

RELATING TO THE LEGISLATIVE BRANCH OF GOVERNMENT; APPROPRIATING FUNDS FOR THE EXPENSE OF THE FORTY-FIFTH LEGISLATURE, SECOND SESSION, 2002 AND FOR OTHER LEGISLATIVE EXPENSES, INCLUDING THE LEGISLATIVE COUNCIL SERVICE, THE LEGISLATIVE FINANCE COMMITTEE, THE LEGISLATIVE EDUCATION STUDY COMMITTEE, THE SENATE RULES COMMITTEE, THE HOUSE CHIEF CLERK'S OFFICE AND THE SENATE CHIEF CLERK'S OFFICE; DECLARING AN EMERGENCY.

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

Section 1. SESSION EXPENSES.--

A. There is appropriated for the expense of the legislative department of the state of New Mexico for the second session of the forty-fifth legislature for per diem and mileage of its members, for salaries of employees and for other expenses of the legislature, three million nine hundred ten thousand forty-six dollars (\$3,910,046) or so much thereof as may be necessary for such purposes.

B. The expenditures referred to in Subsection A of this section are as follows:

(1) per diem for senators ----- \$182,700;

(2) per diem for members of the house of

representatives -----\$304,500;

(3) mileage traveled by members of the senate going to and returning from the seat of government by the usually traveled route, one round trip ----- \$4,542;

(4) mileage traveled by members of the house of representatives going to and returning from the seat of government by the usually traveled route, one round trip ----- \$7,053;

(5) salaries and employee benefits of senate employees -----
-----\$1,046,971;

(6) salaries and employee benefits of house of representatives employees -----\$1,240,186;

(7) for expense of the senate not itemized above, two hundred seventy thousand five hundred forty-four dollars (\$270,544). No part of this item may be transferred to salaries or employee benefits;

(8) for expense of the house of representatives not itemized above, two hundred ninety-five thousand seven hundred dollars (\$295,700). No part of this item may be transferred to salaries or employee benefits; and

(9) for session expenses of the legislative council service, the joint billroom and mailroom and joint legislative switchboard, five hundred fifty-seven thousand eight hundred fifty dollars (\$557,850) to be disbursed upon vouchers signed by the director of the legislative council service.

C. The expenditures for the senate shall be disbursed on vouchers signed by the chairman of the committees' committee and the chief clerk of the senate. The expenditures for the house of representatives shall be disbursed on vouchers signed by the speaker and chief clerk of the house. Following adjournment of the session, expenditures authorized pursuant to Paragraphs (1) through (8) of Subsection B of this section shall be disbursed upon vouchers signed by the director of the legislative council service.

D. Under the printing contracts entered into for the second session of the forty-fifth legislature, the chairman of the committees' committee of the senate, subject to the approval of the committee, and the speaker of the house of representatives are authorized and directed to provide for the printing of all bills, resolutions, joint resolutions, memorials and joint memorials introduced in the senate or house, the printing of the weekly bill locator and the printing of all necessary stationery required for use in the respective houses. They are further directed to provide for the purchase of all supplies necessary for use in the respective houses within the appropriation provided. The orders for printing, stationery and supplies shall be approved by the chairman of the committees' committee in the senate or by the speaker for the house.

Section 2. BILLS AND OTHER PRINTED MATERIALS.--

A. For the second session of the forty-fifth legislature, bills, resolutions, joint resolutions, memorials and joint memorials delivered to the printer shall be returned by the printer to the joint billroom within forty-two hours after they are ordered to be printed. The billroom personnel shall supply a complete file of bills, resolutions, joint resolutions, memorials, joint memorials and other printed distribution materials to the following:

(1) one copy to each member of the house of representatives and senate;

(2) one copy to each county clerk, district judge, radio or television station and newspaper and to the general library of each state-supported institution of higher learning; and

(3) upon written request, one copy to each state department, commission, board, institution or agency, each elected state official, each incorporated

municipality, each district attorney, each ex-governor, each member of the New Mexico congressional delegation and each public school district in the state.

B. Any person not listed in Subsection A of this section may secure a complete file of the bills, resolutions, joint resolutions, memorials and joint memorials of the legislature by depositing with the legislative council service the amount of three hundred twenty-five dollars (\$325), which deposit shall be paid to the state treasurer to the credit of the legislative expense fund. Additional single copies of items of legislation shall be sold for two dollars (\$2.00) unless the director of the legislative council service shall, because of its length, assign a higher price not to exceed ten cents (\$.10) per page. Copies of a daily bill locator, other than those copies furnished each member of the respective houses, shall be supplied by the legislative council service at a charge of ninety dollars (\$90.00) for the entire session.

Section 3. LEGISLATIVE COUNCIL SERVICE.--There is appropriated from the general fund to the legislative council service for fiscal year 2003 unless otherwise indicated, to be disbursed on vouchers signed by the director of the legislative council service, the following:

| | |
|--|---------------|
| A. Personal Services & Employee Benefits | \$ 3,148,400 |
| Contractual Services | 187,000 |
| Other Costs | 935,900 |
| Other Financing Uses | 1,500 |
| Total | \$ 4,272,800; |

B. for travel expenses of legislators other than New Mexico legislative council members, on legislative council business, for committee travel, staff and other necessary expenses for other interim committees and for other necessary legislative expenses for fiscal year 2003, eight hundred eighty-six thousand dollars (\$886,000); provided that the New Mexico legislative council may transfer amounts from the appropriation in this subsection, during the fiscal year for which appropriated, to any other legislative appropriation where they may be needed;

C. for pre-session expenditures and for necessary contracts, supplies and personnel for interim session preparation, three hundred fifty-two thousand three hundred dollars (\$352,300); and

D. for a statewide legislative intern program, twenty-five thousand dollars (\$25,000).

Section 4. LEGISLATIVE FINANCE COMMITTEE.--There is appropriated from the general fund to the legislative finance committee for fiscal year 2003, to be disbursed on vouchers signed

by the chairman of the committee or his designated representative, the following:

| | |
|---------------------------------------|---------------|
| Personal Services & Employee Benefits | \$ 2,488,200 |
| Contractual Services | 150,800 |
| Other Costs | 327,400 |
| Other Financing Uses | 700 |
| Total | \$ 2,967,100. |

Section 5. LEGISLATIVE EDUCATION STUDY COMMITTEE.--

There is appropriated from the general fund to the legislative education study committee for fiscal year 2003, to be disbursed on vouchers signed by the chairman of the committee or his designated representative, the following:

| | |
|---------------------------------------|-------------|
| Personal Services & Employee Benefits | \$ 672,700 |
| Contractual Services | 25,000 |
| Other Costs | 151,000 |
| Other Financing Uses | 200 |
| Total | \$ 848,900. |

Section 6. SENATE RULES COMMITTEE.--There is appropriated from the general fund to the legislative council service for the interim duties of the senate rules committee, twenty-one thousand six hundred dollars (\$21,600) for fiscal year 2003.

Section 7. HOUSE CHIEF CLERK.--There is appropriated from the general fund to the legislative council service for expenditure in fiscal year 2003 for the operation of the house chief clerk's office, to be disbursed on vouchers signed by the director of the legislative council service, the following:

| | |
|---------------------------------------|-------------|
| Personal Services & Employee Benefits | \$ 765,900 |
| Contractual Services | 55,500 |
| Other Costs | 55,100 |
| Other Financing Uses | 650 |
| Total | \$ 877,150. |

Section 8. SENATE CHIEF CLERK.--There is appropriated from the general fund to the legislative council service for expenditure in fiscal year 2003 for the operation of the senate chief clerk's office, to be disbursed on vouchers signed by the director of the legislative council service, the following:

| | |
|---------------------------------------|-------------|
| Personal Services & Employee Benefits | \$ 724,250 |
| Contractual Services | 141,800 |
| Other Costs | 55,400 |
| Other Financing Uses | 250 |
| Total | \$ 921,700. |

Section 9. LEGISLATIVE INFORMATION SYSTEM.--There is appropriated from the legislative cash balances to the legislative council service for the legislative information system five hundred four thousand one hundred dollars (\$504,100) for expenditure during fiscal years 2002 and 2003.

Section 10. REDISTRICTING LITIGATION EXPENSE.--There is appropriated from legislative cash balances to the legislative council service for costs incurred because of redistricting litigation seven hundred fifty thousand dollars (\$750,000) for expenditure during fiscal years 2002 and 2003.]

Section 11. CATEGORY TRANSFER.--Amounts set out in Sections 3, 4, 5, 7 and 8 of this act are provided for informational purposes only and may be freely transferred among categories.

Section 12. EMERGENCY.--It is necessary for the public

peace, health and safety that this act take effect immediately.

HOUSE BILL 1, WITH EMERGENCY CLAUSE

SIGNED JANUARY 21, 2002

CHAPTER 2

CHAPTER 2, LAWS 2002

AN ACT

RELATING TO PUBLIC HEALTH; PROHIBITING SMOKING IN THE STATE CAPITOL AND CAPITOL NORTH.

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

Section 1. Section 24-16-4 NMSA 1978 (being Laws 1985, Chapter 85, Section 4, as amended) is amended to read:

"24-16-4. SMOKING PROHIBITED EXCEPT IN PERMITTED AREAS.--It is unlawful for a person to smoke in a public place or at a public meeting except in smoking-permitted areas. No part of the state capitol or capitol north shall be designated as a smoking-permitted area."

HOUSE BILL 10

CHAPTER 3

CHAPTER 3, LAWS 2002

AN ACT

RELATING TO MOTOR VEHICLES; PERMITTING ALTERNATIVE DOCUMENTATION IN LIEU OF SOCIAL SECURITY NUMBER IN DRIVER'S LICENSE APPLICATIONS.

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

Section 1. Section 66-5-9 NMSA 1978 (being Laws 1978, Chapter 35, Section 231, as amended) is amended to read:

"66-5-9. APPLICATION FOR LICENSE, TEMPORARY LICENSE, PROVISIONAL LICENSE OR INSTRUCTION PERMIT.--

A. Every application for an instruction permit, provisional license or driver's license shall be made upon a form furnished by the department. Every application shall be accompanied by the proper fee. For permits, provisional licenses or driver's licenses other than those issued pursuant to the New Mexico Commercial Driver's License Act, submission of a complete application with payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of six months from the date of application.

B. Every application shall contain the full name, social security number, date of birth, sex and New Mexico residence address of the applicant and briefly describe the applicant and indicate whether the applicant has previously been licensed as a driver and, if so, when and by what state or country and whether any such license has ever been suspended or revoked or whether an application has ever been refused and, if so, the date of and reason for the suspension, revocation or refusal. The secretary is authorized to establish by regulation other documents that may be accepted as a substitute for a social security number.

C. Every applicant shall indicate whether he has been convicted of driving while under the influence of intoxicating liquor or drugs in this state or in any other jurisdiction. Failure to disclose any such conviction prevents the issuance of a driver's license, provisional license, temporary license or instruction permit for a period of one year if the failure to disclose is discovered by the department prior to issuance. If the nondisclosure is discovered by the department subsequent to issuance, the department shall revoke the driver's license, provisional license, temporary license or instruction permit for a period of one year. Intentional and willful failure to disclose, as required in this subsection, is a misdemeanor.

D. Every applicant less than eighteen years of age who is making an application to be granted his first New Mexico driver's license shall submit evidence that he has:

(1) successfully completed a driver education course that included a DWI prevention and education program approved by the bureau or offered by a public school. The bureau may accept verification of driver education course completion from another state if the driver education course substantially meets the requirements of the bureau for a course offered in New Mexico;

(2) had a provisional license for the twelve-month period immediately preceding the date of the application for the driver's license;

(3) complied with restrictions on that license;

(4) not been convicted of a traffic violation committed during the ninety days prior to applying for a driver's license;

(5) not been cited for a traffic violation that is pending at the time of his application; and

(6) not been adjudicated for an offense involving the use of alcohol or drugs during the twelve-month period immediately preceding the date of the application for the driver's license and that there are no pending adjudications alleging an offense involving the use of alcohol or drugs at the time of his application.

E. Every applicant eighteen years of age and over, but less than twenty-five years of age, who is making an application to be granted his first New Mexico driver's license shall submit evidence with his application that he has successfully completed a bureau-approved DWI prevention and education program.

F. Every applicant twenty-five years of age and over who has been convicted of driving under the influence of intoxicating liquor or drugs, and who is making an application to be granted his first New Mexico driver's license, shall submit evidence with his application that he has successfully completed a bureau-approved DWI prevention and education program.

G. Whenever application is received from a person previously licensed in another jurisdiction, the department may request a copy of the driver's record from the other jurisdiction. When received, the driver's record may become a part of the driver's record in this state with the same effect as though entered on the driver's record in this state in the original instance.

H. Whenever the department receives a request for a driver's record from another licensing jurisdiction, the record shall be forwarded without charge.

I. This section does not apply to driver's licenses issued pursuant to the New Mexico Commercial Driver's License Act."

HOUSE BILL 135

CHAPTER 4

CHAPTER 4, LAWS 2002

AN ACT

RELATING TO FORFEITURE OF PROPERTY; ENACTING THE FORFEITURE ACT; PROVIDING PROCEDURES FOR THE SEIZURE, FORFEITURE AND DISPOSAL OF CERTAIN PROPERTY SUBJECT TO FORFEITURE; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. SHORT TITLE.--Sections 1 through 8 of this act may be cited as the "Forfeiture Act".

Section 2. PURPOSE OF ACT--APPLICABILITY.--

A. The purposes of the Forfeiture Act are:

(1) to make uniform the standards and procedures for the seizure and forfeiture of property subject to forfeiture; and

(2) to protect the constitutional rights of persons accused of a crime and of innocent persons holding interests in property subject to forfeiture.

B. The Forfeiture Act applies to:

(1) seizures, forfeitures and dispositions of property subject to forfeiture pursuant to laws that specifically apply the Forfeiture Act; and

(2) seizures, forfeitures and dispositions of property subject to forfeiture pursuant to other laws; but only to the extent that the procedures in the Forfeiture Act for seizing, forfeiting or disposing of property are consistent with any procedures specified in those laws.

Section 3. DEFINITIONS.--As used in the Forfeiture Act:

A. "conviction" or "convicted" means that a person has been found guilty of a crime in the trial court whether by a plea of guilty or nolo contendere or otherwise and whether the sentence is deferred or suspended;

B. "crime" means a violation of a criminal statute for which property of the offender is subject to seizure and forfeiture;

C. "law enforcement agency" means the employer of a law enforcement officer that has made a seizure of property pursuant to the Forfeiture Act;

D. "law enforcement officer" means a state or municipal police officer, county sheriff, deputy sheriff, conservation officer, motor transportation enforcement officer or other state employee authorized by state law to enforce criminal statutes, but "law enforcement officer" does not include correctional officers;

E. "owner" means a person who has a legal or equitable ownership interest in property;

F. "property" means tangible or intangible personal property or real property;

G. "property subject to forfeiture" means property described and declared to be subject to forfeiture by a state law outside of the Forfeiture Act; and

H. "secured party" means a person with a security or other protected interest in property, whether arising by mortgage, security agreement, lien, lease or otherwise; the purpose of which interest is to secure the payment of a debt or protect a potential debt owed to the secured party.

Section 4. SEIZURE OF PROPERTY.--Property may be seized by a law enforcement officer:

A. pursuant to an order of seizure issued by a district court based on a sworn application of a law enforcement officer from which a determination is made by the court that:

(1) there is a substantial probability that:

(a) the property is subject to forfeiture;

(b) the state will prevail on the issue of forfeiture; and

(c) failure to enter the order will result in the property being destroyed, removed from the state or otherwise made unavailable for forfeiture; and

(2) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship to the owner and other parties known to be claiming interests in the property; and

B. without a prior court order, if the property alleged to be property subject to forfeiture is not a residence or a business, when:

(1) the seizure is incident to an arrest for a crime, a search conducted pursuant to a search warrant or an inspection conducted pursuant to an administrative inspection warrant and the law enforcement officer making the arrest or executing the search or inspection warrant has probable cause to believe the property to be property subject to forfeiture and that the subject of the arrest, search warrant or inspection warrant is an owner of the property; or

(2) the law enforcement officer making the seizure has probable cause to believe the property is property subject to forfeiture and that the delay occasioned by the need to obtain a court order would frustrate the seizure.

