as amended) is amended to read:

9 "24-1-28. BEHAVIORAL HEALTH PLANNING COUNCIL CREATED--
10 POWERS AND DUTIES--MEMBERSHIP.--There is created the
11 "behavioral health planning council".

12 A. The council shall consist of [~~the following~~] no
13 more than twenty members, all of whom shall be appointed by and
14 serve at the pleasure of the governor, selected from the
15 following groups:

16 (1) consumers of behavioral health services
17 and consumers of substance abuse services, as follows:

18 (a) adults with serious mental illness;

19 (b) seniors;

20 (c) family members of adults with
21 serious mental illness and of children with serious emotional
22 or neurobiological disorders; and

23 (d) persons with co-occurring disorders;

24 (2) Native American representatives from a
25 pueblo, an Apache tribe, the Navajo Nation and an urban Native

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1 American population;

2 (3) providers;

3 (4) state agency representation from among
4 agencies responsible for:

5 (a) adult mental health and substance
6 abuse;

7 (b) children's mental health and
8 substance abuse;

9 (c) education;

10 (d) vocational rehabilitation;

11 (e) criminal justice;

12 (f) juvenile justice;

13 (g) housing;

14 (h) medicaid and social services;

15 (i) health policy planning;

16 (j) developmental disabilities planning;

17 and

18 (k) disabilities issues and advocacy;

19 and

20 ~~[(5) such other members as the governor may~~
21 ~~appoint to ensure appropriate cultural and geographic~~
22 ~~representation; and~~

23 ~~(6)]~~ (5) advocates.

24 B. Providers and state agency representatives
25 together may not constitute more than forty-nine percent of the

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1 council membership.

2 C. The council shall:

3 (1) advocate for adults, children and
4 adolescents with serious mental illness or severe emotional,
5 neurobiological and behavioral disorders, as well as those with
6 mental illness or emotional problems, including substance abuse
7 and co-occurring disorders;

8 (2) report annually to the governor and the
9 legislature on the adequacy and allocation of mental health
10 services throughout the state;

11 (3) encourage and support the development of a
12 comprehensive, integrated, community-based behavioral health
13 system of care, including mental health and substance abuse
14 services, and services for persons with co-occurring disorders;

15 (4) advise state agencies responsible for
16 behavioral health services for children and adults, as those
17 agencies are charged in Section 9-7-6.4 NMSA 1978;

18 (5) meet [~~regularly and~~] no more than
19 quarterly at the call of the chair, who shall be selected by
20 the council membership from among its members;

21 (6) establish subcommittees, to meet at least
22 quarterly, as follows:

23 (a) a medicaid subcommittee, chaired by
24 the secretary of human services or a designee, which may also
25 serve as a subcommittee of the medicaid advisory committee;

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1 (b) a child and adolescent subcommittee,
2 chaired by the secretary of children, youth and families or a
3 designee;

4 (c) an adult subcommittee, chaired by
5 the secretary of health or a designee;

6 (d) a substance abuse subcommittee,
7 chaired by the secretary of health or a designee, which shall
8 include DWI issues and shall include representation from local
9 DWI councils;

10 (e) a Native American subcommittee,
11 chaired by the secretary of Indian affairs or a designee; and

12 (f) other subcommittees as may be
13 established by the chair of the council to address specific
14 issues. All subcommittees may include nonvoting members
15 appointed by the chair for purposes of providing expertise
16 necessary to the charge of the respective subcommittee;

17 (7) review and make recommendations for the
18 comprehensive mental health state block grant and the substance
19 abuse block grant applications, the state plan for medicaid
20 services and any other plan or application for federal or
21 foundation funding for behavioral health services; and

22 (8) replace the governor's mental health
23 planning council and act in accordance with Public Law 102-321
24 of the federal Public Health Service Act."

25 SECTION 25. Section 24-10B-1 NMSA 1978 (being Laws 1983,

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1 Chapter 190, Section 1) is amended to read:

2 "24-10B-1. SHORT TITLE.--~~[This act]~~ Chapter 24, Article
3 10B NMSA 1978 may be cited as the "Emergency Medical Services
4 Act"."

5 SECTION 26. Section 24-10B-4 NMSA 1978 (being Laws 1983,
6 Chapter 190, Section 4, as amended) is amended to read:

7 "24-10B-4. BUREAU--DUTIES.--The bureau is designated as
8 the lead agency for the emergency medical services system,
9 including injury prevention, and shall establish and maintain a
10 program for regional planning and development, improvement,
11 expansion and direction of emergency medical services
12 throughout the state, including:

13 A. design, development, implementation and
14 coordination of emergency medical services communications
15 systems to join the personnel, facilities and equipment of a
16 given region or system that will allow for medical direction;

17 B. provision of technical assistance to the public
18 regulation commission for further development and
19 implementation of standards for certification of ambulance
20 services, vehicles and equipment;

21 C. development of requirements for the collection
22 of data and statistics to evaluate the availability, operation
23 and quality of providers in the state;

24 D. adoption of rules for emergency medical services
25 medical direction ~~[upon the recommendation of the medical~~

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1 ~~direction committee~~];

2 E. approval of continuing education programs for
3 emergency medical services personnel;

4 F. adoption of rules pertaining to the training and
5 licensure of emergency medical dispatchers and their
6 instructors;

7 G. adoption of rules [~~based upon the~~
8 ~~recommendations of a trauma advisory committee~~] for
9 implementation and monitoring of a statewide, comprehensive
10 trauma care system, including:

11 (1) minimum standards for designation or
12 retention of designation as a trauma center or a participating
13 trauma facility;

14 (2) pre-hospital care management guidelines
15 for the triage and transportation of traumatized persons;

16 (3) establishment for interfacility transfer
17 criteria and transfer agreements;

18 (4) standards for collection of data relating
19 to trauma system operation, patient outcome and trauma
20 prevention; and

21 (5) creation of a state trauma care plan;

22 H. adoption of rules [~~based upon the~~
23 ~~recommendations of the air transport advisory committee~~] for
24 the certification of air ambulance services;

25 I. adoption of rules pertaining to authorization of

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1 providers to honor advance directives, such as emergency
2 medical services do not resuscitate forms, to withhold or
3 terminate care in certain pre-hospital or interfacility
4 circumstances, as guided by local medical protocols;

5 J. operation of a critical incident stress
6 management program for emergency providers [~~utilizing~~] using
7 specifically trained volunteers who shall be considered public
8 employees for the purposes of the Tort Claims Act when called
9 upon to perform their duties;

10 K. adoption of rules to establish a cardiac arrest
11 targeted response program pursuant to the Cardiac Arrest
12 Response Act, including registration of automated external
13 defibrillator programs, maintenance of equipment, data
14 collection, approval of automated external defibrillator
15 training programs and a schedule of automated external
16 defibrillator program registration fees;

17 L. adoption of rules for the administration of an
18 emergency medical services certification program for certified
19 emergency medical services; and

20 M. promoting, developing, implementing,
21 coordinating and evaluating risk reduction and injury
22 prevention systems."

