

SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILL 158

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

AN ACT

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

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

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

"9-3-11. ADMINISTRATIVE ATTACHMENT.--~~[A.]~~ The ~~[following~~
~~entities are]~~ parole board is administratively attached to the
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 9-25-1 NMSA 1978 (being Laws 2005,
9 Chapter 289, Section 1) is amended to read:

10 "9-25-1. SHORT TITLE.--~~[Sections 1 through 13 of this~~
11 ~~act]~~ Chapter 9, Article 25 NMSA 1978 may be cited as the
12 "Higher Education Department Act"."

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

15 "9-25-3. DEFINITIONS.--As used in the Higher Education
16 Department Act:

17 ~~[A. "board" means the higher education advisory~~
18 ~~board;~~

19 ~~B.]~~ A. "department" means the higher education
20 department; and

21 ~~[C.]~~ B. "secretary" means the secretary of higher
22 education."

23 SECTION 4. Section 9-25-13 NMSA 1978 (being Laws 2005,
24 Chapter 289, Section 13) is amended to read:

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

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1 A. [~~In addition to the higher education advisory~~
2 ~~board~~] The department may create [~~other~~] advisory committees.
3 "Advisory" means furnishing advice, gathering information,
4 making recommendations and performing such other activities as
5 may be instructed or delegated and as may be necessary to
6 fulfill advisory functions or to comply with federal or private
7 funding requirements and does not extend to administering a
8 program or function or setting policy unless specified by law.
9 Advisory committees shall be appointed in accordance with the
10 provisions of the Executive Reorganization Act.

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

15 **SECTION 5.** Section 12-8A-2 NMSA 1978 (being Laws 2000,
16 Chapter 65, Section 2, as amended) is amended to read:

17 "12-8A-2. DEFINITIONS.--As used in the Governmental
18 Dispute Prevention and Resolution Act:

19 A. "agency" means the state and its agencies,
20 departments, boards, instrumentalities or institutions that are
21 insured by the division;

22 B. "alternative dispute resolution" means a process
23 other than litigation used to prevent or resolve disputes,
24 including mediation, facilitation, regulatory negotiation,
25 settlement conferences, binding and nonbinding arbitration,

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1 fact-finding, conciliation, early neutral evaluation and policy
2 dialogues;

3 ~~[G.] "council" means the alternative dispute~~
4 ~~prevention and resolution advisory council;~~

5 ~~D.]~~ C. "department" means the general services
6 department;

7 ~~[E.]~~ D. "division" means the risk management
8 division of the department;

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

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

16 ~~[H.]~~ G. "office" means the bureau known as the
17 office of alternative dispute prevention and resolution in the
18 division; and

19 ~~[I.]~~ H. "public facilitation" means collaboration
20 with identified stakeholders concerning public policy issues,
21 including policy dialogues and other techniques to seek
22 consensus, reconcile differences or prevent disputes from
23 arising in the development or implementation of public
24 administration issues."

25 **SECTION 6.** Section 12-8A-8 NMSA 1978 (being Laws 2007,

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1 Chapter 206, Section 8) is amended to read:

2 "12-8A-8. OFFICE OF ALTERNATIVE DISPUTE PREVENTION AND
3 RESOLUTION--CREATED--POWERS--DUTIES.--

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

6 B. In order to promote alternative dispute
7 resolution, the office shall:

8 (1) organize and manage alternative dispute
9 resolution programs for agencies, employees, vendors,
10 businesses regulated by governmental entities and other
11 interested parties;

12 (2) coordinate the use of neutral parties to
13 facilitate alternative dispute resolution for interested
14 parties and training for agency staff;

15 (3) implement development and use of
16 alternative dispute resolution strategies;

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

18 ~~(5)] (4) maintain information and educate
19 government officials about training and use of alternative
20 dispute resolution and referrals; and~~

21 [~~(6)] (5) prepare an annual report [for review
22 and presentation by the council] on the use, cost and success
23 of alternative dispute resolution programs."~~

24 SECTION 7. Section 13-1-98 NMSA 1978 (being Laws 1984,
25 Chapter 65, Section 71, as amended) is amended to read:

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

3 A. procurement of items of tangible personal
4 property or services by a state agency or a local public body
5 from a state agency, a local public body or external
6 procurement unit except as otherwise provided in Sections
7 13-1-135 through 13-1-137 NMSA 1978;

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

10 C. printing and duplicating contracts involving
11 materials that are required to be filed in connection with
12 proceedings before administrative agencies or state or federal
13 courts;

14 D. purchases of publicly provided or publicly
15 regulated gas, electricity, water, sewer and refuse collection
16 services;

17 E. purchases of books and periodicals from the
18 publishers or copyright holders thereof;

19 F. travel or shipping by common carrier or by
20 private conveyance or to meals and lodging;

21 G. purchase of livestock at auction rings or to the
22 procurement of animals to be used for research and
23 experimentation or exhibit;

24 H. contracts with businesses for public school
25 transportation services;

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1 I. procurement of tangible personal property or
2 services, as defined by Sections 13-1-87 and 13-1-93 NMSA 1978,
3 by the corrections industries division of the corrections
4 department pursuant to rules adopted by the corrections
5 [~~industries commission~~] department, which shall be reviewed by
6 the purchasing division of the general services department
7 prior to adoption;

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

12 K. municipalities having adopted home rule charters
13 and having enacted their own purchasing ordinances;

14 L. the issuance, sale and delivery of public
15 securities pursuant to the applicable authorizing statute, with
16 the exception of bond attorneys and general financial
17 consultants;

18 M. contracts entered into by a local public body
19 with a private independent contractor for the operation, or
20 provision and operation, of a jail pursuant to Sections
21 33-3-26 and 33-3-27 NMSA 1978;

22 N. contracts for maintenance of grounds and
23 facilities at highway rest stops and other employment
24 opportunities, excluding those intended for the direct care and
25 support of persons with handicaps, entered into by state

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1 agencies with private, nonprofit, independent contractors who
2 provide services to persons with handicaps;

3 O. contracts and expenditures for services or items
4 of tangible personal property to be paid or compensated by
5 money or other property transferred to New Mexico law
6 enforcement agencies by the United States department of justice
7 drug enforcement administration;

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

10 Q. contracts with professional entertainers;

11 R. contracts and expenditures for litigation
12 expenses in connection with proceedings before administrative
13 agencies or state or federal courts, including experts,
14 mediators, court reporters, process servers and witness fees,
15 but not including attorney contracts;

16 S. contracts for service relating to the design,
17 engineering, financing, construction and acquisition of public
18 improvements undertaken in improvement districts pursuant to
19 Subsection L of Section 3-33-14.1 NMSA 1978 and in county
20 improvement districts pursuant to Subsection L of Section
21 4-55A-12.1 NMSA 1978;