Section 5. COMPLAINT OF FORFEITURE--SERVICE OF PROCESS.--

A. Within thirty days of making a seizure, the state shall file a complaint of forfeiture or return the property to the person from whom it was seized. A complaint of forfeiture shall include:

(1) a description of the property seized;

(2) the date and place of seizure of the property;

(3) the name and address of the law enforcement agency making the seizure;

(4) the specific statutory and factual grounds for the seizure;

(5) if the property was seized pursuant to an order of seizure, the sworn application of the law enforcement officer for the order, and if the property was seized without an order of seizure, an affidavit from a law enforcement officer stating the legal and factual grounds why an order of seizure was not required; and

(6) the names of persons known to the state who may claim an interest in the property set forth in both the caption and in the complaint and the basis for each person's alleged interest.

B. The complaint shall be served upon the person from whom the property was seized, and, if that person is a criminal defendant, upon the person's attorney of record and upon all persons known or reasonably believed by the state to claim an interest in the property. A copy of the complaint shall also be published no less than three times in a newspaper of general circulation in the district of the court having jurisdiction.

Section 6. COURT HEARING AND DETERMINATION.--

A. Claims to the property shall be filed by way of answer to the complaint of forfeiture and shall be filed within thirty days of the date of service of the complaint.

B. The district courts have jurisdiction over forfeiture proceedings, and venue for a forfeiture proceeding is in the same court in which venue lies for the criminal matter for which the property is alleged to be subject to forfeiture.

C. The forfeiture proceeding shall be brought in the same proceeding as the criminal matter and presented to the same trier of fact; provided:

(1) the two issues shall be bifurcated;

(2) the rules of criminal procedure shall apply in the criminal matter and the rules of civil procedure shall apply in the forfeiture proceeding; and

(3) if the criminal defendant is represented by the public defender department, the chief public defender or the district public defender may authorize department representation of the defendant in the forfeiture proceeding.

D. If the state fails to prove, by clear and convincing evidence, that the person charged with the crime for which the property is alleged to be property subject to forfeiture is the owner of the property:

(1) the forfeiture proceeding shall be dismissed and the property shall be delivered to the owner, unless possession of the property is illegal; and

(2) the owner shall not be subject to any charges by the state for storage of the property or expenses incurred in the preservation of the property.

E. The court shall enter a judgment of forfeiture and the property shall be forfeited to the state if the state proves by clear and convincing evidence that:

(1) the property is subject to forfeiture;

(2) the criminal prosecution of the owner has resulted in a conviction; and

(3) the value of the property to be forfeited does not unreasonably exceed:

(a) the pecuniary gain derived or sought to be derived by the crime;

(b) the pecuniary loss caused or sought to be caused by the crime; or

(c) the value of the convicted owner's interest in the property.

Section 7. DISPOSITION OF FORFEITED PROPERTY.--

A. Unless possession of the property is illegal or a different disposition is specifically provided for by law and except as provided in Subsection C of this section, forfeited property, if it is not currency, shall be sold at public sale by the law enforcement agency in possession of the property. Forfeited currency and all sale proceeds of the sale of forfeited property shall be distributed:

(1) first, to pay reasonable expenses incurred for storage, protection and sale of the property;

(2) second, any remaining balance to pay restitution to or on behalf of victims, if any, of the crime related to the forfeiture; and

(3) third, any remaining balance to the general fund of the governing body of the seizing law enforcement agency to be used for drug abuse treatment services, for drug prevention and education programs, for other substance abuse demand-reduction initiatives or for enforcing narcotics law violations, except:

(a) for forfeitures of property arising from Chapter 17 NMSA 1978, the balance shall be deposited in the game protection fund in an amount equal to the expenditures to prosecute the forfeiture and the crime, with the net balance to be deposited in the general fund; and

(b) for forfeiture of property arising from Chapter 18, Article 6 NMSA 1978, the balance shall be used for the restoration, stabilization, protection and preservation of the affected cultural property, with the net balance to be deposited in the general fund.

B. Any property interest forfeited to the state and disposed of pursuant to the Forfeiture Act is subject to the interest of a secured party unless, at the forfeiture

proceeding, the state proves by clear and convincing evidence that the secured party knew or should have known of the crime.

C. If, at the forfeiture proceeding, the state proves, by clear and convincing evidence, that the person convicted of the crime for which the property is subject to forfeiture is a co-owner of the property but fails to prove that the other co-owner knew or should have known of the crime then, at the option of the co-owner not convicted of the crime:

(1) the co-owner not convicted of the crime may buy the forfeited interest from the law enforcement agency at a private sale for the fair market value. Proceeds received by the state from the sale shall be disposed of pursuant to Paragraphs (1) through (3) of Subsection A of this section;

(2) the law enforcement agency shall sell the entire ownership interest at a public sale pursuant to Subsection A of this section except that the proceeds shall first be used to purchase the ownership interest, at fair market value, of the co-owner not convicted of the crime; or

(3) the law enforcement agency shall sell only the forfeited interest at a public sale pursuant to Subsection A of this section and the purchaser becomes a co-owner with the co-owner not convicted of the crime.

D. The law enforcement agency shall notify all known co-owners of forfeited property that were not convicted of the crime not less than thirty days before a proposed public sale of the property. If, within the thirty days, the co-owners notify the law enforcement agency of an option made pursuant to Subsection C of this section, the law enforcement agency shall make the sale pursuant to the option selected. If no option is selected by the co-owners or if all of the co-owners not convicted of the crime cannot agree on one option, then the sale shall be made pursuant to Paragraph (3) of Subsection C of this section.

Section 8. SAFEKEEPING OF SEIZED PROPERTY PENDING DISPOSITION.--

A. Seized currency alleged to be subject to forfeiture shall be deposited with the clerk of the district court in an interest-bearing account.

B. Seized property other than currency or real property, not required by federal or state law to be destroyed, shall be:

(1) placed under seal; and

(2) removed to a place designated by the district court; or

(3) held in the custody of a law enforcement agency.

C. Property shall be kept by the custodian in a manner to protect it from theft or damage and, if ordered by the district court, insured against those risks.

Section 9. Section 17-2-20.1 NMSA 1978 (being Laws 1979, Chapter 321, Section 1, as amended) is amended to read:

"17-2-20.1. SEIZURE AND FORFEITURE--PROPERTY SUBJECT.--

A. All firearms and bows and arrows may be subject to seizure and forfeiture when used as instrumentalities in the commission of the following crimes:

(1) illegal possession or transportation of big game during closed season;

(2) taking big game during closed season;

(3) attempting to take big game by the use of spotlight or artificial light; and

(4) exceeding the bag limit on any big game species during open season.

B. Any motor vehicle shall be subject to seizure and forfeiture when operated in violation of the provisions of Section 17-2-31 NMSA 1978, regarding hunting by spotlight.

C. The provisions of the Forfeiture Act apply to the seizure, forfeiture and disposal of property subject to forfeiture pursuant to Subsections A and B of this section."

Section 10. Section 18-6-9.3 NMSA 1978 (being Laws 1993, Chapter 176, Section 11) is amended to read:

"18-6-9.3. CULTURAL PROPERTY--FORFEITURE OF

INSTRUMENTS.--Any instrument, vehicle, tool or equipment used or intended to be used to violate the provisions of the Cultural Properties Act is subject to forfeiture, and the provisions of the Forfeiture Act apply to the seizure, forfeiture and disposal of such property."

Section 11. Section 30-3-8.1 NMSA 1978 (being Laws 1993, Chapter 78, Section 2) is amended to read:

"30-3-8.1. SEIZURE AND FORFEITURE OF MOTOR VEHICLE--PROCEDURE.-

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A. A motor vehicle shall be subject to seizure and forfeiture when the vehicle is used or intended for use in the commission of the offense of shooting at or from a motor vehicle pursuant to Subsection B of Section 30-3-8 NMSA 1978.

B. The provisions of the Forfeiture Act apply to the seizure, forfeiture and disposal of a motor vehicle subject to forfeiture pursuant to Subsection A of this section."

Section 12. Section 30-7-2.3 NMSA 1978 (being Laws 1994, Chapter 22, Section 3) is amended to read:

"30-7-2.3. SEIZURE AND FORFEITURE OF A HANDGUN POSSESSED OR TRANSPORTED BY A PERSON IN VIOLATION OF UNLAWFUL POSSESSION OF A HANDGUN BY A PERSON.--

A. A handgun is subject to seizure and forfeiture by a law enforcement agency when the handgun is possessed or transported by a person in violation of the offense of unlawful possession of a handgun by a person.

B. The provisions of the Forfeiture Act apply to the seizure, forfeiture and disposal of a handgun subject to forfeiture pursuant to Subsection A of this section."

Section 13. Section 30-16B-9 NMSA 1978 (being Laws 1991, Chapter 112, Section 9) is amended to read:

"30-16B-9. FORFEITURE--PROCEDURE.--The provisions of the Forfeiture Act apply to the seizure, forfeiture and disposal of property subject to forfeiture under the Unauthorized Recording Act."

Section 14. Section 30-19-10 NMSA 1978 (being Laws 1963, Chapter 303, Section 19-10) is amended to read:

"30-19-10. FORFEITURE OF EQUIPMENT.--Any gambling device or other equipment of any type used in gambling is subject to forfeiture, and the provisions of the Forfeiture Act apply to the seizure, forfeiture and disposal of such property."

Section 15. Section 30-31-35 NMSA 1978 (being Laws 1972, Chapter 84, Section 34, as amended) is amended to read:

"30-31-35. FORFEITURE--PROCEDURE.--The provisions of the Forfeiture Act apply to the seizure, forfeiture and disposal of property subject to forfeiture and disposal under the Controlled Substances Act."

Section 16. Section 30-31A-10 NMSA 1978 (being Laws 1983, Chapter 148, Section 10) is amended to read:

"30-31A-10. FORFEITURE--PROCEDURE.--The provisions of the Forfeiture Act apply to the seizure, forfeiture and disposal of property subject to forfeiture and disposal under the Imitation Controlled Substances Act."

Section 17. Section 30-42-4 NMSA 1978 (being Laws 1980, Chapter 40, Section 4) is amended to read:

"30-42-4. PROHIBITED ACTIVITIES--PENALTIES.--

A. It is unlawful for any person who has received any proceeds derived, directly or indirectly, from a pattern of racketeering activity in which the person has participated, to use or invest, directly or indirectly, any part of the proceeds or the proceeds derived from the investment or use thereof in the acquisition of any interest in, or the establishment or operation of, any enterprise. Whoever violates this subsection is guilty of a second degree felony.

B. It is unlawful for any person to engage in a pattern of racketeering activity in order to acquire or maintain, directly or indirectly, any interest in or control of any enterprise. Whoever violates this subsection is guilty of a second degree felony.

C. It is unlawful for any person employed by or associated with any enterprise to conduct or participate, directly or indirectly, in the conduct of the enterprise's affairs by engaging in a pattern of racketeering activity. Whoever violates this subsection is guilty of a second degree felony.

D. It is unlawful for any person to conspire to violate any of the provisions of Subsections A through C of this section. Whoever violates this subsection is guilty of a third degree felony.

E. Whoever violates Subsection A, B, C or D of this section in addition to the prescribed penalties shall forfeit to the state of New Mexico:

(1) any interest acquired or maintained in violation of the Racketeering Act; and

(2) any interest in, security of, claim against or property or contractual right of any kind affording a source of influence over any enterprise that he has established, operated, controlled, conducted or participated in the conduct of in violation of the Racketeering Act.

F. The provisions of the Forfeiture Act apply to the seizure, forfeiture and disposal of property described in Subsection E of this section."

Section 18. Section 30-45-7 NMSA 1978 (being Laws 1989, Chapter 215, Section 7) is amended to read:

"30-45-7. FORFEITURE OF PROPERTY.--

A. The following are subject to forfeiture:

(1) all computer property, equipment or products of any kind that have been used, manufactured, acquired or distributed in violation of the Computer Crimes Act;

(2) all materials, products and equipment of any kind that are used or intended for use in manufacturing, using, accessing, altering, disrupting, copying, concealing, destroying, transferring, delivering, importing or exporting any computer property or computer service in violation of the Computer Crimes Act;

(3) all books, records and research products and materials involving formulas, microfilm, tapes and data that are used or intended for use in violation of the Computer Crimes Act;

(4) all conveyances, including aircraft, vehicles or vessels, that are used or intended for use to transport or in any manner to facilitate the transportation of property described in this subsection for the purpose of violating the Computer Crimes Act;

(5) all property, real, personal or mixed, that has been used or intended for use, maintained or acquired in violation of the Computer Crimes Act; and

(6) all money or proceeds that constitute an instrumentality or derive from a violation of the Computer Crimes Act.

B. The provisions of the Forfeiture Act apply to the seizure, forfeiture and disposal of property subject to forfeiture pursuant to Subsection A of this section."

Section 19. Section 60-7A-4.1 NMSA 1978 (being Laws 1985, Chapter 179, Section 1, as amended) is amended to read:

"60-7A-4.1. UNLAWFUL SALE OF ALCOHOLIC BEVERAGES--CRIMINAL PENALTY--FORFEITURE.--

A. It is unlawful for any person to sell or attempt to sell alcoholic beverages at any place other than a licensed premises or as otherwise provided by the Liquor Control Act.

B. Any person who violates the provisions of Subsection A of this section is guilty of a fourth degree felony.

C. Any conveyance used or intended to be used for the purpose of unlawful sale of alcoholic beverages or money which is the fruit or instrumentality of the crime is subject to forfeiture, and the provisions of the Forfeiture Act apply to the seizure, forfeiture and disposal of such property."

Section 20. Section 60-7A-5 NMSA 1978 (being Laws 1981, Chapter 39, Section 51, as amended) is amended to read:

"60-7A-5. MANUFACTURE, SALE OR POSSESSION FOR SALE WHEN NOT PERMITTED BY LIQUOR CONTROL ACT--CRIMINAL PENALTY--FORFEITURE.--

A. It is unlawful for any person to manufacture for the purpose of sale, possess for the purpose of sale, offer for sale or sell any alcoholic beverages in the state except under the terms and conditions of the Liquor Control Act.

B. Any person who violates the provisions of Subsection A of this section is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

C. Any conveyance used or intended to be used for the unlawful manufacture or sale of alcoholic beverages or any money that is the fruit or instrumentality of unlawful manufacture or sale of alcoholic beverages is subject to forfeiture, and the provisions of the Forfeiture Act apply to the seizure, forfeiture and disposal of such property."

Section 21. Section 60-7A-6 NMSA 1978 (being Laws 1981, Chapter 39, Section 52, as amended) is amended to read:

"60-7A-6. POSSESSION OF LIQUOR MANUFACTURED OR SHIPPED IN VIOLATION OF LAW--FOURTH DEGREE FELONY--PENALTY--FORFEITURE.--

A. It is unlawful for any person to have in his possession with the intent to sell or resell any alcoholic beverages which to that person's knowledge have been manufactured or transported into this state in violation of the laws of this state.

B. Any person who violates the provisions of Subsection A of this section is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

C. Any conveyance used or intended to be used for the unlawful manufacture or transportation of alcoholic beverages or any money that is the fruit or instrumentality of unlawful manufacture or transportation of alcoholic beverages is

subject to forfeiture, and the provisions of the Forfeiture Act apply to the seizure, forfeiture and disposal of such property."

Section 22. REPEAL.--Section 17-2-20.2 NMSA 1978 (being Laws 1979, Chapter 321, Section 2) is repealed.

Section 23. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

SENATE FINANCE COMMITTEE SUBSTITUTE FOR

SENATE BILL 5, AS AMENDED

CHAPTER 5

CHAPTER 5, LAWS 2002

AN ACT

RELATING TO PUBLIC ASSISTANCE; AMENDING THE NEW MEXICO WORKS ACT TO PROVIDE CERTAIN BENEFITS AND SERVICES TO CONVICTED DRUG OFFENDERS.