23 SECTION 27. Section 24-10B-5.1 NMSA 1978 (being Laws
24 1993, Chapter 161, Section 5, as amended) is amended to read:

25 "24-10B-5.1. LICENSING [~~COMMISSION ESTABLISHED~~].--

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1 A. ~~The [secretary shall appoint an "emergency~~
2 ~~medical services licensing commission", which shall be staffed~~
3 ~~by the bureau and composed of one lay person, three emergency~~
4 ~~medical technicians, one from each level of licensure, and~~
5 ~~three physicians, at least two of whom shall have expertise in~~
6 ~~emergency medicine and who are appointed from a list proposed~~
7 ~~by the New Mexico chapter of the American college of emergency~~
8 ~~physicians.~~

9 B. ~~The composition of the emergency medical~~
10 ~~services licensing commission shall reflect geographic~~
11 ~~diversity and both public and private interests. The members~~
12 ~~shall serve for three-year staggered terms. The duties of and~~
13 ~~procedures for the emergency medical services licensing~~
14 ~~commission shall be delineated in rules promulgated pursuant to~~
15 ~~Subsection A of Section 24-10B-5 NMSA 1978. Such duties~~
16 ~~include] bureau shall:~~

17 (1) ~~[providing]~~ establish a forum for the
18 receipt of public comment regarding emergency medical services
19 licensing matters;

20 ~~[(2) oversight of the bureau's licensure~~
21 ~~functions;~~

22 ~~(3) receiving]~~ (2) receive complaints,
23 ~~[directing]~~ direct investigations and ~~[authorizing]~~ authorize
24 the initiation of actions by the bureau regarding contemplated
25 refusal to grant initial licensure and for disciplinary actions

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1 against licensees; and

2 [~~(4) the granting of~~] (3) grant waivers, for
3 good cause shown, of rules pertaining to licensure renewal.

4 [~~G.~~] B. The [~~emergency medical services licensing~~
5 ~~commission~~] bureau may compel the production of books, records
6 and papers pertinent to any investigation authorized by the
7 Emergency Medical Services Act and may seek enforcement of any
8 subpoena so issued through the district court in the county in
9 which the custodian of the document is located in camera.

10 [~~D. The emergency medical services licensing~~
11 ~~commission shall meet as needed, but not less frequently than~~
12 ~~semiannually. The emergency medical services licensing~~
13 ~~commission shall be subject to the provisions of the Per Diem~~
14 ~~and Mileage Act.]"~~

15 SECTION 28. Section 24-10B-7 NMSA 1978 (being Laws 1983,
16 Chapter 190, Section 7, as amended) is amended to read:

17 "24-10B-7. COMMITTEES ESTABLISHED.--

18 A. The secretary [~~shall~~] may appoint [~~a~~] statewide
19 emergency medical services advisory [~~committee~~] ad hoc
20 committees as needed to advise the bureau in carrying out the
21 provisions of the Emergency Medical Services Act. [~~The~~
22 ~~advisory committee shall include, at a minimum, representatives~~
23 ~~from the state medical society, the state emergency medical~~
24 ~~technicians' association, the state firefighters' association,~~
25 ~~the New Mexico ambulance association, the state nurses'~~

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1 ~~association, the association of public safety communications~~
2 ~~organization/national emergency numbers association, the lead~~
3 ~~state agency for public safety and emergency preparedness, the~~
4 ~~state emergency services council, the New Mexico health and~~
5 ~~hospital systems association, the university of New Mexico~~
6 ~~health sciences center, the state fire chiefs' association, a~~
7 ~~consumer, emergency medical service regional offices and other~~
8 ~~interested provider and consumer groups as determined by the~~
9 ~~secretary. The advisory committee shall establish appropriate~~
10 ~~subcommittees, including a trauma advisory committee and an air~~
11 ~~transport advisory committee.~~

12 ~~B. The joint organization on education committee~~
13 ~~shall be composed, at a minimum, of the director and medical~~
14 ~~director of the academy and each approved emergency medical~~
15 ~~services training program or their designee, the state~~
16 ~~emergency medical services medical director, the bureau chief~~
17 ~~or his designee, who shall serve without vote, each emergency~~
18 ~~medical services regional office training coordinator and one~~
19 ~~provider from the three highest levels of licensure, who are~~
20 ~~appointed by the secretary from a list proposed by the~~
21 ~~statewide emergency medical services advisory committee. The~~
22 ~~duties of the joint organization on education committee~~
23 ~~include]~~

24 B. The bureau shall:

25 (1) [developing] develop minimum curricula

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1 content for approved emergency medical services training
2 programs;

3 (2) [~~establishing~~] establish minimum standards
4 for approved emergency medical services training programs;

5 (3) [~~reviewing and approving~~] review and
6 approve the applications of organizations seeking to become
7 approved emergency medical services training programs; [~~and~~]

8 (4) [~~developing~~] develop minimum
9 qualifications for and [~~maintaining~~] maintain a list of
10 instructors for each of the approved emergency medical services
11 training programs;

12 [~~G. The secretary shall appoint a medical direction~~
13 ~~committee to advise the bureau on matters relating to medical~~
14 ~~direction. The state emergency medical services medical~~
15 ~~director shall be a member of the committee and shall act as~~
16 ~~its chairman. The medical direction committee shall include,~~
17 ~~at a minimum, a physician representative experienced in pre-~~
18 ~~hospital medical care selected from a list proposed by the New~~
19 ~~Mexico chapter of the American college of emergency physicians,~~
20 ~~a physician representative from the academy, one physician from~~
21 ~~each of the emergency medical services geographic regions, one~~
22 ~~physician with pediatric emergency medicine expertise, one~~
23 ~~physician representing emergency medical dispatchers and one~~
24 ~~provider from the three highest levels of licensure. Members~~
25 ~~shall be selected to represent both public and private~~

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1 ~~interests. The duties of the medical direction committee~~
2 ~~include:~~

3 ~~(1) reviewing the medical appropriateness of~~
4 ~~all rules proposed by the bureau;~~

5 ~~(2) reviewing and approving]~~ (5) review and
6 approve the applications of providers for special skills
7 authorizations; and

8 ~~[(3) assisting in the development of rules~~
9 ~~pertaining to medical direction; and~~

10 ~~(4) reviewing]~~ (6) review at least annually a
11 list of skills, techniques and medications approved for use at
12 each level of licensure that shall be approved by the secretary
13 and issued by the bureau.

14 ~~[D. The committees created in this section are~~
15 ~~subject to the provisions of the Per Diem and Mileage Act, to~~
16 ~~the extent that funds are available for that purpose.~~

17 ~~E. Any decision that the bureau proposes to make~~
18 ~~contrary to the recommendation of any committee created in this~~
19 ~~section shall be communicated in writing to that committee.~~
20 ~~Upon the request of that committee, the decision shall be~~
21 ~~submitted for reconsideration to the director of the public~~
22 ~~health division of the department and subsequently to the~~
23 ~~secretary. Any decision made pursuant to a request for~~
24 ~~reconsideration shall be communicated in writing by the~~
25 ~~department to the appropriate committee.]"~~

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1 SECTION 29. Section 24-19-3 NMSA 1978 (being Laws 1986,
2 Chapter 15, Section 3, as amended) is amended to read:

3 "24-19-3. DEFINITIONS.--As used in the Children's Trust
4 Fund Act:

5 A. "board" means the children's trust fund board of
6 trustees;

7 B. "children's projects" means projects that
8 provide services to children on a one-time, short-term
9 demonstration basis, including services to their families,
10 consistent with the purposes of the Children's Trust Fund Act;

11 ~~[G. "council" means the next generation council;~~

12 ~~D.]~~ C. "department" means the children, youth and
13 families department;

14 ~~[E.]~~ D. "next generation fund projects" means
15 projects funded from the next generation fund that meet the
16 requirements for funding provided in Section ~~[5 of this 2005~~
17 ~~act]~~ 24-19-10 NMSA 1978; and

18 ~~[F.]~~ E. "secretary" means the secretary of
19 children, youth and families."