22 T. works of art for museums or for display in
23 public buildings or places;

24 U. contracts entered into by a local public body
25 with a person, firm, organization, corporation or association

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1 or a state educational institution named in Article 12, Section
2 11 of the constitution of New Mexico for the operation and
3 maintenance of a hospital pursuant to Chapter 3, Article 44
4 NMSA 1978, lease or operation of a county hospital pursuant to
5 the Hospital Funding Act or operation and maintenance of a
6 hospital pursuant to the Special Hospital District Act;

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

9 W. purchases of promotional goods intended for
10 resale by the tourism department;

11 X. procurement of printing services for materials
12 produced and intended for resale by the cultural affairs
13 department;

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

24 Z. procurement of services from community
25 rehabilitation programs or qualified individuals pursuant to

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1 the State Use Act;

2 AA. purchases of products or services for eligible
3 persons with disabilities pursuant to the federal
4 Rehabilitation Act of 1973;

5 BB. procurement, by either the department of health
6 or Grant county or both, of tangible personal property,
7 services or construction that are exempt from the Procurement
8 Code pursuant to Section 9-7-6.5 NMSA 1978;

9 CC. contracts for investment advisory services,
10 investment management services or other investment-related
11 services entered into by the educational retirement board, the
12 state investment officer or the retirement board created
13 pursuant to the Public Employees Retirement Act;

14 DD. the purchase for resale by the state fair
15 commission of feed and other items necessary for the upkeep of
16 livestock; and

17 EE. contracts entered into by the crime victims
18 reparation commission to distribute federal grants to assist
19 victims of crime, including grants from the federal Victims of
20 Crime Act of 1984 and the federal Violence Against Women Act."

21 SECTION 8. Section 13-1-189 NMSA 1978 (being Laws 1984,
22 Chapter 65, Section 162, as amended) is amended to read:

23 "13-1-189. PROCUREMENTS PURSUANT TO THE CORRECTIONS
24 INDUSTRIES ACT.--

25 A. All state agencies shall purchase and all local

1 public bodies may purchase items of tangible personal property
2 and services offered pursuant to the provisions of the
3 Corrections Industries Act.

4 B. The corrections [~~industries commission~~
5 department] shall prepare a catalogue containing an accurate and
6 complete description of all items of tangible personal property
7 and services available. A copy of the catalogue shall be
8 provided to each state agency and local public body. The
9 catalogue shall contain an approximate time required for
10 delivery of each item of tangible personal property and
11 service.

12 C. The state purchasing agent or a central
13 purchasing office shall purchase available items of tangible
14 personal property and services from the catalogue unless a
15 determination is made that:

16 (1) an emergency exists requiring immediate
17 action to procure the items of tangible personal property or
18 service;

19 (2) the specifications for the items of
20 tangible personal property or service, including quality,
21 quantity and delivery requirements, cannot be met within a
22 reasonable time by the corrections department; or

23 (3) the price to be paid to the corrections
24 department for the items of tangible personal property or
25 service is higher than the bid price of comparable items of

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1 tangible personal property or services."

2 SECTION 9. Section 15-3A-3 NMSA 1978 (being Laws 1989,
3 Chapter 363, Section 3) is amended to read:

4 "15-3A-3. TRUST FUND CREATED--PURPOSES.--~~[There is~~
5 ~~created in the state treasury a permanent trust fund which~~
6 ~~shall be known as]~~

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

19 B. The fund shall be used to:

20 (1) plan, assemble, dispose and acquire
21 furnishings, art, landscaping materials and plans and other
22 decorations for the public areas of the official residence of
23 the governor;

24 (2) monitor and report on the status of
25 maintenance of the governor's residence and recommend to the

1 legislature actions necessary to repair, maintain and renovate
 2 the residence; and

3 (3) develop statewide interest in the
 4 residence and effect such measures as will enhance the
 5 governor's ability to provide appropriate hospitality to the
 6 visitors of the residence.

7 C. The general services department shall conduct a
 8 detailed inventory at the beginning of each governor's term and
 9 annually prepare and submit to the legislature and the governor
 10 a written inventory of and a statement on the condition of
 11 these public furnishings, art decorations and other items of
 12 the residence, as well as written statement on the condition of
 13 the residence as a whole.

14 D. The general services department may:

15 (1) use the assistance of the cultural affairs
 16 department, other state agencies and other persons in carrying
 17 out its duties; and

18 (2) accept on behalf of the state from any
 19 private or other public sources, money, gifts, donations and
 20 bequests for use in carrying out its duties."

21 **SECTION 10.** Section 20-8-2 NMSA 1978 (being Laws 1987,
 22 Chapter 318, Section 53, as amended) is amended to read:

23 "20-8-2. DEFINITIONS.--

24 A. "Armory" means any building, training area,
 25 warehouse, vehicle storage compound, organizational maintenance

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1 shop or other facility and the lands appurtenant thereto used
2 by the national guard for the storage and maintenance of arms
3 or military equipment or the administration or training of the
4 national guard and state defense force personnel.

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

10 C. "Local armory" means a particular armory by the
11 name designation of the municipality or county commonly
12 associated with it, including the armory building proper and
13 any appurtenant facilities co-located with it.

14 ~~[D. "Armory board council" means the advisory body~~
15 ~~comprised of the chairmen of all local armory boards, serving~~
16 ~~ex officio, and of the members of the state armory board,~~
17 ~~chaired by the adjutant general and convened semi-annually by~~
18 ~~the call of the state armory board to aid and advise that board~~
19 ~~in the formation of its regulations and policies.]"~~

20 SECTION 11. Section 20-8-3 NMSA 1978 (being Laws 1987,
21 Chapter 318, Section 54, as amended) is amended to read:

22 "20-8-3. POWERS AND RESPONSIBILITIES.--The state armory
23 board shall be empowered to:

24 A. act on behalf of the state in the exercise of
25 its powers and responsibilities;

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1 B. hold title to armories in its name on behalf of
2 the state;

3 C. employ and maintain or retain technical, legal,
4 administrative and clerical personnel, including an architect
5 or engineer, a construction manager and a finance manager as
6 deemed necessary by the board within its appropriated budget or
7 federal reimbursement funds, as approved by itself and the
8 department of finance and administration;

9 D. have control and supervision over the
10 acquisition, construction, replacement, repair, alteration,
11 improvement, furnishing, equipping, maintenance and operation
12 of all armories and over all funds appropriated or obtained for
13 those purposes;

14 E. acquire property deemed necessary for military
15 purposes by purchase, exchange, lease, grant, gift or
16 condemnation;