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

Section 1. Section 27-2B-11 NMSA 1978 (being Laws 1998, Chapter 8, Section 11 and Laws 1998, Chapter 9, Section 11, as amended by Laws 2001, Chapter 295, Section 6 and by Laws 2001, Chapter 326, Section 6) is amended to read:

"27-2B-11. INELIGIBILITY.--

A. The following are ineligible to be members of a benefit group:

- (1) an inmate or patient of a nonmedical institution;
- (2) a person who, in the two years preceding application, assigned or transferred real property unless he:
 - (a) received or receives a reasonable return;

or (b) attempted to or attempts to receive a reasonable return;

(c) attempted to or attempts to regain title to the real property;

(3) a minor unmarried parent who has not successfully completed a high school education and who has a child at least twelve weeks of age in his care unless the minor unmarried parent:

(a) participates in educational activities directed toward the attainment of a high school diploma or its equivalent; or

(b) participates in an alternative educational or training program that has been approved by the department;

(4) a minor unmarried parent who is not residing in a place of residence maintained by his parent, legal guardian or other adult relative unless the department:

(a) refers or locates the minor unmarried parent to a second-chance home, maternity home or other appropriate adult-supervised supportive living arrangement, taking into account the needs and concerns of the minor unmarried parent;

(b) determines that the minor unmarried parent has no parent, legal guardian or other appropriate adult relative who is living or whose whereabouts are known;

(c) determines that a minor unmarried parent is not allowed to live in the home of a living parent, legal guardian or other appropriate adult relative;

(d) determines that the minor unmarried parent is or has been subjected to serious physical or emotional harm, sexual abuse or exploitation in the home of the parent, legal guardian or other appropriate adult relative;

(e) finds that substantial evidence exists of an act or a failure to act that presents an imminent or serious harm to the minor unmarried parent and the child of the minor unmarried parent if they live in the same residence with the parent, legal guardian or other appropriate adult relative; or

(f) determines that it is in the best interest of the unmarried minor parent to waive this requirement;

(5) a minor child who has been absent or is expected to be absent from the home for forty-five days;

(6) a person who does not provide a social security number or who refuses to apply for one;

(7) a person who is not a resident of
New Mexico;

(8) a person who fraudulently misrepresented residency to receive assistance in two or more states simultaneously except that such person shall be ineligible only for ten years;

(9) a person who is a fleeing felon or a probation and parole violator;

(10) a person concurrently receiving supplemental security income, tribal temporary assistance for needy families or bureau of Indian affairs general assistance; and

(11) unless he demonstrates good cause, a parent who does not assist the department in establishing paternity or obtaining child support or who does not assign support rights to New Mexico as required pursuant to the federal act.

B. For the purposes of this section, "second-chance home" means an entity that provides a supportive and supervised living arrangement to a minor unmarried parent where the minor unmarried parent is required to learn parenting skills, including child development, family budgeting, health and nutrition and other skills to promote long-term economic independence and the well-being of children.

C. Pursuant to the authorization provided to the states in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 21 U.S.C. Section 862a(d)(1)(A), New Mexico elects to exempt all persons domiciled in the state from application of 21 U.S.C. Section 862a(a)."

SENATE BILL 129, AS AMENDED

CHAPTER 6

CHAPTER 6, LAWS 2002

AN ACT

RELATING TO PUBLIC ASSISTANCE; AMENDING THE NEW MEXICO WORKS ACT TO PROVIDE CERTAIN BENEFITS AND SERVICES TO CONVICTED DRUG OFFENDERS.

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

Section 1. Section 27-2B-11 NMSA 1978 (being Laws 1998, Chapter 8, Section 11 and Laws 1998, Chapter 9, Section 11, as amended by Laws 2001, Chapter 295, Section 6 and by Laws 2001, Chapter 326, Section 6) is amended to read:

"27-2B-11. INELIGIBILITY.--

A. The following are ineligible to be members of a benefit group:

(1) an inmate or patient of a nonmedical institution;

(2) a person who, in the two years preceding application, assigned or transferred real property unless he:

(a) received or receives a reasonable return;

(b) attempted to or attempts to receive a reasonable return;

or

(c) attempted to or attempts to regain title to the real property;

(3) a minor unmarried parent who has not successfully completed a high school education and who has a child at least twelve weeks of age in his care unless the minor unmarried parent:

(a) participates in educational activities directed toward the attainment of a high school diploma or its equivalent; or

(b) participates in an alternative educational or training program that has been approved by the department;

(4) a minor unmarried parent who is not residing in a place of residence maintained by his parent, legal guardian or other adult relative unless the department:

(a) refers or locates the minor unmarried parent to a second-chance home, maternity home or other appropriate adult-supervised supportive living arrangement, taking into account the needs and concerns of the minor unmarried parent;

(b) determines that the minor unmarried parent has no parent, legal guardian or other appropriate adult relative who is living or whose whereabouts are known;

(c) determines that a minor unmarried parent is not allowed to live in the home of a living parent, legal guardian or other appropriate adult relative;

(d) determines that the minor unmarried parent is or has been subjected to serious physical or emotional harm, sexual abuse or exploitation in the home of the parent, legal guardian or other appropriate adult relative;

(e) finds that substantial evidence exists of an act or a failure to act that presents an imminent or serious harm to the minor unmarried parent and the child of the minor unmarried parent if they live in the same residence with the parent, legal guardian or other appropriate adult relative; or

(f) determines that it is in the best interest of the unmarried minor parent to waive this requirement;

(5) a minor child who has been absent or is expected to be absent from the home for forty-five days;

(6) a person who does not provide a social security number or who refuses to apply for one;

(7) a person who is not a resident of

New Mexico;

(8) a person who fraudulently misrepresented residency to receive assistance in two or more states simultaneously except that such person shall be ineligible only for ten years;

(9) a person who is a fleeing felon or a probation and parole violator;

(10) a person concurrently receiving supplemental security income, tribal temporary assistance for needy families or bureau of Indian affairs general assistance; and

(11) unless he demonstrates good cause, a parent who does not assist the department in establishing paternity or obtaining child support or who does not assign support rights to New Mexico as required pursuant to the federal act.

B. For the purposes of this section, "second-chance home" means an entity that provides a supportive and supervised living arrangement to a minor unmarried parent where the minor unmarried parent is required to learn parenting skills, including child development, family budgeting, health and nutrition and other skills to promote long-term economic independence and the well-being of children.

C. Pursuant to the authorization provided to the states in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 21 U.S.C. Section 862a(d)(1)(A), New Mexico elects to exempt all persons domiciled in the state from application of 21 U.S.C. Section 862a(a)."

HOUSE BILL 11, AS AMENDED

CHAPTER 7

CHAPTER 7, LAWS 2002

AN ACT

RELATING TO CRIMINAL SENTENCING; PROVIDING A COURT WITH AUTHORITY TO DEPART FROM THE IMPOSITION OF A MANDATORY SENTENCE OF IMPRISONMENT FOR CERTAIN HABITUAL OFFENDERS; AMENDING A SECTION OF THE CRIMINAL SENTENCING ACT.

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

Section 1. Section 31-18-17 NMSA 1978 (being Laws 1977, Chapter 216, Section 6, as amended by Laws 1993, Chapter 77, Section 9 and also by Laws 1993, Chapter 283, Section 1) is amended to read:

"31-18-17. HABITUAL OFFENDERS--ALTERATION OF BASIC SENTENCE.--

A. Any person convicted of a noncapital felony in this state, whether within the Criminal Code or the Controlled Substances Act or not, who has incurred one prior felony conviction that was part of a separate transaction or occurrence or conditional discharge under Section 31-20-13 NMSA 1978 is a habitual offender and his basic sentence shall be increased by one year. The sentence imposed pursuant to this subsection shall not be suspended or deferred, unless the court makes a specific finding that the prior felony conviction and the instant felony conviction are both for

nonviolent felony offenses and that justice will not be served by imposing a mandatory sentence of imprisonment and that there are substantial and compelling reasons, stated on the record, for departing from the sentence imposed pursuant to this subsection.

B. Any person convicted of a noncapital felony in this state whether within the Criminal Code or the Controlled Substances Act or not who has incurred two prior felony convictions that were parts of separate transactions or occurrences or conditional discharge under Section 31-20-13 NMSA 1978 is a habitual offender and his basic sentence shall be increased by four years and the sentence imposed by this subsection shall not be suspended or deferred.

C. Any person convicted of a noncapital felony in this state whether within the Criminal Code or the Controlled Substances Act or not who has incurred three or more prior felony convictions that were parts of separate transactions or occurrences or conditional discharge under Section 31-20-13 NMSA 1978 is a habitual offender and his basic sentence shall be increased by eight years and the sentence imposed by this subsection shall not be suspended or deferred.

D. As used in this section, "prior felony conviction" means:

(1) a conviction, when less than ten years have passed prior to the instant felony conviction since the person completed serving his sentence or period of probation or parole for the prior felony, whichever is later, for a prior felony committed within New Mexico whether within the Criminal Code or not; or

(2) any prior felony, when less than ten years have passed prior to the instant felony conviction since the person completed serving his sentence or period of probation or parole for the prior felony, whichever is later, for which the person was convicted other than an offense triable by court martial if:

(a) the conviction was rendered by a court of another state, the United States, a territory of the United States or the commonwealth of Puerto Rico;

(b) the offense was punishable, at the time of conviction, by death or a maximum term of imprisonment of more than one year; or

(c) the offense would have been classified as a felony in this state at the time of conviction.

E. As used in this section, "nonviolent felony offense" means application of force, threatened use of force or a deadly weapon was not used by the offender in the commission of the offense."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

HOUSE JUDICIARY COMMITTEE SUBSTITUTE

FOR HOUSE BILL 26, AS AMENDED

CHAPTER 8

CHAPTER 8, LAWS 2002

AN ACT

RELATING TO CORRECTIONS; ENACTING THE CORRECTIONS POPULATION CONTROL ACT; ESTABLISHING THE CORRECTIONS POPULATION CONTROL COMMISSION; PROVIDING FOR THE DUTIES AND AUTHORITY OF THE COMMISSION; PROVIDING MECHANISMS FOR ADDRESSING INMATE OVERCROWDING; ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. SHORT TITLE.--This act may be cited as the "Corrections Population Control Act".

Section 2. PURPOSE.--The purpose of the Corrections Population Control Act is to establish a corrections population control commission that shall operate as an autonomous, nonpartisan body. The commission shall develop and implement mechanisms to prevent the inmate population from exceeding the rated capacity of correctional facilities and shall take appropriate action when necessary to effect the reduction of the inmate population.

Section 3. DEFINITIONS.--As used in the Corrections Population Control Act:

A. "commission" means the corrections population control commission;

B. "female correctional facilities" means:

(1) the women's correctional facility, located in Grants; and

(2) any other female correctional facility so designated by the corrections department;

C. "male correctional facilities" means:

- (1) the penitentiary of New Mexico, located in Santa Fe;
- (2) the central New Mexico correctional facility, located in Los Lunas;
- (3) the southern New Mexico correctional facility, located in Las Cruces;
- (4) the western New Mexico correctional facility, located in Grants;
- (5) the Roswell correctional facility, located in Hagerman;
- (6) the Guadalupe county correctional facility, located in Santa Rosa;
- (7) the Lea county correctional facility, located in Hobbs; and
- (8) any other male correctional facility so designated by the corrections department;

D. "nonviolent offender" means:

- (1) a person convicted only of possession of a controlled substance, pursuant to the provisions of Section 30-31-23 NMSA 1978;
- (2) a person incarcerated for violating the conditions of his parole plan due to use or possession of a controlled substance whose original conviction was for commission of a nonviolent offense; or
- (3) an inmate designated by the commission as a nonviolent offender; provided that the offender was convicted for the commission of a nonviolent offense, as that term is defined in Subsection L of Section 33-2-34 NMSA 1978; and

E. "rated capacity" means the actual general population bed space, including only individual cells and areas designed for the long-term housing of inmates, available in female correctional facilities or male correctional facilities as certified by the secretary of corrections and subject to applicable state and federal law.

Section 4. COMMISSION--CREATION--MEMBERSHIP--TERMS--

- A. The "corrections population control commission" is created.
- B. The commission shall be composed of seven members:

(1) the secretary of corrections, who shall serve as chairman;

(2) a public official or private citizen appointed by the chief justice of the New Mexico supreme court;

(3) a public official or private citizen appointed by the speaker of the house of representatives;

(4) a public official or private citizen appointed by the president pro tempore of the senate;

(5) a public official or private citizen appointed by the minority leader of the house of representatives;

(6) a public official or private citizen appointed by the minority leader of the senate; and

(7) a public official or private citizen appointed by the governor.

C. A majority of the members of the commission constitutes a quorum for the transaction of commission business.

D. The appointed members of the commission shall serve until June 30, 2007. A vacancy on the commission shall be filled by the individual who made the original appointment.

E. Following the initial appointments to the commission, when a new individual assumes any of the leadership positions set forth in Paragraphs (2) through (7) of Subsection B of this section, that individual may make his own appointment to the commission to replace an existing member.

F. The members of the commission shall be paid pursuant to the provisions of the Per Diem and Mileage Act and shall receive no other perquisite, compensation or allowance.

Section 5. COMMISSION--DUTIES--ANNUAL REPORT.--

A. The commission shall study, develop and recommend policies and mechanisms designed to manage the growth of the inmate population by:

(1) reviewing corrections department models to forecast projected growth in the inmate population;

(2) providing information concerning impacts on the inmate population caused by changes in sentencing policies and law enforcement policies;

(3) analyzing the need for future construction of additional correctional facilities;

(4) if necessary, preparing proposed legislation to further implementation of its policy recommendations; and

(5) considering all of its recommendations in light of public safety concerns.

B. The commission shall submit an annual report of its activities and legislative proposals to the interim legislative committee with jurisdiction over corrections issues. The report shall be filed with the interim legislative committee no later than November 1 of each year.

C. The commission staff support shall be provided by the corrections department.

Section 6. OVERCROWDING--POPULATION CONTROL MECHANISM--PROCEDURES.--When the inmate population of female correctional facilities or male correctional facilities exceeds one hundred percent of rated capacity for a period of thirty consecutive days, the following measures shall be taken to reduce capacity:

A. the corrections department shall engage in all lawful and professionally appropriate efforts to reduce the inmate population to one hundred percent of rated capacity;

B. if inmate population is still in excess of one hundred percent of rated capacity after sixty consecutive days, the secretary of corrections shall notify the commission. Included in the notification shall be a list of nonviolent offenders who are within one hundred eighty days of their projected release date;

C. the commission shall convene within ten days to consider the release of nonviolent offenders on the list provided by the secretary of corrections. The commission shall also discuss with the corrections department the impact on the inmate population of possible changes in the classification system and expanding incarceration alternatives;

D. for nonviolent offenders approved by the commission for release, the commission shall grant emergency release credits in ten-day increments that will be applied to the sentences being served by the nonviolent offenders. The commission shall order release of the appropriate number of nonviolent offenders to reduce the inmate population; and

E. notwithstanding any other provisions of this section, a nonviolent offender shall not be released:

(1) unless the nonviolent offender has a parole plan pursuant to applicable parole board regulations;

(2) if the information concerning the nonviolent offender is discovered to be materially inaccurate;

(3) if the nonviolent offender committed a crime while incarcerated;

(4) if the nonviolent offender fails a drug screening test within ten days of his scheduled release; or

(5) if the effect of releasing nonviolent offenders will result in the loss of federal funds to any agency of the state.

Section 7. ADDITIONAL POPULATION CONTROL MECHANISMS.--

A. The governor may order the commission to convene at any time to consider the release of nonviolent offenders who are within one hundred eighty days of their projected release date. When the governor orders the commission to convene, the commission shall comply with the provisions of Subsections C through E of Section 6 of the Corrections Population Control Act.