20 SECTION 30. Section 24-19-8 NMSA 1978 (being Laws 1986,
21 Chapter 15, Section 8, as amended) is amended to read:

22 "24-19-8. CHILDREN, YOUTH AND FAMILIES DEPARTMENT--
23 ADDITIONAL POWERS AND DUTIES.--The department shall:

24 A. promulgate rules approved by the board;

25 B. transmit proposals for children's projects [~~to~~

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1 ~~the board~~] and next generation fund projects to the [~~council~~
2 board for evaluation [~~and report on the proposals~~];

3 C. enter into contracts approved by the board to
4 carry out the proposed children's project or next generation
5 fund project, provided that:

6 (1) not more than fifty percent of the total
7 funds distributed for any one fiscal year from the children's
8 trust fund shall be allocated for any single children's
9 project;

10 (2) not more than fifty percent of the total
11 funds distributed for any one fiscal year from the next
12 generation fund shall be allocated for any single next
13 generation fund project;

14 (3) each children's project shall be funded
15 for a specified period, not to exceed four years, and funds
16 shall not be used for maintenance of ongoing or permanent
17 efforts extending beyond the period specified, except that a
18 children's project may be extended once for a period not to
19 exceed the original, and the board shall approve rules
20 providing procedures and guidelines for the preparation and
21 approval of proposals for children's projects and providing for
22 any other matter the board deems necessary for the
23 administration of the Children's Trust Fund Act; and

24 (4) no contract shall be entered into if the
25 department finds it contrary to law;

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1 D. furnish the board [~~and the council~~] with the
2 necessary technical and clerical assistance;

3 E. adopt standard contract provisions; and

4 F. report at least annually to the governor and the
5 legislature on the progress of its work and the results of
6 children's projects and next generation fund projects."

7 SECTION 31. Section 25-1-6 NMSA 1978 (being Laws 1977,
8 Chapter 309, Section 6) is amended to read:

9 "25-1-6. [~~AGENCY~~] DIVISION--POWERS AND DUTIES.--~~[A.]~~ The
10 [~~agency~~] division is authorized and has the duty to execute any
11 provisions of the Food Service Sanitation Act delegated to it
12 under that act or by the board under authority of that act and
13 specifically is directed to administer and enforce the
14 provisions of [~~regulations~~] rules adopted under it.

15 ~~[B. The director of the agency may appoint an~~
16 ~~advisory council composed of food service technicians to assist~~
17 ~~in carrying out the objectives of the Food Service Sanitation~~
18 ~~Act.]"~~

19 SECTION 32. Section 28-10-3.1 NMSA 1978 (being Laws 1995,
20 Chapter 95, Section 1, as amended) is amended to read:

21 "28-10-3.1. FULL-SERVICE GASOLINE STATIONS--DECAL
22 DISPLAY--SERVICE TO PERSON WITH A DISABILITY.--

23 A. The [~~governor's commission on disability~~] aging
24 and long-term services department shall design and produce a
25 decal for display in full-service gasoline stations signifying

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1 that the gasoline station will provide gasoline pumping, window
2 washing, fluid checks and other services provided at its full-
3 service island to any properly permitted or certified driver
4 with a disability at a self-service island.

5 B. Any full-service gasoline station providing the
6 services described in Subsection A of this section may request
7 and shall receive the decal upon application to the [~~governor's~~
8 ~~commission on disability~~] department.

9 C. No gasoline station shall display the decal
10 issued by the [~~governor's commission on disability~~] department
11 unless it provides full service to any driver with a disability
12 at a self-service island.

13 D. A gasoline station owner or operator who
14 displays a decal signifying that the station will provide
15 additional services to drivers with a disability at a self-
16 service island and who fails to provide that service shall be
17 subject to revocation of the decal for display according to
18 this section."

19 SECTION 33. Section 28-10-3.2 NMSA 1978 (being Laws 1999,
20 Chapter 297, Section 1) is amended to read:

21 "28-10-3.2. SHORT TITLE.--Sections [~~1 and 2 of this act~~]
22 28-10-3.2 and 28-10-3.3 NMSA 1978 may be cited as the "Parking
23 Placard Abuse Act"."

24 SECTION 34. Section 28-10-3.3 NMSA 1978 (being Laws 1999,
25 Chapter 297, Section 2, as amended) is amended to read:

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1 "28-10-3.3. PROGRAM CREATED.--The "placard abuse
2 prevention program" is created in the [~~governor's commission on~~
3 ~~disability~~] aging and long-term services department to ensure
4 compliance with statutes affecting parking privileges for
5 persons with severe mobility impairment and safe and effective
6 use of designated disabled parking space. The [~~commission~~
7 department] shall design and implement a program to:

8 A. monitor the system of eligibility for and use of
9 parking placards and special registration plates;

10 B. provide public awareness education and training
11 to address barriers to the appropriate use of designated
12 disabled parking space;

13 C. pursue efforts to reduce abuse and misuse of
14 designated disabled parking space privileges, including
15 revocation of parking placards and special registration plates;
16 and

17 D. provide education, training and technical
18 assistance to local law enforcement agencies and volunteers on
19 enforcement of statutes affecting use of designated disabled
20 parking space."

21 SECTION 35. Section 28-10-5 NMSA 1978 (being Laws 1973,
22 Chapter 349, Section 5, as amended) is amended to read:

23 "28-10-5. DISABILITY FUND CREATED.--

24 A. There is created in the state treasury [a] the
25 "disability fund". All funds, gifts, donations, bequests and

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1 other income of the [~~governor's commission on disability~~] aging
2 and long-term services department attributable to disability
3 functions pursuant to Sections 28-10-2 through 28-10-8.1 NMSA
4 1978 shall be deposited [~~by the director of the commission~~] in
5 the fund and shall be appropriated to the [~~commission~~]
6 department to further the purpose of those sections [~~28-10-1~~
7 ~~through 28-10-8.1 NMSA 1978~~] or for the purposes stated by the
8 donor or grantor of the funds.

9 B. Distributions made to the disability fund from
10 the housing modification for persons with a disability
11 permanent fund shall constitute a separate account in the fund
12 and are appropriated to the [~~governor's commission on~~
13 ~~disability~~] department for the purpose of carrying out a
14 residential accessibility modification program.

15 C. Money in the disability fund shall not revert
16 but shall be used only [~~as provided in Sections 28-10-1 through~~
17 ~~28-10-8.1 NMSA 1978~~] for services and programs related to long-
18 term planning, training and employment of individuals with
19 disabilities, architectural barrier removal, the gasoline
20 station decal program, the placard abuse prevention program and
21 other efforts by the disabilities concerns division of the
22 department to improve the lives of individuals with
23 disabilities as provided in the Aging and Long-Term Services
24 Department Act."

25 SECTION 36. Section 28-16A-1 NMSA 1978 (being Laws 1993,
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1 Chapter 50, Section 1) is amended to read:

2 "28-16A-1. SHORT TITLE.--~~[Sections 1 through 18 of this~~
3 ~~act]~~ Chapter 28, Article 16A NMSA 1978 may be cited as the
4 "Developmental Disabilities Act"."