17 F. disregard the requirements of Sections 13-6-3
18 [~~15-3-20~~] and [~~15-3-23~~] 15-38-16 NMSA 1978;

19 G. borrow money for acquiring, constructing,
20 replacing, repairing, altering, improving, furnishing,
21 equipping and operating armories, as provided in Chapter 20,
22 Article 8 NMSA 1978;

23 H. enter into contracts on behalf of the state with
24 the United States or any of its agencies for the purpose of
25 participating in any joint federal-state military construction

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1 for the purpose of receiving federal funds for military
2 construction;

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

14 J. guide, direct and supervise the local armory
15 boards [~~the armory board council~~] and the state armory board
16 fund;

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

20 L. regulate and audit armory rentals contracted by
21 local armory boards;

22 M. submit an annual report to the governor,
23 accounting for all state appropriated funds received and
24 disbursed by it; and

25 N. meet quarterly or at the more frequent call of

1 the adjutant general. The adjutant general shall prescribe and
 2 issue [~~regulations which he~~] rules that the adjutant general
 3 and the board deem appropriate for the operations of armories
 4 and for the exercise of powers by and the fulfillment of
 5 responsibilities of the board stated in Chapter 20, Article 8
 6 NMSA 1978."

7 SECTION 12. Section 20-8-4 NMSA 1978 (being Laws 1987,
 8 Chapter 318, Section 55) is amended to read:

9 "20-8-4. LOCAL ARMORY BOARDS--MEMBERS.-- [~~There are~~
 10 ~~created~~] A local armory [boards] board is created for each
 11 local armory. The management and control of each local armory
 12 shall be the responsibility of its local armory board, subject
 13 to the guidance, direction and supervision of the state armory
 14 board. The senior commander of the national guard units
 15 occupying the armory, as [~~chairman~~] chair; one enlisted member
 16 serving in the armory, as secretary-treasurer; and one resident
 17 of the locality, who is not a member of the national guard,
 18 shall constitute the board for that locality. Discretionary
 19 appointments to each board shall be made by the adjutant
 20 general and shall be for [~~a term~~] terms of two years. Members
 21 shall serve without compensation but shall be paid per diem and
 22 mileage as provided in the Per Diem and Mileage Act. Each
 23 local armory board shall:

24 A. manage and control its local armory, subject to
 25 the guidance, supervision and direction of the state armory

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1 board and such [~~regulations~~] rules as the state armory board
2 may promulgate;

3 B. maintain a local checking account;

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

7 D. administer and account to the state armory board
8 for all revenues therefrom;

9 E. transmit all revenues, less actual and
10 reasonable expenses of the board and operations costs of its
11 armory rentals, to the state armory board fund quarterly or
12 more frequently;

13 F. report to the adjutant general annually, in
14 September, on the physical condition of its local armory,
15 including recommendations for improvements, repair and
16 maintenance; and

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

19 SECTION 13. Section 21-22F-3 NMSA 1978 (being Laws 2005,
20 Chapter 83, Section 3, as amended) is amended to read:

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

23 [~~A. "committee" means the public service law
24 advisory committee;~~

25 B.] A. "department" means the higher education

1 department;

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

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

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

14 ~~[F.]~~ E. "public service employment" means
15 employment with:

16 (1) an organization that is exempt from
17 taxation pursuant to Section 501(c)(3) of Title 26 of the
18 United States Code and that provides for the care and
19 maintenance of indigent persons in New Mexico through civil
20 legal services;

21 (2) the public defender department; or

22 (3) a New Mexico district attorney's office."

23 **SECTION 14.** Section 22-15E-1 NMSA 1978 (being Laws 2007,
24 Chapter 44, Section 1 and Laws 2007, Chapter 239, Section 1) is
25 amended to read:

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1 "22-15E-1. SHORT TITLE.--~~[This act]~~ Chapter 22, Article
2 15E NMSA 1978 may be cited as the "Mathematics and Science
3 Education Act".

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

7 "22-15E-2. DEFINITIONS.--As used in the Mathematics and
8 Science Education Act:

9 A. "bureau" means the mathematics and science
10 bureau; and

11 B. "chief" means the chief of the bureau [~~and~~

12 C. ~~"council" means the mathematics and science~~
13 ~~advisory council]."~~

14 **SECTION 16.** Section 22-15E-3 NMSA 1978 (being Laws 2007,
15 Chapter 44, Section 3 and Laws 2007, Chapter 239, Section 3) is
16 amended to read:

17 "22-15E-3. BUREAU CREATED--DUTIES.--

18 A. The "mathematics and science bureau" is created
19 in the department. The secretary shall appoint the chief as
20 provided in the Public Education Department Act.

21 B. The bureau shall:

22 (1) administer the provisions of the
23 Mathematics and Science Education Act;

24 ~~[(2) provide staff support for and coordinate~~
25 ~~the activities of the council;~~

1 ~~(3) work with the council to]~~

2 (2) develop a statewide strategic plan for
3 mathematics and science education in the public schools and
4 coordinate education activities with other state agencies, the
5 federal government, business consortia and public or private
6 organizations or other persons;

7 ~~[(4)]~~ (3) ensure that school districts' plans
8 include goals for improving mathematics and science education
9 aligned to the department's strategic plan;

10 ~~[(5)]~~ (4) recommend funding mechanisms that
11 support the improvement of mathematics and science education in
12 the state, including web-based mathematics and science
13 curricula, mentoring and web-based homework assistance;

14 ~~[(6)]~~ (5) promote partnerships among public
15 schools, higher education institutions, government, business
16 and educational and community organizations to improve the
17 mathematics and science education in the state;

18 ~~[(7)]~~ (6) develop and evaluate curricula,
19 instructional programs and professional development programs in
20 mathematics and science aligned with state academic content and
21 performance standards; and

22 ~~[(8)]~~ (7) assess the outcomes of efforts to
23 improve mathematics and science education using existing data."

24 **SECTION 17.** Section 24-1-28 NMSA 1978 (being Laws 2004,
25 Chapter 46, Section 2, as amended) is amended to read:

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

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

8 (1) consumers of behavioral health services
9 and consumers of substance abuse services, as follows:

10 (a) adults with serious mental illness;

11 (b) seniors;

12 (c) family members of adults with
13 serious mental illness and of children with serious emotional
14 or neurobiological disorders; and

15 (d) persons with co-occurring disorders;

16 (2) Native American representatives from a
17 pueblo, an Apache tribe, the Navajo Nation and an urban Native
18 American population;

19 (3) providers;

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

22 (a) adult mental health and substance
23 abuse;

24 (b) children's mental health and
25 substance abuse;

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[bracketed material] = delete

- 1 (c) education;
- 2 (d) vocational rehabilitation;
- 3 (e) criminal justice;
- 4 (f) juvenile justice;
- 5 (g) housing;
- 6 (h) medicaid and social services;
- 7 (i) health policy planning;
- 8 (j) developmental disabilities planning;
- 9 and
- 10 (k) disabilities issues and advocacy;

11 and

12 ~~[(5) such other members as the governor may~~
13 ~~appoint to ensure appropriate cultural and geographic~~
14 ~~representation; and~~

15 ~~(6)]~~ (5) advocates.