B. The commission may order itself to convene at any time to consider the release of nonviolent offenders who are within one hundred eighty days of their projected release date, upon a two-thirds' vote by members who are appointed. When the commission orders itself to convene, the commission shall comply with the provisions of Subsection C through E of Section 6 of the Corrections Population Control Act.

Section 8. TERMINATION OF AGENCY LIFE--TRANSFER OF FUNCTIONS.--The corrections population control commission is terminated on June 30, 2007. On July 1, 2007, the secretary of corrections shall assume the duties and responsibilities of the commission.

HOUSE JUDICIARY COMMITTEE SUBSTITUTE

FOR HOUSE BILL 263, AS AMENDED

WITH CERTIFICATE OF CORRECTION

CHAPTER 9

CHAPTER 9, LAWS 2002

AN ACT

RELATING TO TAXATION; AMENDING THE WITHHOLDING TAX ACT TO EXEMPT CERTAIN PARTNERSHIPS FROM REPORTING AND WITHHOLDING REQUIREMENTS.

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

Section 1. Section 7-3-2 NMSA 1978 (being Laws 1990, Chapter 64, Section 1, as amended) is amended to read:

"7-3-2. DEFINITIONS.--As used in the Withholding Tax Act:

A. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

B. "employee" means either an individual domiciled within the state who performs services either within or without the state for an employer or, to the extent permitted by law, an individual domiciled outside of the state who performs services within the state for an employer;

C. "employer" means a person, or an officer, agent or employee of that person, having control of the payment of wages, doing business in or deriving income from sources within the state for whom an individual performs or performed any service as the employee of that person, except that if the person for whom the individual performs or performed the services does not have control over the payment of the wages for such services, "employer" means the person having control of the payment of wages;

D. "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended;

E. "owner" means a partner in a partnership not taxed as a corporation for federal income tax purposes for the taxable year, a shareholder of an S corporation or of a corporation other than an S corporation that is not taxed as a corporation for federal income tax purposes for the taxable year, a member of a limited liability company or any similar person holding an ownership interest in any pass-through entity;

F. "pass-through entity" means any business association other than:

(1) a sole proprietorship;

(2) an estate or trust;

(3) a corporation, limited liability company, partnership or other entity not a sole proprietorship taxed as a corporation for federal income tax purposes for the taxable year; or

(4) a partnership that is organized as an investment partnership in which the partners' income is derived solely from interest, dividends and sales of securities;

G. "payor" means any person making payment of a pension or annuity to an individual domiciled in New Mexico;

H. "payroll period" means a period for which a payment of wages is made to the employee by his employer;

I. "person" means any individual, club, company, cooperative association, corporation, estate, firm, joint venture, partnership, receiver, syndicate, trust or other association and, to the extent permitted by law, any federal, state or other governmental unit or subdivision or an agency, department or instrumentality thereof;

J. "wagerer" means any person who receives winnings that are subject to withholding;

K. "wages" means remuneration in cash or other form for services performed by an employee for an employer;

L. "winnings that are subject to withholding" means "winnings which are subject to withholding" as that term is defined in Section 3402 of the Internal Revenue Code;

M. "withholdee" means:

(1) an individual domiciled in New Mexico receiving a pension or annuity from which an amount of tax is deducted and withheld pursuant to the Withholding Tax Act;

(2) an employee; and

(3) a wagerer; and

N. "withholder" means a payor, an employer or any person required to deduct and withhold from winnings that are subject to withholding."

Section 2. APPLICABILITY.--The provisions of this act apply to taxable years beginning on or after January 1, 2002.

HOUSE BILL 12

CHAPTER 10

CHAPTER 10, LAWS 2002

AN ACT

RELATING TO TAXATION; PROVIDING A GROSS RECEIPTS TAX DEDUCTION FOR CERTAIN SOFTWARE DEVELOPMENT SERVICES; ENACTING A NEW SECTION OF THE GROSS RECEIPTS AND COMPENSATING TAX ACT.

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

Section 1. A new section of the Gross Receipts and Compensating Tax Act is enacted to read:

"DEDUCTION--GROSS RECEIPTS TAX--SALE OF SOFTWARE DEVELOPMENT SERVICES.--

A. To stimulate new business development, the receipts of an eligible software development company from the sale of software development services that are performed in a qualified area may be deducted from gross receipts.

B. As used in this section:

(1) "eligible software development company" means a taxpayer who is not a successor in business of another taxpayer and whose primary business in New Mexico is established after the effective date of this section, is providing software development services and who had no business location in New Mexico other than in a qualified area during the period for which a deduction under this section is sought;

(2) "qualified area" means the state of New Mexico except for an incorporated municipality with a population of more than fifty thousand according to the most recent federal decennial census; and

(3) "software development services" means custom software design and development and web site design and development but does not include software implementation or support services."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

HOUSE BILL 40, AS AMENDED

CHAPTER 11

CHAPTER 11, LAWS 2002

AN ACT

RELATING TO TAXATION; RAISING THE REFUND AMOUNT FOR WHICH ATTORNEY GENERAL APPROVAL IS NECESSARY; RAISING THE REFUND AMOUNT FOR WHICH RECORDS OF REFUNDS MUST BE MADE AVAILABLE TO THE PUBLIC; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 7-1-29 NMSA 1978 (being Laws 1965, Chapter 248, Section 31, as amended) is amended to read:

"7-1-29. AUTHORITY TO MAKE REFUNDS OR CREDITS.--

A. In response to a claim for refund made as provided in Section 7-1-26 NMSA 1978, but before any court acquires jurisdiction of the matter, the secretary or the secretary's delegate may authorize the refund to a person of the amount of any overpayment of tax determined by the secretary or the secretary's delegate to have been erroneously made by the person, together with allowable interest. Any refund of tax and interest erroneously paid and amounting to more than ten thousand dollars (\$10,000) may be made to any one person only with the prior approval of the attorney general, except that:

(1) refunds with respect to the Oil and Gas Severance Tax Act, the Oil and Gas Conservation Tax Act, the Oil and Gas Emergency School Tax Act, the Oil and Gas Ad Valorem Production Tax Act, the Natural Gas Processors Tax Act or the Oil and Gas Production Equipment Ad Valorem Tax Act, refunds of gasoline tax made under Section 7-13-17 NMSA 1978 and refunds of cigarette tax made under the Cigarette Tax Act may be made without the prior approval of the attorney general regardless of the amount; and

(2) refunds with respect to the Corporate Income and Franchise Tax Act amounting to less than twenty thousand dollars (\$20,000) may be made without the prior approval of the attorney general.

B. Pursuant to the final order of the district court, the court of appeals, the supreme court of New Mexico or any federal court, from which order, appeal or review is not successfully taken, adjudging that any person has made an overpayment of tax, the secretary shall authorize the refund to the person of the amount thereof.

C. In the discretion of the secretary, any amount of tax due to be refunded may be offset against any amount of tax for the payment of which the person due to receive the refund is liable.

D. In an audit by the department or a managed audit covering multiple reporting periods where both underpayments and overpayments of a tax are found to have been made in different reporting periods, the department shall credit the tax overpayments found against the underpayments, provided that the taxpayer files a claim for refund of the overpayments. An overpayment shall be applied as a credit first to the earliest underpayment found and then to succeeding underpayments. An underpayment of tax to which an overpayment is credited pursuant to this section shall be deemed paid in the period in which the overpayment was made or the period in which the overpayment was credited against an underpayment, whichever is later. If the overpayments credited pursuant to this section exceed the underpayments found for a tax, the amount of the net overpayment for the periods covered in the audit shall be refunded to the taxpayer.

E. Records of refunds made in excess of ten thousand dollars (\$10,000) shall be available for inspection by the public. The department shall keep such records for a minimum of three years from the date of the refund."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

HOUSE BILL 55

CHAPTER 12

CHAPTER 12, LAWS 2002

AN ACT

RELATING TO TAXATION; DELAYING AN INCREASE IN THE RATE OF THE RESOURCES TAX AND THE PROCESSORS TAX ON COPPER.

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

Section 1. Laws 1999, Chapter 177, Section 5 is amended to read:

"Section 5. APPLICABILITY.--The provisions of

Sections 1 and 3 of Laws 1999, Chapter 177 shall apply to taxable events occurring on and after July 1, 1999 and prior to July 1, 2005. The provisions of Sections 2 and 4 of Laws 1999, Chapter 177 shall apply to taxable events occurring on and after July 1, 2005."

Section 2. Laws 1999, Chapter 177, Section 6 is amended to read:

"Section 6. EFFECTIVE DATE.--The effective date of the provisions of Sections 1 and 3 of Laws 1999, Chapter 177 is July 1, 1999. The effective date of the provisions of Sections 2 and 4 of Laws 1999, Chapter 177 is July 1, 2005."

HOUSE BILL 94

CHAPTER 13

CHAPTER 13, LAWS 2002

AN ACT

RELATING TO TAXATION; PROVIDING FOR INTEREST ON CERTAIN REFUNDS FOR TAXES PAID FOR GASOLINE USED BY OFF-HIGHWAY USERS.

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

Section 1. Section 7-1-68 NMSA 1978 (being Laws 1965, Chapter 248, Section 69, as amended) is amended to read:

"7-1-68. INTEREST ON OVERPAYMENTS.--

A. As provided in this section, interest shall be allowed and paid on the amount of tax overpaid by a person that is subsequently refunded or credited to that person.

B. Interest payable on overpayments of tax shall be paid at the rate of fifteen percent a year, computed on a daily basis; provided that if a different rate is specified by a compact or other interstate agreement to which New Mexico is a party, that rate shall be applied to amounts due under the compact or other agreement.

C. Unless otherwise provided by this section, interest on an overpayment not arising from an assessment by the department shall be paid from the date the claim for refund was made until a date preceding by not more than thirty days the date on

which the amount thereof is credited or refunded to any person; interest on an overpayment arising from an assessment by the department shall be paid from the date overpayment was made until a date preceding by not more than thirty days the date on which the amount thereof is credited or refunded to any person.

D. No interest shall be allowed or paid with respect to an amount credited or refunded if:

(1) the amount of interest due is less than one dollar (\$1.00);

(2) the credit or refund is made within seventy-five days of the date of the claim for refund of:

(a) income tax, pursuant to either the Income Tax Act or the Corporate Income and Franchise Tax Act for the tax year immediately preceding the tax year in which the claim is made; or

(b) gasoline tax to users of gasoline off the highways;

(3) the credit or refund is made within one hundred twenty days of the date of the claim for refund of income tax, pursuant to the Income Tax Act or the Corporate Income and Franchise Tax Act, for any tax year more than one year prior to the year in which the claim is made;

(4) Sections 6611(f) and 6611(g) of the Internal Revenue Code, as those sections may be amended or renumbered, prohibit payment of interest for federal income tax purposes;

(5) the credit or refund is made within sixty days of the date of the claim for refund of any tax other than income tax;

(6) the credit results from overpayments found in an audit of multiple reporting periods and applied to underpayments found in that audit or refunded as a net overpayment to the taxpayer pursuant to Section 7-1-29 NMSA 1978.

E. Nothing in this section shall be construed to require the payment of interest upon interest."

HOUSE BILL 106

CHAPTER 14

CHAPTER 14, LAWS 2002

AN ACT

RELATING TO TAXATION; AUTHORIZING CERTAIN COUNTIES TO IMPOSE A COUNTY EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL SERVICES TAX.

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

Section 1. A new section of the County Local Option Gross Receipts Taxes Act is enacted to read:

"COUNTY EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL SERVICES TAX--AUTHORITY TO IMPOSE--ORDINANCE REQUIREMENTS--USE OF REVENUE--ELECTION.--

A. The majority of the members of the governing body of an eligible county may enact an ordinance imposing an excise tax at a rate not to exceed one-fourth of one percent of the gross receipts of any person engaging in business in the county for the privilege of engaging in business. The tax may be imposed in one or more increments of one-sixteenth of one percent not to exceed an aggregate rate of one-fourth of one percent. The tax shall be imposed for a period of not more than ten years from the effective date of the ordinance imposing the tax. Having once enacted an ordinance under this section, the governing body may enact subsequent ordinances for succeeding periods of not more than ten years, provided each such ordinance meets the requirements of the County Local Option Gross Receipts Taxes Act with respect to the tax imposed by this section.

B. The tax imposed by this section may be referred to as the "county emergency communications and emergency medical services tax".

C. The governing body, at the time of enacting an ordinance imposing a rate of tax authorized in Subsection A of this section, shall dedicate the revenue to one or both of the following purposes:

(1) operation of an emergency communications center that has been determined by the local government division of the department of finance and administration to be a consolidated public safety answering point; or

(2) operation of emergency medical services provided by the county.

D. An ordinance imposing any increment of the county emergency communications and emergency medical services tax shall not go into effect until after an election is held and a majority of the voters in the county voting in the election vote in favor of imposing the tax. The governing body shall adopt a resolution calling for an election within seventy-five days of the date the ordinance is adopted on the question of

imposing the tax. The question may be submitted to the voters as a separate question at a general election or at a special election called for that purpose by the governing body. A special election shall be called, conducted and canvassed in substantially the same manner as provided by law for general elections. In any election held, the ballot shall clearly state the purpose to which the revenue will be dedicated pursuant to Subsection C of this section. If a majority of the voters voting on the question approve the imposition of the county emergency communications and emergency medical services tax, then the ordinance shall become effective in accordance with the provisions of the County Local Option Gross Receipts Taxes Act. If the question of imposing the county emergency communications and emergency medical services tax fails, the governing body shall not again propose the imposition of any increment of the tax for a period of one year from the date of the election.

E. For the purposes of this section, "eligible county" means a county that operates or, pursuant to a joint powers agreement, is served by an emergency communications center that has been determined by the local government division of the department of finance and administration to be a consolidated public safety answering point."

HOUSE BILL 139

CHAPTER 15

CHAPTER 15, LAWS 2002

AN ACT

RELATING TO TAXATION; PROVIDING AN INTERGOVERNMENTAL TAX CREDIT WITH RESPECT TO OIL AND GAS PRODUCTION; CREATING THE JICARILLA APACHE TRIBAL CAPITAL IMPROVEMENTS TAX CREDIT.

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

Section 1. JICARILLA APACHE TRIBAL CAPITAL IMPROVEMENTS TAX CREDIT.--

A. A person who is liable for the payment of the oil and gas emergency school tax imposed on products severed from Jicarilla Apache tribal land or imposed on the privilege of severing products from Jicarilla Apache tribal land shall be entitled to a credit to be computed pursuant to this section and to be deducted from the payment of those taxes with respect to products from qualifying wells. The credit provided by this section may be referred to as the "Jicarilla Apache tribal capital improvements tax credit".

B. As used in this section:

(1) "Jicarilla Apache tribal land" means land within the state of New Mexico that on March 1, 2002 was within the exterior boundaries of a Jicarilla Apache reservation or was held in trust by the United States for the Jicarilla Apache Nation;

(2) "product" means oil, natural gas or liquid hydrocarbon, individually or in combination, or carbon dioxide;

(3) "qualifying well" means a well on Jicarilla Apache tribal land;
and

(4) "Jicarilla Apache tribal capital improvements tax" means a tax imposed after the effective date of this section by the Jicarilla Apache Nation that is exclusively dedicated to fund capital improvement projects on Jicarilla Apache tribal land and that is not available to finance the construction of buildings used for commercial activity.

C. The Jicarilla Apache tribal capital improvements tax credit shall be determined separately for each calendar month and shall be equal to the lesser of:

(1) the amount of the Jicarilla Apache tribal capital improvements tax imposed by the Jicarilla Apache Nation upon the products severed from qualifying wells or upon the privilege of severing products from qualifying wells; or

(2) seven-tenths of one percent of the taxable value of the products severed from qualifying wells as determined by applicable state law.

D. A credit pursuant to this section shall be allowed by the taxation and revenue department only if the Jicarilla Apache Nation has entered into a cooperative agreement with the secretary of taxation and revenue for the exchange of information necessary for the administration of the Jicarilla Apache tribal capital improvements tax credit.