5 SECTION 37. Section 28-16A-5 NMSA 1978 (being Laws 1993,
6 Chapter 50, Section 5) is amended to read:

7 "28-16A-5. POWERS AND DUTIES.--

8 A. The developmental disabilities planning council
9 shall:

10 (1) act as a planning and coordinating body
11 for persons with developmental disabilities;

12 (2) provide statewide advocacy systems for
13 persons with developmental disabilities;

14 (3) work with appropriate state agencies to
15 develop the developmental disabilities three-year plan as
16 required by the federal Developmental Disabilities Assistance
17 and Bill of Rights Act;

18 (4) monitor and evaluate the implementation of
19 the developmental disabilities state plan;

20 (5) to the maximum extent feasible, review and
21 comment on all state plans that relate to programs affecting
22 persons with developmental disabilities;

23 (6) submit to the secretary of the United
24 States department of health and human services, through the
25 office of the governor, periodic reports that the secretary may

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1 request;

2 (7) advise the governor and the legislature
3 about the needs of persons with developmental disabilities;
4 [~~and~~]

5 (8) study and make recommendations to the
6 governor, the legislature and other state agencies concerning
7 case management, community support systems, long-term care,
8 employment, emergency medical services, rehabilitation and
9 prevention and the improvement and coordination of state
10 activities relative to the concerns of persons with brain
11 injuries and their families or other caregivers;

12 (9) advise appropriate state agencies and
13 private organizations on the development of services and
14 supports that meet the needs of persons with brain injuries;
15 and

16 [~~(8)~~] (10) carry out any other activities
17 authorized or required by the provisions of the federal
18 Developmental Disabilities Assistance and Bill of Rights Act.

19 B. The developmental disabilities planning council
20 is authorized to:

21 (1) award grants and enter into contracts to
22 carry out its duties;

23 (2) seek funding from sources other than the
24 state;

25 (3) create and support regional county or

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1 local advisory councils; and

2 (4) provide training to persons with
3 developmental disabilities, their families and providers of
4 support and services through traineeships, sponsoring training
5 opportunities and by other means determined appropriate by the
6 developmental disabilities planning council."

7 SECTION 38. Section 28-21-1 NMSA 1978 (being Laws 1999,
8 Chapter 163, Section 1) is amended to read:

9 "28-21-1. SHORT TITLE.--~~[This act]~~ Chapter 28, Article 21
10 NMSA 1978 may be cited as the "African American Affairs Act".

11 SECTION 39. Section 28-21-3 NMSA 1978 (being Laws 1999,
12 Chapter 163, Section 3) is amended to read:

13 "28-21-3. OFFICE CREATED--POWERS AND DUTIES.--

14 A. The "office on African American affairs" is
15 created and attached administratively to the human services
16 department.

17 B. The governor shall appoint a director, who shall
18 work at the pleasure of the governor. The director shall
19 employ other necessary employees, who shall be subject to the
20 provisions of the Personnel Act.

21 C. The office [~~in cooperation with the Martin~~
22 ~~Luther King, Jr. commission]~~ shall:

23 (1) study issues important to African
24 Americans, including history and culture; education,
25 scholarships and other financial assistance for education and

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1 career development; economic and social problems and issues
2 such as jobs, housing, discrimination, family support, youth
3 idleness and crime; and health care, maternal and child health,
4 teen pregnancy, access and other health issues;

5 (2) secure recognition of African Americans'
6 accomplishments and contributions to New Mexico and the United
7 States;

8 (3) cooperate with and assist public and
9 private entities dealing with issues important to African
10 Americans;

11 (4) develop a plan for the commemoration and
12 celebration of the official legal holiday honoring Martin
13 Luther King, Jr., including coordinating state plans and
14 activities with federal plans and activities for the
15 commemoration and celebration of Martin Luther King, Jr.'s
16 birthday;

17 (5) develop, with other agencies of the state,
18 an interpretive program that explores the historical, social,
19 political and cultural themes associated with the life and
20 works of Martin Luther King, Jr.;

21 (6) develop and acquire interpretive materials
22 and publications on the significance of Martin Luther King,
23 Jr.'s work and develop a commemorative program for state
24 employees, school children and the general public;

25 [~~4~~] (7) direct the operations of the office;

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1 [~~(5)~~] (8) where appropriate, conduct periodic
2 conferences throughout the state to inform African Americans of
3 the opportunities available to them through state and private
4 sources, to encourage them to share their history and culture
5 with other New Mexicans and participate in the social and
6 political processes of their communities and to learn from
7 conference participants their needs and problems; and

8 [~~(6)~~] (9) otherwise act as an advocate for
9 African American citizens of New Mexico.

10 D. Additionally, the office shall:

11 (1) act as a clearinghouse for information
12 important to the African American community;

13 (2) function as the coordinating office for
14 all services and activities of state agencies and programs
15 pertaining to African Americans;

16 (3) encourage funding and implementation of
17 training programs and other opportunities for African
18 Americans;

19 (4) promote and develop programs about
20 community resources designed to meet the needs of African
21 Americans;

22 (5) prepare and submit a budget for the
23 office; and

24 (6) publish an annual report on the activities
25 and services of the office.

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E. The office may:

(1) adopt and promulgate rules in accordance with the State Rules Act to carry out the duties of the office;

(2) accept gifts, grants, donations, bequests and devises from any source to be used to carry out its duties; and

(3) enter into contracts."

SECTION 40. Section 28-21-4 NMSA 1978 (being Laws 1999, Chapter 163, Section 4) is amended to read:

"28-21-4. FUND CREATED--ADMINISTRATION.--

A. The "office on African American affairs fund" is created in the state treasury. The fund shall consist of gifts, grants, donations and bequests. Money in the fund at the end of any fiscal year shall not revert. The fund shall be administered by the office, and disbursements from the fund shall be made on warrant drawn by the secretary of finance and administration pursuant to vouchers signed by the director of the office or [~~his~~] the director's authorized representative.

B. The "Martin Luther King, Jr. fund" is created in the state treasury and shall consist of appropriations, gifts, grants, donations and bequests. Money from the fund shall be disbursed upon warrant of the secretary of finance and administration pursuant to vouchers submitted by the director or the director's authorized representative."

SECTION 41. Section 32A-2-23.1 NMSA 1978 (being Laws

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1 2009, Chapter 239, Section 23) is amended to read:

2 "32A-2-23.1. RELEASE ELIGIBILITY.--

3 A. The department shall have exclusive jurisdiction
4 and authority to release an adjudicated delinquent child during
5 the term of the child's commitment, consistent with the
6 provisions of the Victims of Crime Act. In determining whether
7 to release a child, the department shall give due consideration
8 to public safety, the extent to which the child has been
9 rehabilitated, the adequacy and suitability of the proposed
10 release plan and the needs and best interests of the child,
11 including the child's need for behavioral health or medical
12 services that are not available in facilities for adjudicated
13 delinquent children.

14 B. The decision to grant or deny release shall be
15 made by the secretary of children, youth and families or the
16 secretary's designee. The department may impose such
17 conditions of release as it deems appropriate.

18 C. A child is eligible for release any time after
19 the entry of a judgment transferring legal custody to the
20 department, and the department may consider a reasonable
21 request for release from the child at any time sixty days after
22 the child has been committed.