16 B. Providers and state agency representatives
17 together may not constitute more than forty-nine percent of the
18 council membership.

19 C. The council shall:

20 (1) advocate for adults, children and
21 adolescents with serious mental illness or severe emotional,
22 neurobiological and behavioral disorders, as well as those with
23 mental illness or emotional problems, including substance abuse
24 and co-occurring disorders;

25 (2) report annually to the governor and the

1 legislature on the adequacy and allocation of mental health
2 services throughout the state;

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

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

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

13 (6) establish subcommittees, to meet at least
14 quarterly, as follows:

15 (a) a medicaid subcommittee, chaired by
16 the secretary of human services or a designee, which may also
17 serve as a subcommittee of the medicaid advisory committee;

18 (b) a child and adolescent subcommittee,
19 chaired by the secretary of children, youth and families or a
20 designee;

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

23 (d) a substance abuse subcommittee,
24 chaired by the secretary of health or a designee, which shall
25 include DWI issues and shall include representation from local

1 DWI councils;

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

4 (f) other subcommittees as may be
5 established by the chair of the council to address specific
6 issues. All subcommittees may include nonvoting members
7 appointed by the chair for purposes of providing expertise
8 necessary to the charge of the respective subcommittee;

9 (7) review and make recommendations for the
10 comprehensive mental health state block grant and the substance
11 abuse block grant applications, the state plan for medicaid
12 services and any other plan or application for federal or
13 foundation funding for behavioral health services; and

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

17 **SECTION 18.** Section 24-10B-5.1 NMSA 1978 (being Laws
18 1993, Chapter 161, Section 5, as amended) is amended to read:

19 "24-10B-5.1. LICENSING [~~COMMISSION ESTABLISHED~~].--

20 A. The [~~secretary shall appoint an "emergency~~
21 ~~medical services licensing commission"~~, which shall be staffed
22 ~~by the bureau and composed of one lay person, three emergency~~
23 ~~medical technicians, one from each level of licensure, and~~
24 ~~three physicians, at least two of whom shall have expertise in~~
25 ~~emergency medicine and who are appointed from a list proposed~~

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1 by the New Mexico chapter of the American college of emergency
2 physicians.

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

11 (1) [~~providing] establish a forum for the~~

12 receipt of public comment regarding emergency medical services

13 licensing matters;

14 [~~(2) oversight of the bureau's licensure~~

15 ~~functions;~~

16 [~~(3) receiving] (2) receive complaints,~~

17 [~~directing] direct investigations and [~~authorizing] authorize~~~~

18 the initiation of actions by the bureau regarding contemplated

19 refusal to grant initial licensure and for disciplinary actions

20 against licensees; and

21 [~~(4) the granting of] (3) grant waivers, for~~

22 good cause shown, of rules pertaining to licensure renewal.

23 [G.] B. The [~~emergency medical services licensing~~

24 ~~commission] bureau may compel the production of books, records~~

25 and papers pertinent to any investigation authorized by the

1 Emergency Medical Services Act and may seek enforcement of any
 2 subpoena so issued through the district court in the county in
 3 which the custodian of the document is located in camera.

4 ~~[D. The emergency medical services licensing~~
 5 ~~commission shall meet as needed, but not less frequently than~~
 6 ~~semiannually. The emergency medical services licensing~~
 7 ~~commission shall be subject to the provisions of the Per Diem~~
 8 ~~and Mileage Act.]"~~

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

11 "24-19-3. DEFINITIONS.--As used in the Children's Trust
 12 Fund Act:

13 A. "board" means the children's trust fund board of
 14 trustees;

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

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

20 ~~D.]~~ C. "department" means the children, youth and
 21 families department;

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

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1 [F-] E. "secretary" means the secretary of
2 children, youth and families."

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

5 "24-19-8. CHILDREN, YOUTH AND FAMILIES DEPARTMENT--
6 ADDITIONAL POWERS AND DUTIES.--The department shall:

7 A. promulgate rules approved by the board;

8 B. transmit proposals for children's projects [~~to~~
9 ~~the board~~] and next generation fund projects to the [~~council~~
10 ~~board~~ for evaluation [~~and report on the proposals~~];

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

14 (1) not more than fifty percent of the total
15 funds distributed for any one fiscal year from the children's
16 trust fund shall be allocated for any single children's
17 project;

18 (2) not more than fifty percent of the total
19 funds distributed for any one fiscal year from the next
20 generation fund shall be allocated for any single next
21 generation fund project;

22 (3) each children's project shall be funded
23 for a specified period, not to exceed four years, and funds
24 shall not be used for maintenance of ongoing or permanent
25 efforts extending beyond the period specified, except that a

1 children's project may be extended once for a period not to
 2 exceed the original, and the board shall approve rules
 3 providing procedures and guidelines for the preparation and
 4 approval of proposals for children's projects and providing for
 5 any other matter the board deems necessary for the
 6 administration of the Children's Trust Fund Act; and

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

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

11 E. adopt standard contract provisions; and

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

15 SECTION 21. Section 25-1-6 NMSA 1978 (being Laws 1977,
 16 Chapter 309, Section 6) is amended to read:

17 "25-1-6. [~~AGENCY~~] DIVISION--POWERS AND DUTIES.--~~[A.]~~ The
 18 [~~agency~~] division is authorized and has the duty to execute any
 19 provisions of the Food Service Sanitation Act delegated to it
 20 under that act or by the board under authority of that act and
 21 specifically is directed to administer and enforce the
 22 provisions of [~~regulations~~] rules adopted under it.

23 [~~B. The director of the agency may appoint an~~
 24 ~~advisory council composed of food service technicians to assist~~
 25 ~~in carrying out the objectives of the Food Service Sanitation~~

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1 Act.]"

2 SECTION 22. Section 28-21-1 NMSA 1978 (being Laws 1999,
3 Chapter 163, Section 1) is amended to read:

4 "28-21-1. SHORT TITLE.--~~[This act]~~ Chapter 28, Article 21
5 NMSA 1978 may be cited as the "African American Affairs Act"."

6 SECTION 23. Section 28-21-3 NMSA 1978 (being Laws 1999,
7 Chapter 163, Section 3) is amended to read:

8 "28-21-3. OFFICE CREATED--POWERS AND DUTIES.--

9 A. The "office on African American affairs" is
10 created and attached administratively to the human services
11 department.