E. Notwithstanding any other provision of law to the contrary, the amount of credit taken and allowed shall be applied against the amount of the oil and gas emergency school tax due with respect to the products or severance of products taxed.

F. The credit provided by this section shall be in addition to any credit claimed by the taxpayer or allowed by the taxation and revenue department pursuant to Section 7-29C-1 NMSA 1978 with respect to the same products or the severance of the same products. A Jicarilla Apache tribal capital improvements tax that qualifies for the credit provided by this section shall constitute an increase in tribal taxes for purposes of Subsection F of Section 7-29C-1 NMSA 1978 only to the extent that it exceeds the amount identified in Paragraph (2) of Subsection C of this section.

G. The taxation and revenue department shall administer and interpret the provisions of this section in accordance with the provisions of the Tax Administration Act.

H. The burden of showing entitlement to a credit authorized by this section is on the taxpayer claiming it, and the taxpayer shall furnish to the appropriate tax collecting agency, in a manner determined by the taxation and revenue department, proof of payment of the Jicarilla Apache tribal capital improvements tax on which the credit is based.

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2003.

HOUSE TAXATION AND REVENUE COMMITTEE

SUBSTITUTE FOR HOUSE BILL 165

CHAPTER 16

CHAPTER 16, LAWS 2002

AN ACT

RELATING TO MOTOR VEHICLES; CHANGING THE METHOD OF ASSESSMENT ON VEHICLE REGISTRATIONS FOR THE FEE THAT IS DEPOSITED IN THE LITTER CONTROL AND BEAUTIFICATION FUND; AMENDING AND ENACTING CERTAIN SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. A new section of the Motor Vehicle Code, Section 66-6-6.2 NMSA 1978, is enacted to read:

"66-6-6.2. REGISTRATION FEE--LITTER CONTROL AND BEAUTIFICATION FUND.--In addition to all other fees collected by registration of vehicles pursuant to Section 66-3-1 NMSA 1978 or by registration of vehicles pursuant to the Motor Transportation Act, there is imposed on each registration, for each year covered by the registration, a beautification fee of fifty cents (\$.50) to be deposited in the litter control and beautification fund."

Section 2. Section 67-16-14 NMSA 1978 (being Laws 1985, Chapter 23, Section 14, as amended) is amended to read:

"67-16-14. LITTER CONTROL AND BEAUTIFICATION FUND--CREATED--BEAUTIFICATION FEE.--The "litter control and beautification fund" is created in the state treasury. The beautification fee of fifty cents (\$.50) per registration year imposed pursuant to Section 66-6-6.2 NMSA 1978, collected from the registration fee of vehicles registered pursuant to Section 66-3-1 NMSA 1978 or the Motor Transportation Act, shall be deposited in the fund. All income earned on the fund shall be credited to the fund. The fund is appropriated to the department for the purpose of carrying out the provisions of the Litter Control and Beautification Act. The money in the fund shall not revert at the end of any fiscal year."

Section 3. Section 66-6-22.1 NMSA 1978 (being Laws 1990, Chapter 120, Section 34, as amended) is amended to read:

"66-6-22.1. MOTOR VEHICLE SUSPENSE FUND CREATED--RECEIPTS--DISBURSEMENTS.--

A. There is created in the state treasury a fund to be known as the "motor vehicle suspense fund".

B. The fees collected under the provisions of Sections 66-1-1 through 66-6-19 NMSA 1978 shall be paid to the state treasurer for the credit of the motor vehicle suspense fund not later than the close of the second business day after their receipt.

C. Money deposited to the credit of or disbursed from the motor vehicle suspense fund shall be accounted for as provided by law or rule of the secretary of finance and administration. Disbursements from the motor vehicle suspense fund shall be made by the department of finance and administration upon request and certification of their appropriateness by the secretary of finance and administration or the secretary's delegate.

D. The balance of the motor vehicle suspense fund is appropriated for the purpose of making refunds, distributions and other disbursements authorized or required by law to be made from the motor vehicle suspense fund, provided that no distribution shall be made to a municipality, county or fee agent operating a motor vehicle field office with respect to money collected and remitted to the department by that municipality, county or fee agent until the report of the municipality, county or fee agent is audited and accepted by the department."

Section 4. Section 66-6-23 NMSA 1978 (being Laws 1978, Chapter 35, Section 358, as amended by Laws 2001, Chapter 20, Section 1 and also by Laws 2001, Chapter 282, Section 2) is amended to read:

"66-6-23. DISPOSITION OF FEES.--

A. After the necessary disbursements for refunds and other purposes have been made, the money remaining in the motor vehicle suspense fund, except for remittances received within the previous two months that are unidentified as to source or disposition, shall be distributed as follows:

(1) to each municipality, county or fee agent operating a motor vehicle field office:

(a) an amount equal to six dollars (\$6.00) per driver's license and three dollars (\$3.00) per identification card or motor vehicle or motorboat registration or title transaction performed; and

(b) for each such agent determined by the secretary pursuant to Section 66-2-16 NMSA 1978 to have performed ten thousand or more transactions in the preceding fiscal year, other than a class A county with a population exceeding three hundred thousand or any municipality with a population exceeding three hundred thousand that has been designated as an agent pursuant to Section 66-2-14.1 NMSA 1978, an amount equal to one dollar (\$1.00) in addition to the amount distributed pursuant to Subparagraph (a) of this paragraph for each driver's license, identification card, motor vehicle registration, motorboat registration or title transaction performed;

(2) to each municipality or county, other than a class A county with a population exceeding three hundred thousand or a municipality with a population exceeding three hundred thousand designated as an agent pursuant to Section 66-2-14.1 NMSA 1978, operating a motor vehicle field office, an amount equal to fifty cents (\$.50) for each administrative service fee remitted by that county or municipality to the department pursuant to the provisions of Subsection A of Section 66-2-16 NMSA 1978;

(3) to the state road fund:

(a) an amount equal to the fees collected pursuant to Section 66-7-413.4 NMSA 1978;

(b) an amount equal to the fee collected pursuant to Section 66-3-417 NMSA 1978;

(c) the remainder of each driver's license fee collected by the department employees from an applicant to whom a license is granted after deducting from the driver's license fee the amount of the distribution authorized in Paragraph (1) of this subsection with respect to that collected driver's license fee; and

(d) an amount equal to fifty percent of the fees collected pursuant to Section 66-6-19 NMSA 1978;

(4) to the local governments road fund, the amount of the fees collected pursuant to Subsection B of Section 66-5-33.1 NMSA 1978 and the remainder of the fees collected pursuant to Subsection A of Section 66-5-408 NMSA 1978;

(5) to the department:

(a) any amounts reimbursed to the department pursuant to Subsection C of Section 66-2-14.1 NMSA 1978;

(b) an amount equal to two dollars (\$2.00) of each motorcycle registration fee collected pursuant to Section 66-6-1 NMSA 1978;

(c) an amount equal to the fees provided for in Subsection D of Section 66-2-7 NMSA 1978, Subsection E of Section 66-2-16 NMSA 1978, Subsections J and K of Section 66-3-6 NMSA 1978 other than the administrative fee, Subsection C of Section 66-5-44 NMSA 1978 and Subsection B of Section 66-5-408 NMSA 1978;

(d) the amounts due to the department pursuant to Paragraph (1) of Subsection E of Section 66-3-419 NMSA 1978, Subsection E of Section 66-3-422 NMSA 1978 and Subsection E of Section 66-3-423 NMSA 1978; and

(e) an amount equal to the registration fees collected pursuant to Section 66-6-6.1 NMSA 1978 for the purposes of enforcing the provisions of the Mandatory Financial Responsibility Act and for creating and maintaining a multilanguage noncommercial driver's license testing program;

(6) to each New Mexico institution of higher education, an amount equal to that part of the fees distributed pursuant to Paragraph (2) of Subsection D of Section 66-3-416 NMSA 1978 proportionate to the number of special registration plates issued in the name of the institution to all such special registration plates issued in the name of all institutions;

(7) to the armed forces veterans license fund, the amount to be distributed pursuant to Paragraph (2) of Subsection E of Section 66-3-419 NMSA 1978;

(8) to the children's trust fund, the amount to be distributed pursuant to Paragraph (2) of Subsection D of Section 66-3-420 NMSA 1978;

(9) to the state highway and transportation department, an amount equal to the fees collected pursuant to Section 66-5-35 NMSA 1978;

(10) to the state equalization guarantee distribution made annually pursuant to the general appropriation act, an amount equal to one hundred percent of the driver safety fee collected pursuant to Subsection D of Section 66-5-44 NMSA 1978;

(11) to the motorcycle training fund, two dollars (\$2.00) of each motorcycle registration fee collected pursuant to Section 66-6-1 NMSA 1978;

(12) to the highway infrastructure fund, all tire recycling fees collected pursuant to the provisions of Sections 66-6-1, 66-6-2, 66-6-4, 66-6-5 and 66-6-8 NMSA 1978;

(13) to each county, an amount equal to fifty percent of the fees collected pursuant to

Section 66-6-19 NMSA 1978 multiplied by a fraction, the numerator of which is the total mileage of public roads maintained by the county and the denominator of which is the total mileage of public roads maintained by all counties in the state; and

(14) to the litter control and beautification fund, an amount equal to the fees collected pursuant to Section 66-6-6.2 NMSA 1978.

B. The balance, exclusive of unidentified remittances, shall be distributed in accordance with

Section 66-6-23.1 NMSA 1978.

C. If any of the paragraphs, subsections or sections referred to in Subsection A of this section are recompiled or otherwise re-designated without a corresponding change to Subsection A of this section, the reference in Subsection A of this section shall be construed to be the recompiled or re-designated paragraph, subsection or section."

Section 5. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HOUSE BILL 206, WITH EMERGENCY CLAUSE

SIGNED March 4, 2002

CHAPTER 17

CHAPTER 17, LAWS 2002

AN ACT

RELATING TO TAXATION; AMENDING THE LOCAL HOSPITAL GROSS RECEIPTS TAX.

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

Section 1. Section 7-20C-2 NMSA 1978 (being Laws 1991, Chapter 176, Section 2, as amended) is amended to read:

"7-20C-2. DEFINITIONS.--As used in the Local Hospital Gross Receipts Tax Act:

A. "county" means:

(1) a class B county having a population of less than twenty-five thousand according to the most recent federal decennial census and having a net taxable value for rate-setting purposes for the 1990 property tax year or any subsequent year of more than two hundred fifty million dollars (\$250,000,000);

(2) a class B county having a population of less than forty-seven thousand but more than forty-four thousand according to the 1990 federal decennial census and having a net taxable value for rate-setting purposes for the 1992 property tax year of more than three hundred million dollars (\$300,000,000) but less than six hundred million dollars (\$600,000,000);

(3) a class B county having a population of less than ten thousand according to the most recent federal decennial census and having a net taxable value for rate-setting purposes for the 1990 property tax year or any subsequent year of more than one hundred million dollars (\$100,000,000);

(4) a class B county having a population of less than twenty-five thousand according to the 1990 federal decennial census and having a net taxable value for rate-setting purposes for the 1993 property tax year of more than ninety-one million dollars (\$91,000,000) but less than one hundred twenty-five million dollars (\$125,000,000);

(5) a class B county having a population of more than seventeen thousand but less than twenty thousand according to the 1990 federal decennial census and having a net taxable value for rate-setting purposes for the 1993 property tax year of more than one hundred fifty-three million dollars (\$153,000,000) but less than one hundred fifty-six million dollars (\$156,000,000);

(6) a class B county having a population of more than fifteen thousand according to the 1990 federal decennial census and having a net taxable value for rate-setting purposes for the 1996 property tax year of more than one hundred fifty million dollars (\$150,000,000) but less than one hundred seventy-five million dollars (\$175,000,000); or

(7) an H class county;

B. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

C. "governing body" means the board of county commissioners of a county;

D. "health care facilities contract" means an agreement between a hospital or health clinic not owned by the county and a county imposing the tax authorized by the Local Hospital Gross Receipts Tax Act that obligates the county to pay to the hospital revenue generated by the tax authorized in that act as consideration for the agreement by the hospital or health clinic to use the funds only for nonsectarian purposes and to make health care services available for the benefit of the county;

E. "hospital facility revenues" means all or a portion of the revenues derived from a lease of a hospital facility acquired, constructed or equipped pursuant to and operated in accordance with the Local Hospital Gross Receipts Tax Act;

F. "local hospital gross receipts tax" means the tax authorized to be imposed under the Local Hospital Gross Receipts Tax Act;

G. "person" means an individual or any other legal entity; and

H. "state gross receipts tax" means the gross receipts tax imposed under the Gross Receipts and Compensating Tax Act."

Section 2. Section 7-20C-3 NMSA 1978 (being Laws 1991, Chapter 176, Section 3, as amended) is amended to read:

"7-20C-3. LOCAL HOSPITAL GROSS RECEIPTS TAX--AUTHORITY TO IMPOSE--ORDINANCE REQUIREMENTS.--

A. A majority of the members elected to the governing body of a county may enact an ordinance imposing an excise tax on any person engaging in business in the county for the privilege of engaging in business. This tax is to be referred to as the "local hospital gross receipts tax". The rate of the tax shall be:

(1) one-half of one percent of the gross receipts of the person engaging in business if the tax is initially imposed before January 1, 1993;

(2) one-eighth of one percent of the gross receipts of the person engaging in business if the tax is initially imposed after January 1, 1993; and

(3) a rate not to exceed one-half of one percent of the gross receipts of the person engaging in business if the tax is imposed after July 1, 1996 in a county described in Paragraph (4), (6) or (7) of Subsection A of Section 7-20C-2 NMSA

1978; provided the tax may be imposed in any number of increments of one-eighth percent not to exceed an aggregate rate of one-half of one percent of gross receipts.

B. The local hospital gross receipts tax imposed initially before January 1, 1993 shall be imposed only once for the period necessary for payment of the principal and interest on revenue bonds issued to accomplish the purpose for which the revenue is dedicated, but the period shall not exceed ten years from the effective date of the ordinance imposing the tax. The local hospital gross receipts tax imposed after July 1, 1996 in a county described in Paragraph (4) of Subsection A of Section 7-20C-2 NMSA 1978 shall be imposed only once for the period necessary for payment of the principal and interest on revenue bonds issued to accomplish the purpose for which the revenue is dedicated, but the period shall not exceed forty years from the effective date of the ordinance imposing the tax.

C. No local hospital gross receipts tax authorized in Subsection A of this section shall be imposed initially after January 1, 1993 unless:

(1) in a county described in Paragraph (2) of Subsection A of Section 7-20C-2 NMSA 1978, the voters of the county have approved the issuance of general obligation bonds of the county sufficient to pay at least one-half of the costs of the county hospital facility or county twenty-four-hour urgent care or emergency facility for which the local hospital gross receipts tax revenues are dedicated, including the costs of all acquisition, renovation and equipping of the facility; or

(2) in a county described in Paragraph (3) or (5) of Subsection A of Section 7-20C-2 NMSA 1978, the county will not have in effect at the same time a county hospital emergency gross receipts tax and the voters of the county have approved the imposition of a property tax at a rate of one dollar (\$1.00) on each one thousand dollars (\$1,000) of taxable value of property in the county for the purpose of operation and maintenance of a hospital owned by the county and operated and maintained either by the county or by another party pursuant to a lease with the county.