23 ~~[D. In the event release for a child is denied by~~
24 ~~the department after release is recommended for the child by~~
25 ~~the juvenile public safety advisory board, or release is~~

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1 ~~approved by the department after the board has recommended that~~
2 ~~the child not be released, within ten days, the board may~~
3 ~~request a review of the decision by the court of the judicial~~
4 ~~district from which legal custody of the child was transferred,~~
5 ~~and the department shall transmit the child's records to the~~
6 ~~court. The court shall have jurisdiction to review the matter~~
7 ~~without conducting a formal hearing and to issue an order that~~
8 ~~either denies or grants release to the child. If the board~~
9 ~~requests review under this section, the child shall not be~~
10 ~~released until such time as the court has issued a decision.~~
11 ~~If the board does not petition the district court for review of~~
12 ~~the department's decision to grant or deny release within ten~~
13 ~~days of the department's decision, the department's decision~~
14 ~~shall be final, and the department shall release the child or~~
15 ~~continue the commitment in accordance with the terms of its~~
16 ~~decision.~~

17 ~~E.]~~ D. The secretary of children, youth and
18 families or the secretary's designee may review the case of any
19 child upon the child's [or the juvenile public safety advisory
20 board's] reasonable request at any time after release is
21 denied."

22 **SECTION 42.** Section 32A-2-23.2 NMSA 1978 (being Laws
23 2009, Chapter 239, Section 24) is amended to read:

24 "32A-2-23.2. **RELEASE PROCEEDINGS.--**

25 A. [~~When the department determines that a child is~~

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1 ~~ready to be released, it shall provide a list of children to~~
2 ~~the juvenile public safety advisory board at least thirty-five~~
3 ~~days prior to the next regularly scheduled release~~
4 ~~consideration meeting.]~~ The department shall ensure that all
5 [other] notifications of a pending release proceeding are
6 accomplished consistent with the provisions of the Victims of
7 Crime Act.

8 B. Release consideration meetings shall be held at
9 least quarterly, are not open to the public and shall include
10 the child [~~a quorum of the board~~] and a representative of the
11 department. The child's attorney shall receive notice and may
12 be present at the release meeting."

13 SECTION 43. Section 32A-16-1 NMSA 1978 (being Laws 1989,
14 Chapter 290, Section 1, as amended) is amended to read:

15 "32A-16-1. OFFICE CREATED--DIRECTOR APPOINTED.--The
16 "office of child development" is created within the [~~children,~~
17 ~~youth and families~~] department. The executive and
18 administrative head of the office of child development is the
19 "director of child development". The director shall be
20 appointed by the secretary of children, youth and families
21 [~~based upon the recommendations of the child development~~
22 ~~board~~]."

23 SECTION 44. Section 32A-16-2 NMSA 1978 (being Laws 1989,
24 Chapter 290, Section 2, as amended) is amended to read:

25 "32A-16-2. DIRECTOR--DUTIES.--The director of child

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1 development shall:

2 A. employ and discharge personnel necessary for the
3 operation of the office of child development;

4 ~~[B. carry out the policies of the child development~~
5 ~~board;~~

6 ~~G.] B.~~ prepare financial reports and budget
7 requests for presentation to the ~~[children, youth and families]~~
8 department;

9 ~~[D. administrate the]~~ C. administer licensure
10 procedures and program criteria; ~~[developed by the child~~
11 ~~development board;~~

12 ~~E.] D.~~ assure and work to foster coordination
13 between all state agencies dealing with ~~[childcare]~~ child care;
14 and

15 ~~[F.] E.~~ identify all sources of child development
16 licensure preparation and training, disseminate information and
17 coordinate resources to meet child development licensure and
18 training needs."

19 SECTION 45. Section 32A-16-4 NMSA 1978 (being Laws 1989,
20 Chapter 290, Section 4, as amended) is amended to read:

21 "32A-16-4. ~~[POWERS AND]~~ DUTIES OF THE ~~[BOARD]~~ OFFICE.--
22 The office of child development ~~[board]~~ shall:

23 ~~[A. recommend to the secretary of children, youth~~
24 ~~and families the hiring of a director of child development;~~

25 ~~B.] A.~~ consider and adopt licensure requirements,

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1 policies and procedures for [~~individuals~~] persons working in
2 licensed or registered health facilities with children from
3 birth to age five; provided that such licensure requirements
4 shall not apply to [~~individuals~~] persons working in group homes
5 pursuant to Section 9-8-13 NMSA 1978;

6 [~~G.~~] B. consider and make recommendations to the
7 public education department regarding additional licensure
8 requirements for public school personnel working with public
9 school children up to age eight;

10 [~~D.~~] C. work with other state agencies to promote a
11 uniform and comprehensive method of licensing child care
12 personnel;

13 [~~E. develop and adopt policies and procedures for~~
14 ~~the office of child development;~~

15 [~~F.~~] D. develop levels of licensure for nonpublic
16 school personnel depending upon the age of children served, the
17 training facility used and the program in which the
18 [~~individual~~] person is employed;

19 [~~G.~~] E. work with the department of health to
20 develop levels of licensure for nonpublic school personnel
21 serving children who are developmentally delayed or at risk for
22 developmental delay, birth through two years;

23 [~~H.~~] F. develop and adopt program criteria for
24 state-funded preschool programs serving children from birth to
25 age five; provided that criteria shall not apply to programs

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1 serving children who have a developmental delay or are at risk
2 for developing a delay, birth through two years, and programs
3 serving children who have a developmental delay, three through
4 five years; and

5 [~~F.~~] G. work with other state agencies to monitor
6 the implementation of state-funded preschool program criteria."

7 SECTION 46. Section 33-8-1 NMSA 1978 (being Laws 1981,
8 Chapter 127, Section 1) is amended to read:

9 "33-8-1. SHORT TITLE.--~~[Sections 1 through 15 of this~~
10 ~~act]~~ Chapter 33, Article 8 NMSA 1978 may be cited as the
11 "Corrections Industries Act".

12 SECTION 47. Section 33-8-2 NMSA 1978 (being Laws 1981,
13 Chapter 127, Section 2, as amended) is amended to read:

14 "33-8-2. DEFINITIONS.--As used in the Corrections
15 Industries Act:

16 [~~A.~~ "~~commission~~" ~~means the corrections industries~~
17 ~~commission;~~

18 ~~B.~~] A. "department" means the corrections
19 department;

20 [~~C.~~] B. "enterprise" means a manufacturing,
21 agricultural or service operation or group of closely related
22 operations within the bounds of a facility but does not include
23 standard facility maintenance activities and services;

24 [~~D.~~] C. "facility" means a place under the
25 jurisdiction of the department at which individuals are

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1 confined pursuant to court order;

2 [E-] D. "fund" means the corrections industries
3 revolving fund;

4 [F-] E. "local public body" means all political
5 subdivisions of the state and their agencies, instrumentalities
6 and institutions supported wholly or in part by funds derived
7 from public taxation; and

8 [G-] F. "state agency" means the state or any of
9 its branches, agencies, departments, boards, instrumentalities
10 or institutions supported wholly or in part by funds derived
11 from public taxation."