12 B. The governor shall appoint a director, who shall
13 work at the pleasure of the governor. The director shall
14 employ other necessary employees, who shall be subject to the
15 provisions of the Personnel Act.

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

18 (1) study issues important to African
19 Americans, including history and culture; education,
20 scholarships and other financial assistance for education and
21 career development; economic and social problems and issues
22 such as jobs, housing, discrimination, family support, youth
23 idleness and crime; and health care, maternal and child health,
24 teen pregnancy, access and other health issues;

25 (2) secure recognition of African Americans'

1 accomplishments and contributions to New Mexico and the United
2 States;

3 (3) cooperate with and assist public and
4 private entities dealing with issues important to African
5 Americans;

6 (4) develop a plan for the commemoration and
7 celebration of the official legal holiday honoring Martin
8 Luther King, Jr., including coordinating state plans and
9 activities with federal plans and activities for the
10 commemoration and celebration of Martin Luther King, Jr.'s
11 birthday;

12 (5) develop, with other agencies of the state,
13 an interpretive program that explores the historical, social,
14 political and cultural themes associated with the life and
15 works of Martin Luther King, Jr.;

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

20 [~~4~~] (7) direct the operations of the office;

21 [~~5~~] (8) where appropriate, conduct periodic
22 conferences throughout the state to inform African Americans of
23 the opportunities available to them through state and private
24 sources, to encourage them to share their history and culture
25 with other New Mexicans and participate in the social and

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1 political processes of their communities and to learn from
2 conference participants their needs and problems; and
3 ~~[(6)]~~ (9) otherwise act as an advocate for
4 African American citizens of New Mexico.

5 D. Additionally, the office shall:

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

8 (2) function as the coordinating office for
9 all services and activities of state agencies and programs
10 pertaining to African Americans;

11 (3) encourage funding and implementation of
12 training programs and other opportunities for African
13 Americans;

14 (4) promote and develop programs about
15 community resources designed to meet the needs of African
16 Americans;

17 (5) prepare and submit a budget for the
18 office; and

19 (6) publish an annual report on the activities
20 and services of the office.

21 E. The office may:

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

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

1 and

2 (3) enter into contracts."

3 SECTION 24. Section 28-21-4 NMSA 1978 (being Laws 1999,
4 Chapter 163, Section 4) is amended to read:

5 "28-21-4. FUND CREATED--ADMINISTRATION.--

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

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

20 SECTION 25. Section 32A-16-1 NMSA 1978 (being Laws 1989,
21 Chapter 290, Section 1, as amended) is amended to read:

22 "32A-16-1. OFFICE CREATED--DIRECTOR APPOINTED.--The
23 "office of child development" is created within the [~~children,~~
24 ~~youth and families~~] department. The executive and
25 administrative head of the office of child development is the

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1 "director of child development". The director shall be
2 appointed by the secretary of children, youth and families
3 [~~based upon the recommendations of the child development~~
4 ~~board~~]."

5 SECTION 26. Section 32A-16-2 NMSA 1978 (being Laws 1989,
6 Chapter 290, Section 2, as amended) is amended to read:

7 "32A-16-2. DIRECTOR--DUTIES.--The director of child
8 development shall:

9 A. employ and discharge personnel necessary for the
10 operation of the office of child development;

11 [~~B. carry out the policies of the child development~~
12 ~~board~~];

13 ~~G.] B.~~ prepare financial reports and budget
14 requests for presentation to the [~~children, youth and families~~]
15 department;

16 [~~D. administrate the~~] C. administer licensure
17 procedures and program criteria; [~~developed by the child~~
18 ~~development board~~];

19 ~~E.] D.~~ assure and work to foster coordination
20 between all state agencies dealing with [~~childcare~~] child care;
21 and

22 [~~F.] E.~~ identify all sources of child development
23 licensure preparation and training, disseminate information and
24 coordinate resources to meet child development licensure and
25 training needs."

1 SECTION 27. Section 32A-16-4 NMSA 1978 (being Laws 1989,
2 Chapter 290, Section 4, as amended) is amended to read:

3 "32A-16-4. [~~POWERS AND~~] DUTIES OF THE [~~BOARD~~] OFFICE.--
4 The office of child development [~~board~~] shall:

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

7 ~~B.]~~ A. consider and adopt licensure requirements,
8 policies and procedures for [~~individuals~~] persons working in
9 licensed or registered health facilities with children from
10 birth to age five; provided that such licensure requirements
11 shall not apply to [~~individuals~~] persons working in group homes
12 pursuant to Section 9-8-13 NMSA 1978;

13 ~~[C.]~~ B. consider and make recommendations to the
14 public education department regarding additional licensure
15 requirements for public school personnel working with public
16 school children up to age eight;

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

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

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

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

5 ~~[H.]~~ F. develop and adopt program criteria for
6 state-funded preschool programs serving children from birth to
7 age five; provided that criteria shall not apply to programs
8 serving children who have a developmental delay or are at risk
9 for developing a delay, birth through two years, and programs
10 serving children who have a developmental delay, three through
11 five years; and

12 ~~[I.]~~ G. work with other state agencies to monitor
13 the implementation of state-funded preschool program criteria."

14 SECTION 28. Section 33-8-1 NMSA 1978 (being Laws 1981,
15 Chapter 127, Section 1) is amended to read:

16 "33-8-1. SHORT TITLE.--~~[Sections 1 through 15 of this~~
17 ~~act]~~ Chapter 33, Article 8 NMSA 1978 may be cited as the
18 "Corrections Industries Act".

19 SECTION 29. Section 33-8-2 NMSA 1978 (being Laws 1981,
20 Chapter 127, Section 2, as amended) is amended to read:

21 "33-8-2. DEFINITIONS.--As used in the Corrections
22 Industries Act:

23 ~~[A. "commission" means the corrections industries~~
24 ~~commission;~~

25 ~~B.]~~ A. "department" means the corrections

1 department;

2 ~~[G.]~~ B. "enterprise" means a manufacturing,
3 agricultural or service operation or group of closely related
4 operations within the bounds of a facility but does not include
5 standard facility maintenance activities and services;

6 ~~[D.]~~ C. "facility" means a place under the
7 jurisdiction of the department at which individuals are
8 confined pursuant to court order;

9 ~~[E.]~~ D. "fund" means the corrections industries
10 revolving fund;

11 ~~[F.]~~ E. "local public body" means all political
12 subdivisions of the state and their agencies, instrumentalities
13 and institutions supported wholly or in part by funds derived
14 from public taxation; and

15 ~~[G.]~~ F. "state agency" means the state or any of
16 its branches, agencies, departments, boards, instrumentalities
17 or institutions supported wholly or in part by funds derived
18 from public taxation."