D. The governing body of a county enacting an ordinance imposing a local hospital gross receipts tax shall dedicate the revenue from the tax as provided in this subsection. In any election held, the ballot shall clearly state the purpose to which the revenue will be dedicated and the revenue shall be used by the county for that purpose. The revenues shall be dedicated as follows:

(1) prior to January 1, 1993, the governing body, at the time of enacting an ordinance imposing the rate of the tax authorized in Subsection A of this section, shall dedicate the revenue for acquisition of land for and the design, construction, equipping and furnishing of a county hospital facility to be operated by the county or operated and maintained by another party pursuant to a lease with the county;

(2) if the governing body of a county described in Paragraph (2), (3) or (5) of Subsection A of Section 7-20C-2 NMSA 1978 is enacting the ordinance

imposing the tax after July 1, 1993, the governing body shall dedicate the revenue for acquisition, renovation and equipping of a building for a county hospital facility or a county twenty-four-hour urgent care or emergency facility or for operation and maintenance of that facility, whether operated and maintained by the county or by another party pursuant to a lease or management contract with the county, for the period of time the tax is imposed not to exceed ten years;

(3) if the governing body of a county described in Paragraph (4) of Subsection A of Section 7-20C-2 NMSA 1978 is enacting the ordinance imposing the tax after July 1, 1995, the governing body shall dedicate the revenue for acquisition of land or buildings for and the renovation, design, construction, equipping or furnishing of a county hospital facility or health clinic to be operated by the county or operated and maintained by another party pursuant to a health care facilities contract, lease or management contract with the county;

(4) if the governing body of a county described in Paragraph (6) of Subsection A of Section 7-20C-2 NMSA 1978 is enacting the ordinance imposing the tax after July 1, 1997, the governing body shall dedicate the revenue for either or a combination of the following:

(a) acquisition of land or buildings for and the design, construction, renovation, equipping or furnishing of a hospital facility or health clinic owned by the county or a hospital or health clinic with whom the county has entered into a health care facilities contract; or

(b) operations and maintenance of a hospital or health clinic owned by the county or a hospital or health clinic with whom the county has entered into a health care facilities contract; and

(5) if the governing body of a county described in Paragraph (7) of Subsection A of Section 7-20C-2 NMSA 1978 is enacting the ordinance imposing the tax after January 1, 2002, the governing body shall dedicate the revenue for acquisition, lease, renovation or equipping of a hospital facility or for operation and maintenance of that facility, whether operated and maintained by the county or by another party pursuant to a health care facilities contract, lease or management contract with the county.

E. The ordinance shall not go into effect until after an election is held and a simple majority of the qualified electors of the county voting in the election votes in favor of imposing the local hospital gross receipts tax and, in the case of a county described in Paragraph (3) or (5) of Subsection A of Section 7-20C-2 NMSA 1978, also votes in favor of a property tax at a rate of one dollar (\$1.00) for each one thousand dollars (\$1,000) of taxable value of property in the county. The governing body shall adopt a resolution calling for an election within seventy-five days of the date the ordinance is adopted on the question of imposing the tax. The question may be submitted to the qualified electors and voted on as a separate question in a general

election or in any special election called for that purpose by the governing body. A special election on the question shall be called, held, conducted and canvassed in substantially the same manner as provided by law for general elections. If the question of imposing a local hospital gross receipts tax fails or if the question of imposing both a local hospital gross receipts tax and a property tax fails, the governing body shall not again propose a local hospital gross receipts tax for a period of one year after the election. A certified copy of any ordinance imposing a local hospital gross receipts tax shall be mailed to the department within five days after the ordinance is adopted in an election called for that purpose.

F. An ordinance enacted pursuant to the provisions of Subsection A of this section shall include an effective date of either July 1 or January 1, whichever date occurs first after the expiration of at least three months from the date the ordinance is approved by the electorate.

G. An ordinance repealed under the provisions of the Local Hospital Gross Receipts Tax Act shall be repealed effective on either July 1 or January 1.

H. As used in this section, "taxable value of property" means the sum of:

(1) the net taxable value, as that term is defined in the Property Tax Code, of property subject to taxation under the Property Tax Code;

(2) the assessed value of products, as those terms are defined in the Oil and Gas Ad Valorem Production Tax Act;

(3) the assessed value of equipment, as those terms are defined in the Oil and Gas Production Equipment Ad Valorem Tax Act; and

(4) the taxable value of copper mineral property, as those terms are defined in the Copper Production Ad Valorem Tax Act, subject to taxation under the Copper Production Ad Valorem Tax Act."

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

HOUSE BILL 290, AS AMENDED

CHAPTER 18

CHAPTER 18, LAWS 2002

AN ACT

RELATING TO TAXATION; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978 TO CONFORM TO THE FEDERAL MOBILE TELECOMMUNICATIONS SOURCING ACT.

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

Section 1. A new section of the Gross Receipts and Compensating Tax Act is enacted to read:

"ADDITIONAL DEFINITIONS.--

A. As used in the Gross Receipts and Compensating Tax Act, "gross receipts" includes the receipts of a home service provider from providing mobile telecommunications services to customers whose place of primary use is in New Mexico if:

(1) the services originate and terminate in the same state, regardless of where the mobile telecommunications services originate, terminate or pass through; and

(2) the charges for such services are billed by or for a customer's home service provider and are deemed provided by such home service provider.

B. For the purposes of this section, "home service provider", "mobile telecommunications services", "customer" and "place of primary use" have the meanings given in the federal Mobile Telecommunications Sourcing Act."

Section 2. A new section of the Gross Receipts and Compensating Tax Act is enacted to read:

"EXEMPTION--GROSS RECEIPTS TAX--SALE OF CERTAIN TELECOMMUNICATIONS SERVICES.--Exempted from the gross receipts tax are receipts of a home service provider from providing mobile telecommunications services to persons whose place of primary use is outside New Mexico, regardless of where the mobile telecommunications services originate, terminate or pass through. For the purposes of this section, "home service provider", "mobile telecommunications services" and "place of primary use" have the meanings given in the federal Mobile Telecommunications Sourcing Act."

Section 3. Section 7-9-5 NMSA 1978 (being Laws 1966, Chapter 47, Section 5) is amended to read:

"7-9-5. PRESUMPTION OF TAXABILITY.--

A. To prevent evasion of the gross receipts tax and to aid in its administration, it is presumed that all receipts of a person engaging in business are subject to the gross receipts tax. Any person engaged solely in transactions specifically exempt under the provisions of the Gross Receipts and Compensating Tax Act shall not be required to register or file a return under that act.

B. If receipts from nontaxable charges for mobile telecommunications services are aggregated with and not separately stated from taxable charges for mobile telecommunications services, then the charges for nontaxable mobile telecommunications services shall be subject to gross receipts tax unless the home service provider can reasonably identify nontaxable charges in its books and records that are kept in the regular course of business. For the purposes of this subsection, "charges for mobile telecommunications services", "home service provider" and "mobile telecommunications services" have the meanings given in the federal Mobile Telecommunications Sourcing Act."

Section 4. Section 7-9C-2 NMSA 1978 (being Laws 1992, Chapter 50, Section 2 and also Laws 1992, Chapter 67, Section 2, as amended) is amended to read:

"7-9C-2. DEFINITIONS.--As used in the Interstate Telecommunications Gross Receipts Tax Act:

A. "charges for mobile telecommunications services" has the meaning given in the federal Mobile Telecommunications Sourcing Act;

B. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

C. "engaging in interstate telecommunications business" means carrying on or causing to be carried on the business of providing interstate telecommunications service;

D. "home service provider" has the meaning given in the federal Mobile Telecommunications Sourcing Act;

E. "interstate telecommunications gross receipts" means the total amount of money or the value of other consideration received from providing:

(1) interstate telecommunications services, other than mobile telecommunications services, that either originate or terminate in New Mexico and are charged to a telephone number or account in New Mexico, regardless of where the bill for such services is actually delivered [~~but excludes~~]; and

(2) mobile telecommunications services that originate in one state and terminate in any location outside that state, whether within or outside the United States, to a customer with a place of primary use in New Mexico. "Interstate telecommunications gross receipts" excludes mobile telecommunications services provided to a customer with a place of primary use outside of New Mexico, cash discounts allowed and taken and interstate telecommunications gross receipts tax payable for the reporting period. Also excluded from "interstate telecommunications gross receipts" are any gross receipts or sales taxes imposed by any Indian nation, tribe or pueblo; provided that the tax is approved, if approval is required by federal law or regulation, by the secretary of the interior of the United States; and provided further that the gross receipts or sales tax imposed by the Indian nation, tribe or pueblo provides a reciprocal exclusion for gross receipts, sales or gross receipts-based excise taxes imposed by the state or its political subdivisions;

F. "interstate telecommunications service" means the service of originating or receiving in New Mexico interstate and international telephone and telegraph service, including but not limited to the transmission of voice, messages and data by way of electronic or similar means between or among points by wire, cable, fiber-optic, laser, microwave, radio, satellite or similar facilities;

G. "mobile telecommunications services" has the meaning given in the federal Mobile Telecommunications Sourcing Act;

H. "person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, limited liability company, joint venture, syndicate or other entity; the United States or any agency or instrumentality of the United States; or the state of New Mexico or any political subdivision of the state;

I. "place of primary use" has the meaning given in the federal Mobile Telecommunications Sourcing Act;

J. "private communications service" means a dedicated service for a single customer that entitles the customer to exclusive or priority use of a communications channel or group of channels between a location within New Mexico and one or more specified locations outside New Mexico; and

K. "wide-area telephone service" means a telephone service that entitles the subscriber, upon payment of a flat rate charge dependent on the total duration of all such calls and the geographic area selected by the subscriber, to either make or receive a large volume of telephonic communications to or from persons located in specified geographical areas."

Section 5. Section 7-9C-4 NMSA 1978 (being Laws 1992, Chapter 50, Section 4 and also Laws 1992, Chapter 67, Section 4) is amended to read:

"7-9C-4. PRESUMPTION OF TAXABILITY.--

A. To prevent evasion of the interstate telecommunications gross receipts tax and to aid in its administration, it is presumed that all receipts of a person engaging in interstate telecommunications business are subject to the interstate telecommunications gross receipts tax.

B. If receipts from nontaxable charges for mobile telecommunications services are aggregated with and not separately stated from taxable charges for mobile telecommunications services, then the charges for nontaxable mobile telecommunications services shall be subject to interstate telecommunications gross receipts tax unless the home service provider can reasonably identify nontaxable charges in its books and records that are kept in the regular course of business."

Section 6. Section 63-9D-9.2 NMSA 1978 (being Laws 2001, Chapter 110, Section 13) is amended to read:

"63-9D-9.2. IMPOSITION OF SURCHARGE--LIABILITY OF USER FOR SURCHARGE--COLLECTION--UNCOLLECTED AMOUNTS.--

A. There is imposed a wireless enhanced 911 surcharge in the amount of fifty-one cents (\$.51) that shall commence with the first billing period of each subscriber on or following ninety days after July 1, 2001.

B. Commercial mobile radio service providers shall be required to bill and collect the wireless enhanced 911 surcharge from their subscribers whose places of primary use, as defined in the federal Mobile Telecommunications Sourcing Act, are in New Mexico. The wireless enhanced 911 surcharge required to be collected by the commercial mobile radio service provider shall be added to and stated clearly and separately in the billings to the subscriber. The wireless enhanced 911 surcharge collected by the commercial mobile radio service provider shall not be considered revenue of the commercial mobile radio service provider.

C. A billed subscriber is liable for payment of the wireless enhanced 911 surcharge until it has been paid to the commercial mobile radio service provider.

D. A commercial mobile radio service provider has no obligation to take legal action to enforce the collection of the wireless enhanced 911 surcharge. An action may be brought by or on behalf of the department. A commercial mobile radio service provider, upon request and not more than once a year, shall provide the department a list of the wireless enhanced 911 surcharge amounts uncollected along with the names and addresses of subscribers who carry a balance that can be determined by the commercial mobile radio service provider to be the nonpayment of the wireless enhanced 911 surcharge. The commercial mobile radio service provider shall not be held liable for uncollected wireless enhanced 911 surcharge amounts."

Section 7. Section 63-9F-11 NMSA 1978 (being Laws 1993, Chapter 54, Section 11, as amended) is amended to read:

"63-9F-11. IMPOSITION OF SURCHARGE.--

A. A telecommunications relay service surcharge of thirty-three hundredths of one percent is imposed on the gross amount paid by customers for:

(1) intrastate telephone services, other than mobile telecommunications services, provided in this state; and

(2) intrastate mobile telecommunications services that originate and terminate in the same state, regardless of where the mobile telecommunications services originate, terminate or pass through, provided by home service providers to customers whose place of primary use is in New Mexico.

The surcharge shall be included on the monthly bill of each customer of a local exchange company or other telecommunications company providing intrastate telephone services or intrastate mobile telecommunications services and paid at the time of payment of the monthly bill. Receipts from selling a service to any other telecommunications company or provider for resale shall not be subject to the surcharge. The customer shall be liable for the payment of this surcharge to the local exchange company or other telecommunications company providing intrastate telephone services to the customer. For the purposes of this subsection, "home service provider", "mobile telecommunications services" and "place of primary use" have the meanings given in the federal Mobile Telecommunications Sourcing Act.

B. Every telecommunications company providing intrastate telephone services shall be responsible for assessing, collecting and remitting the telecommunications relay service surcharge to the taxation and revenue department. The amount of the telecommunications relay service surcharge collected by a telecommunications company shall be remitted monthly to the taxation and revenue department, on or before the twenty-fifth of the month following collection, which shall administer and enforce the collection of the surcharge pursuant to the provisions of the Tax Administration Act.

C. The taxation and revenue department shall remit to the telecommunications access fund the amount of the telecommunications relay service surcharge collected less any amount deducted pursuant to the provisions of Subsection D of this section. Transfer of the net receipts from the surcharge to the telecommunications access fund shall be made within the month following the month in which the surcharge is collected.

D. The taxation and revenue department may deduct an amount not to exceed three percent of the telecommunications relay service surcharge collected as a

charge for the administrative costs of collection, which amount shall be remitted to the state treasurer for deposit in the general fund each month.

E. The general services department shall report to the revenue stabilization and tax policy committee annually by September 30 the following information with respect to the prior fiscal year:

(1) the amount and source of revenue received by the telecommunications access fund;

(2) the amount and category of expenditures from the fund; and

(3) the balance of the fund on that June 30."

Section 8. EFFECTIVE DATE.--The effective date of the provisions of this act is August 1, 2002.

HOUSE BILL 299, AS AMENDED

CHAPTER 19

CHAPTER 19, LAWS 2002

AN ACT

RELATING TO HIGHER EDUCATION; ALLOWING BOARDS OF COUNTY COMMISSIONERS TO ESTABLISH LEARNING CENTER DISTRICTS.

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

Section 1. Section 21-16A-1 NMSA 1978 (being Laws 2000, Chapter 105, Section 1) is amended to read:

"21-16A-1. SHORT TITLE.--Chapter 21, Article 16A NMSA 1978 may be cited as the "Learning Center Act"."

Section 2. Section 21-16A-4 NMSA 1978 (being Laws 2000, Chapter 105, Section 4) is amended to read:

"21-16A-4. ESTABLISHMENT OF LEARNING CENTER DISTRICTS-- DETERMINATION OF NEED--APPROVAL--ADVISORY COMMITTEE.--

A. A learning center district may be established in a school district or community college district upon adoption of a resolution by the local school board or community college board calling for establishment of a district and a showing of need for such a district. A district may also be established to include more than one school district and, in that case, the two or more local school boards shall jointly adopt a resolution and determine the need for a learning center. A district may also be established by a board of county commissioners upon adoption of a resolution by the board of county commissioners calling for establishment of a district and a showing of need for such a district; provided that each community college board or local school board located wholly or partially within the county shall approve of the establishment prior to the adoption of the resolution. The boundaries of the district shall be coterminous with the boundaries of the school district, community college district, combined school districts or county constituting the district. No district shall be established without the written approval of the commission.

B. Upon a determination of need and receipt of written approval from the commission, the district shall be established and the local school board, community college board, combined local school boards or board of county commissioners authorizing the district shall serve as the board. The board shall act as a representative of the communities in the district for the purpose of assessing local educational needs and contracting with one or more institutions to offer educational programs or services at one or more learning centers.

C. The board may appoint an advisory committee consisting of business representatives and citizens from the area being served by a learning center to advise and assist the board in determining the most appropriate educational and training programs and services to be offered at the learning center.

D. A learning center shall not be deemed to be an institution, but the students enrolled at the center shall be students of the respective institutions providing educational programs and services.

E. The commission shall develop criteria for determining the need for a district and the process and procedures for establishing and operating a learning center."