12 **SECTION 48.** Section 33-8-6 NMSA 1978 (being Laws 1981,
13 Chapter 127, Section 6, as amended) is amended to read:

14 "33-8-6. [~~COMMISSION~~] DEPARTMENT--POWERS AND DUTIES.--The
15 [~~commission~~] department has the [~~following~~] powers and duties
16 to:

17 A. determine those enterprises to be conducted in
18 facilities in such volume, kind and place as to eliminate
19 unnecessary inmate idleness at all facilities and to provide
20 diversified work activities that will serve as a means of
21 enhancing vocational skills;

22 B. determine whether any enterprise should be
23 established, expanded, diminished or discontinued;

24 C. establish policy with respect to the conduct of
25 all enterprises;

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1 D. approve the prices at which all services and
2 products provided, manufactured, produced or harvested by
3 enterprises shall be furnished; provided that the prices shall
4 be as near the prevailing market price as possible. As used in
5 this subsection, "prevailing market price" means the prevailing
6 price that an equivalent product or service would have if
7 purchased by a state agency or local public body from community
8 sources. The ~~[commission]~~ department shall include data
9 provided by the state purchasing ~~[division of the general~~
10 ~~services department]~~ agent in the price determination process.
11 Compensation paid to inmates shall be included as an item of
12 the cost in fixing prices;

13 E. consult regularly and continuously with state
14 agencies and local public bodies in order to develop new
15 enterprise products, adapt existing enterprise products and
16 establish new service functions to meet their needs;

17 F. act as liaison with private industry, organized
18 labor, the legislature and the general public;

19 G. obtain and provide technical assistance for
20 enterprise programs;

21 ~~[H. hold meetings at such times and for such~~
22 ~~periods as it deems essential, but not less than quarterly;~~

23 ~~I. recommend to the department the adoption of~~
24 ~~rules necessary to carry out the provisions of the Corrections~~
25 ~~Industries Act;~~

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1 ~~F.~~ H. notwithstanding any other provision of law,
2 adopt policies and procedures that permit an enterprise to make
3 a single purchase of raw materials involving the expenditure of
4 twelve thousand dollars (\$12,000) or less without bids and at
5 the best obtainable price whether or not the provider is the
6 holder of a preexisting state contract for the particular
7 product. Records of such purchases shall be maintained for an
8 auditor's inspection [~~and reported at the next scheduled~~
9 ~~commission meeting~~]. Separate purchases of the same or similar
10 materials from the same or different suppliers at the same time
11 or about the same time where each purchase does not exceed
12 twelve thousand dollars (\$12,000), but the aggregate of such
13 purchases exceeds twelve thousand dollars (\$12,000), shall be
14 considered a single purchase involving more than twelve
15 thousand dollars (\$12,000);

16 ~~K.~~ I. notwithstanding any other provision of law,
17 adopt policies and procedures that permit an enterprise to make
18 a single purchase of a product or service other than raw
19 materials involving the expenditure of two thousand dollars
20 (\$2,000) or less without bids and at the best obtainable price
21 whether or not the provider is the holder of a preexisting
22 state contract for the particular product or service. Records
23 of such purchases shall be maintained for an auditor's
24 inspection [~~and reported at the next scheduled commission~~
25 ~~meeting~~]. Separate purchases of the same or similar materials

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1 or services from the same or different suppliers at the same
2 time or about the same time where each purchase does not exceed
3 two thousand dollars (\$2,000), but the aggregate of such
4 purchases exceeds two thousand dollars (\$2,000), shall be
5 considered a single purchase involving more than two thousand
6 dollars (\$2,000);

7 ~~[H.]~~ J. review, approve, adopt and monitor an
8 annual budget for all enterprises. The budget process shall
9 include a projected profit analysis, sales forecast and
10 anticipated year-end financial forecast;

11 ~~[M. submit and recommend the names of one or more~~
12 ~~qualified individuals to the secretary of corrections for~~
13 ~~appointment as director of the corrections industries division;~~

14 ~~N. advise the director of the corrections~~
15 ~~industries division in the management and control of the~~
16 ~~corrections industries division;~~

17 ~~Θ.]~~ K. assist in the process of inmate occupational
18 placement upon release from confinement by coordination with
19 the parole board and the field services division; and

20 ~~[P.]~~ L. prepare an annual report to the governor
21 and the legislature that contains:

22 (1) a detailed financial statement for each
23 enterprise in each facility;

24 (2) a detailed financial statement of the
25 fund;

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- 1 (3) reasons for establishing or terminating
2 enterprises;
- 3 (4) a summary of plans to develop additional
4 enterprises;
- 5 (5) the number of inmates employed in each
6 enterprise;
- 7 (6) the number of idle inmates available for
8 work at each facility; and
- 9 (7) any further information requested by the
10 governor or the legislature."

11 SECTION 49. Section 33-8-7 NMSA 1978 (being Laws 1981,
12 Chapter 127, Section 7) is amended to read:

13 "33-8-7. CORRECTIONS INDUSTRIES REVOLVING FUND CREATED.--
14 ~~[There is created in the state treasury a fund which shall be~~
15 ~~administered by the department secretary as directed by the~~
16 ~~commission and which shall be known as]~~ The "corrections
17 industries revolving fund" is created as a nonreverting fund in
18 the state treasury. The corrections department shall
19 administer the fund. All income, receipts and earnings from
20 the operation of enterprises shall be credited to the fund.
21 Money deposited in the fund shall be used only to meet
22 necessary expenses incurred in the maintenance, operation and
23 expansion of existing enterprises and in the establishment,
24 maintenance, operation and expansion of new enterprises. All
25 interest earned on money in the fund shall be credited to the

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1 fund. [~~No part of the fund shall revert at the end of any~~
2 ~~fiscal year.~~] Money in the fund shall be expended by warrant of
3 the secretary of finance and administration on vouchers signed
4 by the secretary of corrections or the secretary of
5 corrections' authorized representative."

6 SECTION 50. Section 33-8-8 NMSA 1978 (being Laws 1981,
7 Chapter 127, Section 8, as amended) is amended to read:

8 "33-8-8. INMATE COMPENSATION.--

9 A. The [~~commission~~] department shall establish and
10 periodically review a plan for compensation to inmates engaged
11 in enterprise programs and public works. The compensation
12 shall be in accordance with a graduated schedule based on work
13 conduct, performance, experience, skills and responsibilities.
14 Compensation shall be paid from the fund and credited to the
15 general account of the inmate except as provided by Subsection
16 C of this section. An inmate may draw against [~~his~~] the
17 inmate's general account during [~~his~~] confinement through the
18 use of coupons, canteen checks or similar plans.

19 B. Pursuant to the provisions of Article 20,
20 Section 15 of the constitution of New Mexico, if an inmate has
21 a dependent family, [~~his~~] the inmate's net compensation shall
22 be paid to [~~his~~] the inmate's family if necessary for its
23 support. The department shall make diligent effort to
24 determine those inmates who have dependent families in need of
25 support.

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1 C. The department shall promulgate necessary rules
2 [~~and regulations~~]:

3 (1) to implement the provisions of Subsection
4 B of this section in a thorough and equitable manner; and

5 (2) except as provided in Subsection D of this
6 section, to provide for deductions from inmate compensation for
7 victim restitution, reasonable costs incident to confinement
8 and for discharge money upon release from confinement.

9 D. The deductions provided by [~~this~~] Subsection C
10 of this section shall apply to inmate compensation, including
11 payments pursuant to Section 33-2-26 NMSA 1978; wages earned
12 pursuant to the provisions of Section 33-8-13 NMSA 1978; wages
13 earned in work projects certified pursuant to the federal
14 private-sector prison industry enhancement certification
15 program; and [~~to~~] wages earned in inmate-release programs
16 [~~provided that~~]. The deductions provided by [~~this~~] Paragraph
17 (2) of Subsection C of this section shall not exceed fifty
18 percent of net compensation, payment or wages and [~~that~~] the
19 deduction for victim restitution shall be not less than fifteen
20 percent of net compensation, payment or wages. If the court
21 has not ordered victim restitution, the deduction for victim
22 restitution shall be transmitted to the state treasurer for
23 credit to the crime victims reparation fund."