19 **SECTION 30.** Section 33-8-6 NMSA 1978 (being Laws 1981,
20 Chapter 127, Section 6, as amended) is amended to read:

21 "33-8-6. [~~COMMISSION~~] DEPARTMENT--POWERS AND DUTIES.--The
22 [~~commission~~] department has the [~~following~~] powers and duties
23 to:

24 A. determine those enterprises to be conducted in
25 facilities in such volume, kind and place as to eliminate

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underscored material = new
[bracketed material] = delete

1 unnecessary inmate idleness at all facilities and to provide
2 diversified work activities that will serve as a means of
3 enhancing vocational skills;

4 B. determine whether any enterprise should be
5 established, expanded, diminished or discontinued;

6 C. establish policy with respect to the conduct of
7 all enterprises;

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

20 E. consult regularly and continuously with state
21 agencies and local public bodies in order to develop new
22 enterprise products, adapt existing enterprise products and
23 establish new service functions to meet their needs;

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

1 G. obtain and provide technical assistance for
2 enterprise programs;

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

5 ~~I. recommend to the department the adoption of~~
6 ~~rules necessary to carry out the provisions of the Corrections~~
7 ~~Industries Act;~~

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

23 ~~[K.]~~ I. notwithstanding any other provision of law,
24 adopt policies and procedures that permit an enterprise to make
25 a single purchase of a product or service other than raw

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

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

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

21 [~~N. advise the director of the corrections~~
22 ~~industries division in the management and control of the~~
23 ~~corrections industries division;~~

24 [~~O.~~] K. assist in the process of inmate occupational
25 placement upon release from confinement by coordination with

1 the parole board and the field services division; and

2 [P-] L. prepare an annual report to the governor
3 and the legislature that contains:

4 (1) a detailed financial statement for each
5 enterprise in each facility;

6 (2) a detailed financial statement of the
7 fund;

8 (3) reasons for establishing or terminating
9 enterprises;

10 (4) a summary of plans to develop additional
11 enterprises;

12 (5) the number of inmates employed in each
13 enterprise;

14 (6) the number of idle inmates available for
15 work at each facility; and

16 (7) any further information requested by the
17 governor or the legislature."

18 SECTION 31. Section 33-8-7 NMSA 1978 (being Laws 1981,
19 Chapter 127, Section 7) is amended to read:

20 "33-8-7. CORRECTIONS INDUSTRIES REVOLVING FUND CREATED.--
21 ~~[There is created in the state treasury a fund which shall be~~
22 ~~administered by the department secretary as directed by the~~
23 ~~commission and which shall be known as] The "corrections~~
24 ~~industries revolving fund" is created as a nonreverting fund in~~
25 ~~the state treasury. The corrections department shall~~

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1 administer the fund. All income, receipts and earnings from
2 the operation of enterprises shall be credited to the fund.
3 Money deposited in the fund shall be used only to meet
4 necessary expenses incurred in the maintenance, operation and
5 expansion of existing enterprises and in the establishment,
6 maintenance, operation and expansion of new enterprises. All
7 interest earned on money in the fund shall be credited to the
8 fund. [~~No part of the fund shall revert at the end of any~~
9 ~~fiscal year.~~] Money in the fund shall be expended by warrant of
10 the secretary of finance and administration on vouchers signed
11 by the secretary of corrections or the secretary of
12 corrections' authorized representative."

13 SECTION 32. Section 33-8-8 NMSA 1978 (being Laws 1981,
14 Chapter 127, Section 8, as amended) is amended to read:

15 "33-8-8. INMATE COMPENSATION.--

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

1 B. Pursuant to the provisions of Article 20,
2 Section 15 of the constitution of New Mexico, if an inmate has
3 a dependent family, ~~[his]~~ the inmate's net compensation shall
4 be paid to ~~[his]~~ the inmate's family if necessary for its
5 support. The department shall make diligent effort to
6 determine those inmates who have dependent families in need of
7 support.

8 C. The department shall promulgate necessary rules
9 ~~[and regulations]~~:

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

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

16 D. The deductions provided by ~~[this]~~ Subsection C
17 of this section shall apply to inmate compensation, including
18 payments pursuant to Section 33-2-26 NMSA 1978; wages earned
19 pursuant to the provisions of Section 33-8-13 NMSA 1978; wages
20 earned in work projects certified pursuant to the federal
21 private-sector prison industry enhancement certification
22 program; and ~~[to]~~ wages earned in inmate-release programs
23 ~~[provided that]~~. The deductions provided by ~~[this]~~ Paragraph
24 (2) of Subsection C of this section shall not exceed fifty
25 percent of net compensation, payment or wages and ~~[that]~~ the

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1 deduction for victim restitution shall be not less than fifteen
2 percent of net compensation, payment or wages. If the court
3 has not ordered victim restitution, the deduction for victim
4 restitution shall be transmitted to the state treasurer for
5 credit to the crime victims reparation fund."

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

8 "33-8-12.2. CORRECTIONS INDUSTRIES SALES
9 REPRESENTATIVES.--

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

19 B. The secretary of corrections may contract with
20 persons or business entities to serve on an independent
21 contractor basis as sales representatives for marketing goods
22 or services produced or assembled through the corrections
23 industries division."

24 SECTION 34. Section 33-8-13 NMSA 1978 (being Laws 1981,
25 Chapter 127, Section 13) is amended to read:

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1 "33-8-13. PRIVATE INDUSTRY ON FACILITY GROUNDS.--

2 A. The department [~~secretary, upon recommendation~~
3 ~~of the commission~~] may lease real property on the grounds of
4 any facility and may provide for reasonable access to and
5 egress from the leased property to a private commercial
6 industry for the purpose of establishing and operating a
7 factory for the manufacture and processing of products or to
8 any other commercial industry deemed by the [~~commission~~]
9 department to be consistent with the purposes of the
10 Corrections Industries Act.

11 B. Any agreement entered into pursuant to this
12 section shall provide that:

13 (1) all persons employed in the enterprise,
14 except administrative, supervisory and training personnel,
15 shall be inmates of the facility where the leased property is
16 located who volunteer for employment and who are approved for
17 such employment by the [~~superintendent~~] warden of that
18 facility;

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

23 (3) the enterprise shall be deemed a private
24 enterprise and subject to all laws governing the operation of
25 similar private business enterprises; provided that the

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1 provisions of the Unemployment Compensation Law shall not apply
2 to inmate employees."