HOUSE BILL 307

CHAPTER 20

CHAPTER 20, LAWS 2002

AN ACT

RELATING TO TAXATION; PROVIDING AN EXEMPTION FROM GROSS RECEIPTS TAX FOR CERTAIN TEXTBOOK SALES.

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

Section 1. A new section of the Gross Receipts and Compensating Tax Act is enacted to read:

"EXEMPTION--GROSS RECEIPTS TAX--SALE OF TEXTBOOKS FROM CERTAIN BOOKSTORES TO ENROLLED STUDENTS.--Exempted from the gross receipts tax are the receipts from the sale of textbooks and other materials that are required for courses at a public post-secondary educational institution if the sale is by a bookstore located on the campus of the institution and operated pursuant to a contractual agreement with that institution and the sale is to a student enrolled at the institution who displays a valid student identification card."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

HOUSE TAXATION AND REVENUE COMMITTEE

SUBSTITUTE FOR HOUSE BILL 312

CHAPTER 21

CHAPTER 21, LAWS 2002

AN ACT

RELATING TO TAXATION; EXPANDING ELIGIBILITY FOR THE DEDUCTION FROM GROSS RECEIPTS FOR ADMINISTRATIVE AND ACCOUNTING SERVICES; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 7-9-69 NMSA 1978 (being Laws 1969, Chapter 144, Section 61, as amended) is amended to read:

"7-9-69. DEDUCTION--GROSS RECEIPTS TAX--ADMINISTRATIVE AND ACCOUNTING SERVICES.--

A. Receipts of a business entity for administrative, managerial, accounting and customer services performed by it for an affiliate upon a nonprofit or cost basis and receipts of a business entity from an affiliate for the joint use or sharing of office machines and facilities upon a nonprofit or cost basis may be deducted from gross receipts.

B. For the purposes of this section:

(1) "affiliate" means a business entity that directly or indirectly through one or more intermediaries controls, is controlled by or is under common control with another business entity;

(2) "business entity" means a corporation, limited liability company, partnership, limited partnership, limited liability partnership or real estate investment trust, but does not mean an individual or a joint venture; and

(3) "control" means equity ownership in a business entity that:

(a) represents at least fifty percent of the total voting power of that business entity; and

(b) has a value equal to at least fifty percent of the total equity of that business entity."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

HOUSE BILL 321

CHAPTER 22

CHAPTER 22, LAWS 2002

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; ENACTING THE TEACHER HOUSING REVENUE BOND ACT; ALLOWING FEDERAL FUNDS TO BE PLEDGED FOR TEACHER HOUSING REVENUE BONDS EVEN IF SUBJECT TO ANNUAL APPROPRIATION; PROVIDING FOR DEBT SERVICE RESERVE FUNDS.

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

Section 1. A new section of the Public School Code is enacted to read:

"SHORT TITLE.--This act may be cited as the "Teacher Housing Revenue Bond Act"."

Section 2. A new section of the Public School Code is enacted to read:

"DEFINITIONS.--As used in the Teacher Housing Revenue Bond Act:

A. "bonds" means teacher housing revenue bonds;

B. "federal payment" means a payment, grant, subsidy, contribution or other money from the United States or any of its agencies or instrumentalities that is not otherwise restricted as to use and that the federal government allows to be pledged or used to pay debt service on bonds; provided that for federal forest reserve or P.L. 874 funds, "federal payment" means that portion of the funds for which the state does not take credit for the state equalization guarantee pursuant to Section 22-8-25 NMSA 1978;

C. "housing project" means a residential housing facility for teachers, including land and land improvements;

D. "net income from the housing project" means all income derived from a housing project less the operating costs of the housing project;

E. "operating costs" means expenses of operating, maintaining and keeping in repair a housing project, including the cost of utilities, insurance, service employees and equipment replacement; and

F. "pledgeable revenue" means net income from the housing project and federal payments."

Section 3. A new section of the Public School Code is enacted to read:

"BONDS NOT GENERAL OBLIGATIONS OF SCHOOL DISTRICT OR STATE.--

A. A local school board may issue bonds to finance the purchase, construction, renovation, equipping and furnishing of a housing project and may irrevocably pledge any or all pledgeable revenue to the payment of those bonds and to the debt service reserve fund if one is established for the bonds.

B. Bonds shall be payable solely from pledgeable revenue and shall not constitute an indebtedness or general obligation of the school district, the state or other political subdivisions of the state."

Section 4. A new section of the Public School Code is enacted to read:

"DETERMINATION BY LOCAL SCHOOL BOARD--FEDERAL PAYMENTS.--

A. Prior to issuing bonds to finance the purchase, construction, renovation, equipping or furnishing of a housing project, a local school board shall make a determination that the housing project is necessary and that estimated pledgeable revenue pledged to the bonds is sufficient to repay the bonds.

B. Revenue from federal payments may be pledged even if the federal payments are subject to annual appropriation. Federal payments shall not be pledged unless such use is allowed by federal law. The local school board shall include in its determination a statement as to the legality of pledging the federal payments and what other revenue will be available to make bond payments if federal payments are not appropriated."

Section 5. A new section of the Public School Code is enacted to read:

"REPORT TO STATE BOARD--STATE BOARD APPROVAL.--

A. Prior to issuing bonds to finance a housing project, a local school board shall furnish to the state board the following information:

- (1) a detailed description of the housing project;
- (2) an explanation of the necessity for the housing project;
- (3) an estimate of the total cost of the housing project;
- (4) an estimate of the net income from the housing project and other revenues that will be pledged to pay for the housing project; and
- (5) an estimate of the yearly operating cost of the housing project.

B. A local school board shall obtain written approval of the state board before it issues bonds to finance a housing project pursuant to the Teacher Housing Revenue Bond Act.

C. Prior to giving written approval to a housing project, the state board shall determine that the housing project is necessary and that estimated pledgeable revenue pledged to the bonds is sufficient to repay the bonds."

Section 6. A new section of the Public School Code is enacted to read:

"RECORDS--RESTRICTION ON USE OF INCOME.--

A. A local school board shall retain complete and accurate records of:

- (1) the net income from the housing project;
- (2) receipt and amount of federal payments pledged to the repayment of the bonds; and
- (3) the operating costs of the housing project.

B. Pledgeable revenue that is pledged to the repayment of bonds shall first be used to pay the principal, interest and service charges on the bonds issued pursuant to the Teacher Housing Revenue Bond Act and to fund a debt service reserve fund, if applicable."

Section 7. A new section of the Public School Code is enacted to read:

"BONDS--PLEDGE OF INCOME.--

A. Bonds shall be payable solely from any or all pledgeable revenue, and the local school board shall irrevocably pledge that revenue to the prompt payment of the principal, interest and service charges on the bonds. The bonds shall be equally and ratably secured, without priority, by this pledge of pledgeable revenue.

B. If the bonds are payable solely from the net income of the housing project being financed, the local school board shall operate the housing project so as to ensure a sufficient income to promptly pay the principal, interest and service charges as they become due on the bonds."

Section 8. A new section of the Public School Code is enacted to read:

"PROCEEDS OF BOND SALES--RETIREMENT FUND--RESERVE FUND.--

A. Proceeds from the sale of bonds shall be deposited into a separate account to be used solely for the specific purposes for which the bonds were issued,

including a debt service reserve fund. All costs incident to issuing and selling the bonds may be paid out of the proceeds of the bonds.

B. The local school board shall establish a "debt service fund" to be used solely for the payment of principal, interest and service charges on the bonds. Sufficient amounts from the pledged revenue shall be deposited in the debt service fund at least annually so that timely payments of principal, interest and service charges may be made. All proceeds remaining after completion of the housing project shall be deposited into the debt service fund.

C. The local school board may establish a "debt service reserve fund" to be used to pay bond payments in case the pledged revenue is insufficient."

Section 9. A new section of the Public School Code is enacted to read:

"BONDS--FORM--REQUIREMENTS.--All bonds issued pursuant to the Teacher Housing Revenue Bond Act shall:

A. be fully negotiable within the provisions of the Uniform Commercial Code;

B. have a duration of time not to exceed forty years from their date of issuance;

C. have interest, appreciated principal value or any part thereof payable at intervals or at maturity as determined by the local school board;

D. be sold at a price that does not result in a net effective interest rate in excess of twelve percent a year unless a higher rate of interest is approved by the state board of finance pursuant to the Public Securities Act;

E. have a principal maturity schedule as determined by the local school board; and

F. be sold at public or private sale at, above or below par."

Section 10. A new section of the Public School Code is enacted to read:

"REFUNDING BONDS.--

A. A local school board may issue refunding bonds to refund outstanding bonds.

B. Except as otherwise provided in the Teacher Housing Revenue Bond Act, refunding bonds shall conform to the provisions of that act that provide for the issuance of teacher housing revenue bonds by a local school board.

C. A refunding bond issued by a local school board may have the same security or source of payment as was pledged for the payment of the bond being refunded, but no source of payment shall be pledged that is not authorized by the Teacher Housing Revenue Bond Act.

D. A refunding bond may be delivered in exchange for a bond authorized to be refunded, sold at a public or private sale or sold in part and exchanged in part as provided in the Supplemental Public Securities Act. If the refunding bond is sold, the proceeds shall be immediately applied to the retirement of the bond to be refunded or the proceeds shall be placed in trust to be held and applied to payment of the bonds to be refunded."

Section 11. A new section of the Public School Code is enacted to read:

"REFUNDING BONDS--ISSUANCE--SALE--PROCEEDS.--

A. A bond shall not be refunded unless it matures or is callable for prior redemption under its terms within fifteen years from the date of issuance of the refunding bond or unless the holder of the bond voluntarily surrenders it for exchange or payment.

B. Outstanding bonds of more than one issue may be refunded by refunding bonds of one or more issue. Bonds and refunding bonds may be issued separately or in combinations of one or more series.

C. When a refunding bond is sold, the net proceeds may, in the discretion of the local school board, be invested in obligations of the federal government or an agency of the federal government or in obligations fully guaranteed by the federal government, but the obligations purchased shall have a maturity and bear a rate of interest payable at times to ensure the existence of sufficient money to pay the bond to be refunded when it becomes due or redeemable pursuant to a call for redemption, together with interest and redemption premiums, if any.

D. All obligations purchased with the net proceeds from refunding bonds shall be deposited in trust with a bank that has trust powers and that is a member of the federal deposit insurance corporation. The obligations shall be held, liquidated and the proceeds of the liquidation paid out for payment of the principal, interest and redemption premium of the bonds to be refunded as the bonds to be refunded become due or where the bonds are subject to redemption under a call for redemption previously made or where there is a voluntary surrender with the approval of the local school board.

E. The determination of the local school board issuing refunding bonds that the issuance has been in compliance with the Teacher Housing Revenue Bond Act is conclusively presumed correct in the absence of fraud or arbitrary and gross abuse of discretion.

F. As used in this section, "net proceeds" means the gross proceeds of the refunding bonds after deducting all accrued interest and expenses incurred in connection with the authorization and issuance of the refunding bonds and the refunding of outstanding bonds, including fiscal agent fees, commissions and all discounts incurred in the resale of the refunding bonds to the original purchaser."

Section 12. A new section of the Public School Code is enacted to read:

"TAX EXEMPTION--NO CHARGE AGAINST STATE.--Bonds are exempt from taxation by the state or any of its political subdivisions. No obligation created pursuant to the Teacher Housing Revenue Bond Act shall be a charge against or a debt of the state or any of its political subdivisions."

HOUSE FLOOR SUBSTITUTE FOR
HOUSE BILL 359, WITH CERTIFICATE
OF CORRECTIONS

CHAPTER 23

CHAPTER 23, LAWS 2002

AN ACT

RELATING TO THE WATER AND WASTEWATER PROJECT GRANT FUND;
ALLOWING THE NEW MEXICO FINANCE AUTHORITY TO ADJUST LOCAL MATCH
REQUIREMENTS TO ENCOURAGE CONSOLIDATION OF WATER AND
WASTEWATER SYSTEMS; DECLARING AN EMERGENCY.

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

Section 1. Section 6-21-6.3 NMSA 1978 (being Laws 1999, Chapter 186, Section 2, as amended) is amended to read:

"6-21-6.3. WATER AND WASTEWATER PROJECT GRANT FUND--
CREATION--ADMINISTRATION--PURPOSES.--

A. There is created in the authority the "water and wastewater project grant fund", which shall be administered by the authority. The authority shall adopt, in accordance with the New Mexico Finance Authority Act, rules necessary to administer the fund.

B. The following shall be deposited directly into the water and wastewater project grant fund:

(1) the net proceeds from the sale of bonds issued pursuant to the provisions of Section 6-21-6.1 NMSA 1978 for the purposes of the water and wastewater project grant fund and payable from the public project revolving fund;

(2) money appropriated by the legislature to implement the provisions of this section; and

(3) any other public or private money dedicated to the fund.

C. Money in the water and wastewater project grant fund is appropriated to the authority to make grants to qualified entities for water or wastewater public projects pursuant to specific authorization by law for each project and to pay administrative costs of the water and wastewater project grant program.

D. The authority shall adopt rules governing the terms and conditions of grants made from the water and wastewater project grant fund. Except in the circumstances set forth in Subsection F of this section, grants may be made from the fund only with participation from the qualified entity in the form of a local match, which shall be determined by a sliding scale based on the qualified entity's financial capacity to pay a portion of the project from local resources. Grants from the water and wastewater project grant fund may be made only as all or part of financing for a complete project after the authority has determined that the financing for the complete project is cost effective.

E. The authority may make grants from the water and wastewater project grant fund to qualified entities for emergency public projects without specific authorization by law. Each emergency public project shall be designated as such by the authority prior to making the grant. The aggregate amount of grants for emergency public projects in any one fiscal year shall not exceed three million dollars (\$3,000,000).

F. To encourage consolidation of water or wastewater systems and to discourage proliferation of multiple water or wastewater systems, the authority may determine the local match requirement based on the financial capacity of:

(1) the residents of the geographic area benefiting from the improvements to be financed with the proceeds of the grant received on their behalf by the qualified entity; or

(2) the qualified entity benefiting from the improvements to be financed with the proceeds of the grant when the benefiting qualified entity agrees to consolidate with the qualified entity receiving the grant."

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HOUSE BILL 235, AS AMENDED

WITH EMERGENCY CLAUSE

SIGNED March 4, 2002

CHAPTER 24

CHAPTER 24, LAWS 2002

AN ACT

RELATING TO INSURANCE; PROVIDING FOR LIMITED LICENSES FOR REPRESENTATIVES OF VENDORS OR LESSORS OF COMMUNICATION EQUIPMENT OR SERVICES.

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

Section 1. Section 59A-12-18 NMSA 1978 (being Laws 1984, Chapter 127, Section 219) is amended to read:

"59A-12-18. LIMITED LICENSE.--

A. The superintendent may issue a limited agent's license to individual applicants qualified therefor under Chapter 59A, Article 12 NMSA 1978 and employed as transportation ticket-sellers by public carriers, who in course of such employment solicit or sell insurance incidental to transportation of persons or storage or transportation of baggage, and limited to insurance so transacted; or to individual applicants employed full-time by a vendor of merchandise or other property or by a financial institution making consumer loans, on terms with respect to which credit life and health insurances, or either, under individual policies is customarily required of or offered to the purchaser or borrower, covering only such credit life and health insurance.

B. The superintendent may issue a limited agent's license to applicants who are employees, agents or authorized representatives of retail vendors or lessors of communication equipment or services. The license shall authorize the licensee, in connection with the lease, retail sale or provision of communication equipment or communication services for communication equipment, to sell insurance covering the loss, theft, mechanical failure or malfunction of or damage to the communication equipment. Licensees pursuant to this subsection shall receive initial training from, and shall be under the oversight of, a general lines agent licensed pursuant to Chapter 59A, Article 12 NMSA 1978. As used in this subsection, "communication equipment" means handsets, pagers, personal digital assistants, portable computers, automatic answering devices, batteries and other devices or their accessories used to originate or receive communication signals or service, and includes services related to the use of such devices such as access to a network.