24 SECTION 51. Section 33-8-12.2 NMSA 1978 (being Laws 1985
25 (1st S.S.), Chapter 7, Section 3) is amended to read:

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1 "33-8-12.2. CORRECTIONS INDUSTRIES SALES

2 REPRESENTATIVES.--

3 A. The secretary of corrections may employ
4 [~~individuals~~] persons necessary to serve as sales
5 representatives for the marketing of goods and services
6 produced or assembled through the corrections industries
7 division and who shall be classified personnel and be paid in
8 accordance with a [~~commission-based~~] department-based incentive
9 compensation plan approved by the personnel board for sales to
10 purchasers other than state agencies and local public bodies
11 not to exceed two percent [~~(+2%)~~].

12 B. The secretary of corrections may contract with
13 persons or business entities to serve on an independent
14 contractor basis as sales representatives for marketing goods
15 or services produced or assembled through the corrections
16 industries division."

17 SECTION 52. Section 33-8-13 NMSA 1978 (being Laws 1981,
18 Chapter 127, Section 13) is amended to read:

19 "33-8-13. PRIVATE INDUSTRY ON FACILITY GROUNDS.--

20 A. The department [~~secretary, upon recommendation~~
21 ~~of the commission~~] may lease real property on the grounds of
22 any facility and may provide for reasonable access to and
23 egress from the leased property to a private commercial
24 industry for the purpose of establishing and operating a
25 factory for the manufacture and processing of products or to

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1 any other commercial industry deemed by the [~~commission~~]
2 department to be consistent with the purposes of the
3 Corrections Industries Act.

4 B. Any agreement entered into pursuant to this
5 section shall provide that:

6 (1) all persons employed in the enterprise,
7 except administrative, supervisory and training personnel,
8 shall be inmates of the facility where the leased property is
9 located who volunteer for employment and who are approved for
10 such employment by the [~~superintendent~~] warden of that
11 facility;

12 (2) the enterprise shall at all times observe
13 practices and procedures regarding security as the lease may
14 specify or as the facility [~~superintendent~~] warden may
15 temporarily stipulate during periods of emergency; and

16 (3) the enterprise shall be deemed a private
17 enterprise and subject to all laws governing the operation of
18 similar private business enterprises; provided that the
19 provisions of the Unemployment Compensation Law shall not apply
20 to inmate employees."

21 SECTION 53. Section 66-7-503 NMSA 1978 (being Laws 1978,
22 Chapter 35, Section 490, as amended) is amended to read:

23 "66-7-503. DEFINITIONS.--As used in the Traffic Safety
24 Act:

25 A. "bureau" means the traffic safety bureau of the

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1 department;

2 B. "chief" means the administrative head of the
3 bureau;

4 [~~G. "committee" means the advisory committee to the~~
5 ~~bureau;~~] and

6 [~~D.~~] C. "department" means the [~~state highway and~~
7 department of transportation [~~department~~]."

8 SECTION 54. Section 66-7-511 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 498) is amended to read:

10 "66-7-511. ACCEPTANCE OF GIFTS [~~FUNCTION OF ADVISORY~~
11 ~~COMMITTEE~~].--~~[A.]~~ The bureau, with the approval of the
12 governor, may accept on behalf of the state any gift, grant or
13 money given to the bureau for any and all purposes specified in
14 the Traffic Safety Act. Any special grant shall be held by the
15 state treasurer in a special fund and shall be expended in
16 accordance with the terms of the gift or grant upon proper
17 voucher and warrant drawn by the director [~~of his~~] or the
18 director's designated agent.

19 [~~B. The advisory committee, upon the call of the~~
20 ~~chairman, shall convene and shall undertake the study and~~
21 ~~evaluation of all applications for federal grants pertaining to~~
22 ~~traffic safety programs or affairs. The advisory committee~~
23 ~~shall make its findings and recommendations available to the~~
24 ~~chief in the form of minutes or written report, whereupon the~~
25 ~~committee shall adjourn awaiting the call of the chair.]"~~

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1 **SECTION 55. REPEAL--AGRICULTURE.--**The rangeland
2 protection advisory committee, Section 76-7B-5 NMSA 1978 (being
3 Laws 1985, Chapter 53, Section 5) is repealed.

4 **SECTION 56. REPEAL--CULTURAL AFFAIRS ENTITIES.--**The
5 following are repealed:

6 A. New Mexico state library commission, Sections
7 18-2-1, 18-2-2 and 18-2-6 NMSA 1978 (being Laws 1941, Chapter
8 129, Section 1, Laws 1977, Chapter 246, Section 9 and Laws
9 1941, Chapter 129, Section 4, as amended);

10 B. New Mexico Film Museum Act, Sections 18-14-1
11 through 18-14-6 NMSA 1978 (being Laws 2003, Chapter 250,
12 Sections 1 through 6, as amended);

13 C. Fort Stanton development commission, Sections
14 9-6-12 through 9-6-14 NMSA 1978 (being Laws 2003, Chapter 126,
15 Sections 1 through 3);

16 D. Intertribal Ceremonial Act, Sections 9-15C-1
17 through 9-15C-5 NMSA 1978 (being Laws 2005, Chapter 219,
18 Sections 1 through 5, as amended);

19 E. Martin Luther King, Jr. commission, Sections
20 28-19-1 through 28-19-4 NMSA 1978 (being Laws 1991, Chapter
21 252, Sections 1 through 4); and

22 F. Music Commission Act, Sections 18-16-1 through
23 18-16-4 NMSA 1978 (being Laws 2009, Chapter 13, Sections 1
24 through 4).

25 **SECTION 57. REPEAL--EDUCATION ENTITIES.--**The following

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1 are repealed:

2 A. higher education advisory board, Section 9-25-10
3 NMSA 1978 (being Laws 2005, Chapter 289, Section 10);

4 B. public service law advisory committee, Section
5 21-22F-8 NMSA 1978 (being Laws 2005, Chapter 83, Section 8);

6 C. mathematics and science advisory council,
7 Sections 22-15E-4 and 22-15E-5 NMSA 1978 (being Laws 2007,
8 Chapter 44, Sections 4 and 5 and also Laws 2007, Chapter 239,
9 Sections 4 and 5); and

10 D. family and youth resource advisory committee,
11 Section 22-2D-2 NMSA 1978 (being Laws 2003, Chapter 153,
12 Section 65).

13 SECTION 58. REPEAL--GENERAL GOVERNMENT ENTITIES.--The
14 following are repealed:

15 A. alternative dispute prevention and resolution
16 advisory council, Sections 12-8A-6 and 12-8A-7 NMSA 1978 (being
17 Laws 2007, Chapter 206, Sections 6 and 7);

18 B. governor's residence advisory commission,
19 Sections 15-3A-1 and 15-3A-2 NMSA 1978 (being Laws 1989,
20 Chapter 363, Sections 1 and 2);

21 C. private equity investment advisory committee,
22 Section 6-8-20 NMSA 1978 (being Laws 1987, Chapter 219, Section
23 3, as amended); and

24 D. state procurement standards and specifications
25 committee, Sections 13-1-162 and 13-1-163 NMSA 1978 (being Laws

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1 1984, Chapter 65, Sections 135 and 136).