3 SECTION 35. Section 60-2A-2 NMSA 1978 (being Laws 1980,
4 Chapter 90, Section 2, as amended) is amended to read:

5 "60-2A-2. DEFINITIONS.--As used in the Professional
6 Athletic Competition Act:

7 A. "board" means the [~~medical advisory board~~]
8 department;

9 B. "commission" means the [~~New Mexico athletic~~
10 ~~commission~~] department;

11 C. "contestant" means a person who engages in
12 unarmed combat for remuneration;

13 D. "department" means the regulation and licensing
14 department;

15 E. "foreign co-promoter" means a promoter who has
16 no place of business in this state;

17 F. "manager":

18 (1) means a person who:

19 (a) undertakes to represent the
20 interests of another person by contract, agreement or other
21 arrangement in procuring, arranging or conducting a
22 professional contest or exhibition in which the represented
23 person will participate as a contestant;

24 (b) directs or controls the activities
25 of an unarmed combatant relating to the participation of the

1 unarmed combatant in professional contests or exhibitions;

2 (c) receives or is entitled to receive
3 at least ten percent of the gross purse or gross income of any
4 professional unarmed combatant for services relating to the
5 participation of the unarmed combatant in a professional
6 contest or exhibition; or

7 (d) receives compensation for services
8 as an agent or representative of an unarmed combatant; and

9 (2) does not include an attorney who is
10 licensed to practice law in this state if the attorney's
11 participation in any of the activities described in Paragraph
12 (1) of this subsection is limited solely to the legal
13 representation of a client who is an unarmed combatant;

14 G. "professional boxer" or "professional wrestler"
15 means an individual who competes for money, prizes or purses or
16 who teaches, pursues or assists in the practice of boxing,
17 wrestling or martial arts as a means of obtaining a livelihood
18 or pecuniary gain;

19 H. "professional contest" means any professional
20 boxing, wrestling or martial arts contest or exhibition,
21 whether or not an admission fee is charged for admission of the
22 public;

23 I. "promoter" means any person, and in the case of
24 a corporate promoter includes any officer, director or
25 stockholder of the corporation, who produces or stages any

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1 professional boxing, wrestling or martial arts contest,
2 exhibition or closed circuit television show;

3 J. "purse" means the financial guarantee or any
4 other remuneration, or part thereof, for which professional
5 boxers or professional wrestlers are participating in a contest
6 or exhibition and includes the participant's share of any
7 payment received for radio broadcasting, television or motion
8 picture rights;

9 K. "ring official" means any person who performs an
10 official function during the progress of a contest or
11 exhibition;

12 L. "unarmed combat" means boxing, wrestling,
13 martial arts or any form of competition in which a blow is
14 usually struck that may reasonably be expected to inflict
15 injury; and

16 M. "unarmed combatant" means:

17 (1) a person who engages in unarmed combat in
18 a contest or exhibition, whether or not the person receives
19 remuneration, including a wrestler, boxer, mixed martial artist
20 or other contestant; or

21 (2) an amateur boxer who is registered with
22 United States amateur boxing, incorporated, or any other
23 amateur organization recognized by the ~~[commission]~~ department
24 and participates in an amateur boxing contest or exhibition in
25 the state that is registered and sanctioned by United States

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1 amateur boxing, incorporated or golden gloves of America."

2 SECTION 36. Section 60-2A-4 NMSA 1978 (being Laws 1980,
3 Chapter 90, Section 4, as amended) is amended to read:

4 "60-2A-4. [CHAIRMAN] RULES.--

5 ~~[A. The commission shall elect annually in December~~
6 ~~a chairman and such other officers as it deems necessary. The~~
7 ~~commission shall meet as often as necessary for the conduct of~~
8 ~~business, but no less than twice a year. Meetings shall be~~
9 ~~called by the chairman or upon the written request of three or~~
10 ~~more members of the commission. Three members, at least one of~~
11 ~~whom is a public member, shall constitute a quorum.~~

12 ~~B. The commission]~~ A. The department may adopt,
13 purchase and use a seal for purposes of the Professional
14 Athletic Competition Act.

15 ~~[C. The commission]~~ B. The department may adopt
16 rules, subject to the provisions of the State Rules Act, for
17 the administration of the Professional Athletic Competition Act
18 not inconsistent with the provisions of [~~the Professional~~
19 ~~Athletic Competition]~~ that act. The rules shall include but
20 not be limited to the:

- 21 (1) number and qualifications of ring
22 officials required in a professional contest;
- 23 (2) powers, duties and compensation of ring
24 officials; and
- 25 (3) qualifications of licensees.

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1 ~~[D. The commission]~~ C. The department shall
2 prepare all forms of contracts between sponsors, licensees,
3 promoters and contestants."

4 SECTION 37. Section 66-7-503 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 490, as amended) is amended to read:

6 "66-7-503. DEFINITIONS.--As used in the Traffic Safety
7 Act:

8 A. "bureau" means the traffic safety bureau of the
9 department;

10 B. "chief" means the administrative head of the
11 bureau;

12 ~~[G. "committee" means the advisory committee to the~~
13 ~~bureau;]~~ and

14 ~~[D.]~~ C. "department" means the [state highway and
15 department of transportation [department]."

16 SECTION 38. Section 66-7-511 NMSA 1978 (being Laws 1978,
17 Chapter 35, Section 498) is amended to read:

18 "66-7-511. ACCEPTANCE OF GIFTS [~~FUNCTION OF ADVISORY~~
19 ~~COMMITTEE]~~.--~~[A.]~~ The bureau, with the approval of the
20 governor, may accept on behalf of the state any gift, grant or
21 money given to the bureau for any and all purposes specified in
22 the Traffic Safety Act. Any special grant shall be held by the
23 state treasurer in a special fund and shall be expended in
24 accordance with the terms of the gift or grant upon proper
25 voucher and warrant drawn by the director [~~of his]~~ or the

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1 director's designated agent.

2 ~~[B. The advisory committee, upon the call of the~~
3 ~~chairman, shall convene and shall undertake the study and~~
4 ~~evaluation of all applications for federal grants pertaining to~~
5 ~~traffic safety programs or affairs. The advisory committee~~
6 ~~shall make its findings and recommendations available to the~~
7 ~~chief in the form of minutes or written report, whereupon the~~
8 ~~committee shall adjourn awaiting the call of the chair.]"~~

9 SECTION 39. REPEAL--AGRICULTURE.--The rangeland
10 protection advisory committee, Section 76-7B-5 NMSA 1978 (being
11 Laws 1985, Chapter 53, Section 5) is repealed.