2 SECTION 59. REPEAL--HEALTH AND HUMAN SERVICES

3 ENTITIES.--The following are repealed:

4 A. brain injury advisory council, Section 24-20-3
5 NMSA 1978 (being Laws 1995, Chapter 189, Section 1);

6 B. child development board, Section 32A-16-3 NMSA
7 1978 (being Laws 1989, Chapter 290, Section 3);

8 C. children, youth and families advisory committee,
9 Section 9-2A-12 NMSA 1978 (being Laws 1992, Chapter 57, Section
10 12, as amended);

11 D. interagency coordinating group, Section 9-2A-13
12 NMSA 1978 (being Laws 1992, Chapter 57, Section 13, as
13 amended);

14 E. Children's Cabinet Act, Sections 32A-22-1
15 through 32A-22-4 NMSA 1978 (being Laws 2005, Chapter 64,
16 Sections 1 through 4);

17 F. compulsive gambling council, Section 9-7-11.4
18 NMSA 1978 (being Laws 2006, Chapter 8, Section 1);

19 G. governor's commission on disability and the
20 advisory council on disability, Sections 28-10-1 through
21 28-10-3, 28-10-4 and 28-10-6 through 28-10-8.1 NMSA 1978 (being
22 Laws 1973, Chapter 349, Sections 1 through 4, 6 and 7 and Laws
23 1982, Chapter 13, Sections 1 and 2, as amended);

24 H. health care providers licensing and
25 credentialing task force, Section 9-7-11.3 NMSA 1978 (being

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1 Laws 2003, Chapter 235, Section 2);

2 I. governor's HIV and AIDS policy commission,
3 Section 24-1-29 NMSA 1978 (being Laws 2005, Chapter 5, Section
4 1);

5 J. individual development account council, Section
6 58-30-6 NMSA 1978 (being Laws 2003, Chapter 362, Section 6, as
7 amended);

8 K. medical advisory committee, Section 24-1F-4 NMSA
9 1978 (being Laws 2005, Chapter 6, Section 4);

10 L. next generation council, Section 24-19-11 NMSA
11 1978 (being Laws 2005, Chapter 65, Section 7);

12 M. pain management advisory council, Section
13 24-2D-5.2 NMSA 1978 (being Laws 2005, Chapter 140, Section 3);

14 N. New Mexico Telehealth and Health Information
15 Technology Commission Act, Sections 24-1G-1 through 24-1G-4
16 NMSA 1978 (being Laws 2005, Chapter 55, Sections 1 through 4,
17 as amended); and

18 O. Youth Alliance Act, Sections 9-2A-19 through
19 9-2A-22 NMSA 1978 (being Laws 2003, Chapter 324, Sections 1
20 through 4, as amended).

21 **SECTION 60. REPEAL--INSTRUMENTALITIES.--**The following are
22 repealed:

23 A. Exposition Center Authority Act, Sections
24 6-25A-1 through 6-25A-23 NMSA 1978 (being Laws 2005, Chapter
25 342, Sections 1 through 23);

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1 B. Historic Landscape Act, Sections 18-13-1 through
2 18-13-7 NMSA 1978 (being Laws 2003, Chapter 234, Sections 1
3 through 7); and

4 C. Industrial and Agricultural Finance Authority
5 Act, Sections 58-24-1 through 58-24-24 NMSA 1978 (being Laws
6 1983, Chapter 300, Sections 1 through 23 and 27, as amended).

7 **SECTION 61. REPEAL--MILITARY AFFAIRS.--**The veterans'
8 services advisory board, Section 9-22-15 NMSA 1978 (being Laws
9 2004, Chapter 19, Section 15), is repealed.

10 **SECTION 62. REPEAL--PUBLIC SAFETY AND CRIMINAL JUSTICE**
11 **ENTITIES.--**The following are repealed:

12 A. alcohol service education advisory committee,
13 Sections 60-6E-11 and 60-6E-12 NMSA 1978 (being Laws 1999,
14 Chapter 277, Sections 12 and 13);

15 B. corrections industries commission, Section
16 33-8-5.1 NMSA 1978 (being Laws 2005, Chapter 23, Section 1);

17 C. domestic violence homicide review team, Section
18 31-22-4.1 NMSA 1978 (being Laws 2007, Chapter 235, Section 1);

19 D. New Mexico domestic violence leadership
20 commission, Section 9-2A-24 NMSA 1978 (being Laws 2010, Chapter
21 86, Section 1);

22 E. Juvenile Public Safety Advisory Board Act,
23 Sections 32A-7A-1 through 32A-7A-8 NMSA 1978 (being Laws 2009,
24 Chapter 239, Sections 58 through 65); and

25 F. Organized Crime Act, Sections 29-9-1 through

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1 29-9-11 and 29-9-17 NMSA 1978 (being Laws 1973, Chapter 225,
2 Sections 1 through 3, Laws 1977, Chapter 215, Section 3, Laws
3 1973, Chapter 225, Sections 4, 6 and 7, Laws 1977, Chapter 215,
4 Section 6, Laws 1973, Chapter 225, Sections 9 and 10 and Laws
5 1977, Chapter 215, Section 8, as amended).

6 SECTION 63. REPEAL--SPORTS ENTITIES.--The following are
7 repealed:

8 A. Bicycle Racing Act, Sections 60-2D-1 through
9 60-2D-18 NMSA 1978 (being Laws 1991, Chapter 233, Sections 1
10 through 18); and

11 B. sports advisory committee, Section 9-15A-11 NMSA
12 1978 (being Laws 2007, Chapter 286, Section 3 and Laws 2007,
13 Chapter 287, Section 3).

14 SECTION 64. REPEAL--TRANSPORTATION ENTITIES.--The traffic
15 safety bureau advisory committee, Section 66-7-505 NMSA 1978
16 (being Laws 1978, Chapter 35, Section 492, as amended), is
17 repealed.

18 SECTION 65. TEMPORARY PROVISION--TRANSFERS--GOVERNOR'S
19 COMMISSION ON DISABILITY.--On the effective date of this act,
20 all functions, appropriations, money, furniture, equipment and
21 other property of the governor's commission on disability is
22 transferred to the aging and long-term services department.
23 All contractual obligations of the governor's commission on
24 disability are binding on the aging and long-term services
25 department. All references in law to the governor's commission

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1 on disability shall be deemed to be references to the aging and
2 long-term services department. Rules of the governor's
3 commission on disability shall be deemed to be rules of the
4 aging and long-term services department until amended or
5 repealed by the department.

6 SECTION 66. TEMPORARY PROVISION--TRANSFERS--BRAIN INJURY
7 ADVISORY COUNCIL.--On July 1, 2011, all appropriations, money,
8 furniture, equipment and other property of the brain injury
9 advisory council are transferred to the developmental
10 disabilities planning council. All contractual obligations of
11 the brain injury advisory council are binding on the
12 developmental disabilities planning council. All references in
13 law to the brain injury advisory council shall be deemed to be
14 references to the developmental disabilities planning council.

15 SECTION 67. TEMPORARY PROVISION--TRANSFERS--MARTIN LUTHER
16 KING, JR. COMMISSION.--On July 1, 2011, all appropriations,
17 money, furniture, equipment and other property of the Martin
18 Luther King, Jr. commission are transferred to the office on
19 African American affairs. All contractual obligations of the
20 commission are binding on the office. All references in law to
21 the commission shall be deemed to be references to the office
22 on African American affairs.

23 SECTION 68. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is July 1, 2011.