12 SECTION 40. REPEAL--CULTURAL AFFAIRS ENTITIES.--The
13 following are repealed:

14 A. New Mexico Film Museum Act, Sections 18-14-1
15 through 18-14-6 NMSA 1978 (being Laws 2003, Chapter 250,
16 Sections 1 through 6, as amended);

17 B. Fort Stanton development commission, Sections
18 9-6-12 through 9-6-14 NMSA 1978 (being Laws 2003, Chapter 126,
19 Sections 1 through 3);

20 C. Intertribal Ceremonial Act, Sections 9-15C-1
21 through 9-15C-5 NMSA 1978 (being Laws 2005, Chapter 219,
22 Sections 1 through 5, as amended);

23 D. Martin Luther King, Jr. commission, Sections
24 28-19-1 through 28-19-4 NMSA 1978 (being Laws 1991, Chapter
25 252, Sections 1 through 4); and

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1 E. Music Commission Act, Sections 18-16-1 through
2 18-16-4 NMSA 1978 (being Laws 2009, Chapter 13, Sections 1
3 through 4).

4 **SECTION 41. REPEAL--EDUCATION ENTITIES.--**The following
5 are repealed:

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

8 B. public service law advisory committee, Section
9 21-22F-8 NMSA 1978 (being Laws 2005, Chapter 83, Section 8);

10 C. mathematics and science advisory council,
11 Sections 22-15E-4 and 22-15E-5 NMSA 1978 (being Laws 2007,
12 Chapter 44, Sections 4 and 5 and also Laws 2007, Chapter 239,
13 Sections 4 and 5); and

14 D. family and youth resource advisory committee,
15 Section 22-2D-2 NMSA 1978 (being Laws 2003, Chapter 153,
16 Section 65).

17 **SECTION 42. REPEAL--GENERAL GOVERNMENT ENTITIES.--**The
18 following are repealed:

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

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

25 C. private equity investment advisory committee,

1 Section 6-8-20 NMSA 1978 (being Laws 1987, Chapter 219, Section
2 3, as amended); and

3 D. state procurement standards and specifications
4 committee, Sections 13-1-162 and 13-1-163 NMSA 1978 (being Laws
5 1984, Chapter 65, Sections 135 and 136).

6 **SECTION 43. REPEAL--HEALTH AND HUMAN SERVICES**

7 ENTITIES.--The following are repealed:

8 A. child development board, Section 32A-16-3 NMSA
9 1978 (being Laws 1989, Chapter 290, Section 3);

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

13 C. interagency coordinating group, Section 9-2A-13
14 NMSA 1978 (being Laws 1992, Chapter 57, Section 13, as
15 amended);

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

19 E. compulsive gambling council, Section 9-7-11.4
20 NMSA 1978 (being Laws 2006, Chapter 8, Section 1);

21 F. health care providers licensing and
22 credentialing task force, Section 9-7-11.3 NMSA 1978 (being
23 Laws 2003, Chapter 235, Section 2);

24 G. governor's HIV and AIDS policy commission,
25 Section 24-1-29 NMSA 1978 (being Laws 2005, Chapter 5, Section

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1 1);

2 H. individual development account council, Section
3 58-30-6 NMSA 1978 (being Laws 2003, Chapter 362, Section 6, as
4 amended);

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

7 J. next generation council, Section 24-19-11 NMSA
8 1978 (being Laws 2005, Chapter 65, Section 7);

9 K. pain management advisory council, Section
10 24-2D-5.2 NMSA 1978 (being Laws 2005, Chapter 140, Section 3);
11 and

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

16 SECTION 44. REPEAL--INSTRUMENTALITIES.--The following are
17 repealed:

18 A. Exposition Center Authority Act, Sections
19 6-25A-1 through 6-25A-23 NMSA 1978 (being Laws 2005, Chapter
20 342, Sections 1 through 23);

21 B. Historic Landscape Act, Sections 18-13-1 through
22 18-13-7 NMSA 1978 (being Laws 2003, Chapter 234, Sections 1
23 through 7); and

24 C. Industrial and Agricultural Finance Authority
25 Act, Sections 58-24-1 through 58-24-24 NMSA 1978 (being Laws

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1 1983, Chapter 300, Sections 1 through 23 and 27, as amended).

2 **SECTION 45. REPEAL--MILITARY AFFAIRS.--**The veterans'
3 services advisory board, Section 9-22-15 NMSA 1978 (being Laws
4 2004, Chapter 19, Section 15), is repealed.

5 **SECTION 46. REPEAL--PUBLIC SAFETY AND CRIMINAL JUSTICE**
6 **ENTITIES.--**The following are repealed:

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

10 B. corrections industries commission, Section
11 33-8-5.1 NMSA 1978 (being Laws 2005, Chapter 23, Section 1);
12 and

13 C. Organized Crime Act, Sections 29-9-1 through
14 29-9-11 and 29-9-17 NMSA 1978 (being Laws 1973, Chapter 225,
15 Sections 1 through 3, Laws 1977, Chapter 215, Section 3, Laws
16 1973, Chapter 225, Sections 4, 6 and 7, Laws 1977, Chapter 215,
17 Section 6, Laws 1973, Chapter 225, Sections 9 and 10 and Laws
18 1977, Chapter 215, Section 8, as amended).

19 **SECTION 47. REPEAL--SPORTS ENTITIES.--**The following are
20 repealed:

21 A. New Mexico athletic commission and medical
22 advisory board, Sections 60-2A-3, 60-2A-7 and 60-2A-30 NMSA
23 1978 (being Laws 1980, Chapter 90, Sections 3, 7 and 30, as
24 amended);

25 B. Bicycle Racing Act, Sections 60-2D-1 through

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1 60-2D-18 NMSA 1978 (being Laws 1991, Chapter 233, Sections 1
2 through 18); and

3 C. sports advisory committee, Section 9-15A-11 NMSA
4 1978 (being Laws 2007, Chapter 286, Section 3 and Laws 2007,
5 Chapter 287, Section 3).

6 SECTION 48. REPEAL--TRANSPORTATION.--The traffic safety
7 bureau advisory committee, Section 66-7-505 NMSA 1978 (being
8 Laws 1978, Chapter 35, Section 492, as amended), is repealed.

9 SECTION 49. TEMPORARY PROVISION--TRANSFER--MARTIN LUTHER
10 KING, JR. COMMISSION.--On July 1, 2011, all appropriations,
11 money, furniture, equipment and other property of the Martin
12 Luther King, Jr. commission are transferred to the office on
13 African American affairs. All contractual obligations of the
14 commission are binding on the office. All references in law to
15 the commission shall be deemed to be references to the office
16 on African American affairs.

17 SECTION 50. TEMPORARY PROVISION--DUTIES, RULES,
18 CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES OF THE NEW
19 MEXICO ATHLETIC COMMISSION AND THE MEDICAL ADVISORY BOARD TO
20 REGULATION AND LICENSING DEPARTMENT.--On July 1, 2011, all
21 functions, appropriations, money, furniture, equipment and
22 other property of the New Mexico athletic commission and the
23 medical advisory board of the commission are transferred to the
24 regulation and licensing department. All rules of the New
25 Mexico athletic commission and the medical advisory board shall

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