C. No holder of a limited license issued pursuant to this section shall concurrently be otherwise licensed under the Insurance Code."

HOUSE BILL 277

CHAPTER 25

CHAPTER 25, LAWS 2002

AN ACT

RELATING TO FINANCE; PROVIDING FOR 501(c)(3) CORPORATIONS TO QUALIFY FOR FINANCING FROM INDUSTRIAL REVENUE BONDS ISSUED BY MUNICIPALITIES AND COUNTIES; ALLOWING HEALTH FACILITIES PROVIDING HUMAN SERVICES TO QUALIFY FOR FINANCING FROM THE NEW MEXICO HOSPITAL EQUIPMENT LOAN COUNCIL.

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

Section 1. Section 3-32-1 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-31-1, as amended) is amended to read:

"3-32-1. INDUSTRIAL REVENUE BOND ACT--DEFINITIONS.--Wherever used in the Industrial Revenue Bond Act unless a different meaning clearly appears in the context, the following terms whether used in the singular or plural shall be given the following respective interpretations:

A. "municipality" means any city, town or village in the state of New Mexico;

B. "project" means any land and building or other improvements thereon, the acquisition by or for a New Mexico corporation of the assets or stock of an existing business or corporation located outside the state of New Mexico to be relocated within or near the municipality in the state of New Mexico and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by the following or by any combination of two or more thereof:

(1) any industry for the manufacturing, processing or assembling of any agricultural or manufactured products;

(2) any commercial enterprise in storing, warehousing, distributing or selling products of agriculture, mining or industry but does not include facilities designed for the sale of goods or commodities at retail or distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities;

(3) any business in which all or part of the activities of the business involve the supplying of services to the general public or to governmental agencies or to a specific industry or customer but does not include establishments primarily engaged in the sale of goods or commodities at retail;

(4) any water distribution or irrigation system, including without limitation, pumps, distribution lines, transmission lines, towers, dams and similar facilities and equipment, designed to provide water to any vineyard or winery; and

(5) any 501(c)(3) corporation;

C. "governing body" means the board or body in which the legislative powers of the municipality are vested;

D. "property" means any land, improvements thereon, buildings and any improvements thereto, machinery and equipment of any and all kinds necessary to the project, operating capital and any other personal properties deemed necessary in connection with the project;

E. "mortgage" means a mortgage or a mortgage and deed of trust or the pledge and hypothecation of any assets as collateral security;

F. "health care services" means the diagnosis or treatment of sick or injured persons or medical research and includes the ownership, operation, maintenance, leasing and disposition of health care facilities such as hospitals, clinics, laboratories, x-ray centers and pharmacies and, for any small municipality only, office facilities for physicians;

G. "refinance a hospital or 501(c)(3) corporation project" means the issuance of bonds by a municipality and the use of all or substantially all of the

proceeds to liquidate any obligations previously incurred to finance or aid in financing a project of any nonprofit corporation engaged in health care services, including nursing homes, or of any 501(c)(3) corporation, which would constitute a project under the Industrial Revenue Bond Act had it been originally undertaken and financed by a municipality pursuant to the Industrial Revenue Bond Act; and

H. "501(c)(3) corporation" means a corporation that demonstrates to the taxation and revenue department that it has been granted exemption from the federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended or renumbered."

Section 2. Section 3-32-5 NMSA 1978 (being Laws 1967, Chapter 84, Section 3, as amended) is amended to read:

"3-32-5. ADDITIONAL LEGISLATIVE INTENT.--It is further the legislative intent that the Industrial Revenue Bond Act authorize municipalities to refinance hospital or 501(c)(3) corporation projects and projects of any independent, nonprofit, nonsectarian four-year college or university accredited by the north central association of colleges and schools, to acquire, own, lease or sell projects for the purpose of promoting the local economy and improving local health and the general welfare by inducing private institutions of higher education, nonprofit corporations engaged in health care services, including nursing homes, 501(c)(3) corporations and, for any small municipality only, office facilities for physicians, to provide more adequate facilities of higher education and to provide more adequate health care services in this state and by inducing mass transit or other transportation activities, industrial parks, office headquarters and research and development activities to locate or expand in this state. It is not intended to authorize any municipality to own or lease projects for retail business or by itself to operate any private institution of higher education; nonprofit corporation engaged in health care services, including nursing homes; 501(c)(3) corporation; industrial parks; office headquarters; or research and development facilities."

Section 3. Section 3-32-6 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-31-3, as amended) is amended to read:

"3-32-6. ADDITIONAL POWERS CONFERRED ON

MUNICIPALITIES.--In addition to any other powers which it may now have, each municipality shall have the following powers:

A. to acquire, whether by construction, purchase, gift or lease, one or more projects which shall be located within this state and may be located within or without the municipality or partially within or partially without the municipality, but which shall not be located more than fifteen miles outside of the corporate limits of the municipality;

B. to sell or lease or otherwise dispose of any or all of its projects upon such terms and conditions as the governing body may deem advisable and as shall not conflict with the provisions of the Industrial Revenue Bond Act;

C. to issue revenue bonds for the purpose of defraying the cost of acquiring by construction and purchase or either any project and to secure the payment of such bonds, all as provided in the Industrial Revenue Bond Act. No municipality shall have the power to operate any project as a business or in any manner except as lessor;

D. to refinance one or more hospital or 501(c)(3) corporation projects and to acquire any such hospital or 501(c)(3) corporation project whether by construction, purchase, gift or lease, which hospital or 501(c)(3) corporation project shall be located within this state and may be located within or without the municipality or partially within or partially without the municipality, but which shall not be located more than fifteen miles outside of the corporate limits of the municipality, and to issue revenue bonds to refinance and acquire a hospital or 501(c)(3) corporation project and to secure the payment of such bonds, all as provided in the Industrial Revenue Bond Act. No municipality shall have the power to operate any hospital or 501(c)(3) corporation project as a business or in any manner except as lessor; and

E. to refinance one or more projects of any private institution of higher education and to acquire any such project, whether by construction, purchase, gift or lease, provided that the project shall be located within this state and may be located within or without the municipality or partially within or partially without the municipality, but the project shall not be located more than fifteen miles outside of the corporate limits of the municipality, and to issue revenue bonds to refinance and acquire any project of any private institution of higher education and to secure the payment of such bonds. No municipality shall have the power to operate any project of any private institution of higher education as a business or in any manner except as lessor."

Section 4. Section 4-59-2 NMSA 1978 (being Laws 1975, Chapter 286, Section 2, as amended) is amended to read:

"4-59-2. DEFINITIONS.--As used in the County Industrial Revenue Bond Act, unless the context clearly indicates otherwise:

A. "commission" means the governing body of a county;

B. "county" means those counties organized or incorporated in New Mexico;

C. "501(c)(3) corporation" means a corporation that demonstrates to the taxation and revenue department that it has been granted exemption from the federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended or renumbered;

D. "health care services" means the diagnosis or treatment of sick or injured persons or medical research and includes the ownership, operation, maintenance, leasing and disposition of health care facilities, such as hospitals, clinics, laboratories, x-ray centers and pharmacies;

E. "mortgage" means a mortgage or a mortgage and deed of trust or the pledge and hypothecation of any assets as collateral security;

F. "project" means any land and building or other improvements thereon, the acquisition by or for a New Mexico corporation of the assets or stock of an existing business or corporation located outside the state to be relocated within a county, but not within the boundaries of any incorporated municipality, in the state, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by the following or by any combination of two or more thereof:

(1) any industry for the manufacturing, processing or assembling of any agricultural or manufactured products;

(2) any commercial enterprise in storing, warehousing, distributing or selling products of agriculture, mining or industry, but does not include facilities designed for the sale or distribution to the public of electricity, gas, telephone or other services commonly classified as public utilities, except for:

(a) water utilities; and

(b) electricity generation facilities in any class B county with:

- 1) a population of more than forty-seven thousand but less than sixty thousand according to the 1990 federal decennial census and with a net taxable value for property taxation purposes for the 1999 property tax year of more than five hundred fifty million dollars (\$550,000,000);
- 2) a population of less than twenty thousand according to the 1990 federal decennial census and with a net taxable value for property taxation purposes for the 1999 property tax year of more than two hundred ten million dollars (\$210,000,000) but less than four hundred million dollars (\$400,000,000);
- 3) a population of more than fifteen thousand but less than nineteen thousand according to the 1990 federal decennial census and with a net taxable value for property taxation purposes for the 1999 property tax year of more than one hundred eighty million dollars (\$180,000,000) but less than two hundred forty million dollars (\$240,000,000);
- 4) a population of more than forty-two thousand but less than forty-five thousand according to the 1990 federal decennial census and with a net taxable value for property taxation purposes for the 1999 property tax year of more than three hundred million dollars (\$300,000,000) but less than four hundred million dollars (\$400,000,000);
- 5) a population of less than six thousand according to the 1990 federal decennial census and with a net taxable value for property taxation purposes for the 1999 property tax year of more than one hundred million dollars (\$100,000,000);
- or 6) a population of less than thirty-five thousand according to the 1990 federal decennial census and with a net

taxable value for property taxation purposes for the 1999 property tax year of more than seven hundred million dollars (\$700,000,000);

(3) any business in which all or part of the activities of such business involve the supplying of services to the general public or to governmental agencies or to a specific industry or customer;

(4) any nonprofit corporation engaged in health care services;

(5) any mass transit or other transportation activity involving the movement of passengers, any industrial park, any office headquarters and any research facility;

(6) any water distribution or irrigation system, including without limitation, pumps, distribution lines, transmission lines, towers, dams and similar facilities and equipment; and

(7) any 501(c)(3) corporation; and

G. "property" means any land, improvements thereon, buildings and any improvements thereto, machinery and equipment of any and all kinds necessary to the project, operating capital and any other personal properties deemed necessary in connection with the project."

Section 5. Section 4-59-3 NMSA 1978 (being Laws 1975, Chapter 286, Section 3) is amended to read:

"4-59-3. LEGISLATIVE INTENT.--It is the intent of the legislature by the passage of the County Industrial Revenue Bond Act to authorize counties to acquire, own, lease or sell projects for the purpose of promoting industry and trade by inducing manufacturing, industrial and commercial enterprises to locate or expand in this state, promoting the use of the agricultural products and natural resources of this state and promoting a sound and proper balance in this state between agriculture, commerce and industry. Further, it is the intent of the legislature that counties may be able to promote the local health and general welfare by inducing nonprofit corporations engaged in health care services and 501(c)(3) corporations to locate, relocate, modernize or expand in this state and by inducing mass transit or other transportation activities, industrial parks, office headquarters and research and development activities to locate or expand in this state. It is intended that each project be self-liquidating. It is not intended that any county itself be authorized to operate any manufacturing, industrial or commercial enterprise or any nonprofit corporation engaged in health care services or any 501(c)(3) corporation or industrial parks, office headquarters or research and development facilities."

Section 6. Section 58-23-3 NMSA 1978 (being Laws 1983, Chapter 290, Section 3, as amended) is amended to read:

"58-23-3. DEFINITIONS.--As used in the Hospital Equipment Loan Act:

A. "board" means the board of directors of the council;

B. "bonds" means bonds, notes, interim certificates, bond anticipation notes or other evidences of indebtedness of the council issued pursuant to the Hospital Equipment Loan Act, including refunding bonds;

C. "cost" as applied to health-related equipment means any and all costs of equipment, including but not limited to the following:

(1) all direct or indirect costs of the acquisition, including repair, restoration, reconditioning, financing and refinancing or installation of the health-related equipment;

(2) the cost of any property interest in the health-related equipment, including an option to purchase or a lease-hold interest;

(3) the cost of architectural, engineering, planning, drafting, legal and any incidental or related services necessary for acquisition of the health-related equipment;

(4) the cost of all financing charges and interest accrued prior to the acquisition or refinancing of the health-related equipment for a maximum of two years after or prior to such acquisition or refinancing;

(5) all direct and indirect costs incurred in connection with the financing of the health-related equipment, including out-of-pocket expenses; the cost of financing; legal, accounting, financial, advisory and consulting expenses; the cost of any policy of insurance; the cost of printing, engraving and reproduction services; and costs associated with any trust indenture; and

(6) any costs incurred by the council for the administration of any program for the purchase, sale or lease of or the making of loans for health-related equipment to any participating health-care provider;

D. "council" means the New Mexico hospital equipment loan council;

E. "health facility" means any person that:

(1) is licensed by the department of health to provide health-related services, assisted living support or long-term care;

(2) provides health-related research; or

(3) is properly accredited or certified and eligible to receive medicare or medicaid reimbursement for all or part of its activities providing mental health services, developmental disabilities services or related specialized support to or on behalf of persons or a defined group of persons;

F. "health-related equipment" means any real or personal property, instrument, service or operational necessity that is found and determined by the council to be needed, directly or indirectly, for medical care, treatment or research or other equipment as otherwise might be needed to operate the health facility;

G. "participating health facility" means a public or private nonprofit or for-profit corporation, association, foundation, trust, cooperative, agency or other person or organization that operates or proposes to operate a health facility in New Mexico and contracts with the council for the financing or refinancing of the lease or acquisition of health-related equipment. Public, district, county, city, county-municipal or other municipal hospitals and hospitals affiliated with an institution of higher education in New Mexico are participating health-care facilities; and

H. "program" means the New Mexico hospital equipment loan program created by the Hospital Equipment Loan Act and administered by the council."

HOUSE BILL 125

CHAPTER 26

CHAPTER 26, LAWS 2002

AN ACT

RELATING TO CAPITAL PROJECTS; CREATING THE WATER AND WASTEWATER PLANNING FUND; AUTHORIZING THE NEW MEXICO FINANCE AUTHORITY TO ISSUE REVENUE BONDS PAYABLE FROM THE PUBLIC PROJECT REVOLVING FUND FOR THE WATER AND WASTEWATER PLANNING FUND; DECLARING AN EMERGENCY.

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

Section 1. Section 6-21-6.1 NMSA 1978 (being Laws 1994, Chapter 145, Section 2, as amended) is amended to read:

"6-21-6.1. PUBLIC PROJECT REVOLVING FUND--APPROPRIATIONS TO OTHER FUNDS.--

A. The authority and the department of environment may enter into a joint powers agreement pursuant to the Joint Powers Agreements Act for the purpose of describing and allocating duties and responsibilities with respect to creation of an integrated loan and grant program to be financed through issuance of bonds payable from the public project revolving fund. The bonds may be issued in installments or at one time by the authority in amounts authorized by law. The aggregate amount of bonds authorized and outstanding pursuant to this subsection shall not be greater than the amount of bonds that may be annually repaid from an amount not to exceed thirty-five percent of the governmental gross receipts tax proceeds distributed to the public project revolving fund in the preceding fiscal year. The net proceeds may be used for purposes of the water and wastewater planning fund and the water and wastewater project grant fund as specified in the New Mexico Finance Authority Act or for purposes of the Wastewater Facility Construction Loan Act, the Rural Infrastructure Act, the Solid Waste Act or the Drinking Water State Revolving Loan Fund Act.

B. Public projects funded pursuant to the Wastewater Facility Construction Loan Act, the Rural Infrastructure Act, the Solid Waste Act or the Drinking Water State Revolving Loan Fund Act shall not require specific authorization by law as required in Sections 6-21-6 and 6-21-8 NMSA 1978.

C. At the end of each fiscal year, after all debt service charges, replenishment of reserves and administrative costs on all outstanding bonds, notes or other obligations payable from the public project revolving fund are satisfied, an aggregate amount not to exceed thirty-five percent of the governmental gross receipts tax proceeds distributed to the public project revolving fund in the preceding fiscal year less all debt service charges and administrative costs of the authority paid in the preceding fiscal year on bonds issued pursuant to this section may be appropriated by the legislature from the public project revolving fund to the following funds for local infrastructure financing:

(1) the wastewater facility construction loan fund for purposes of the Wastewater Facility Construction Loan Act;

(2) the rural infrastructure revolving loan fund for purposes of the Rural Infrastructure Act;

(3) the solid waste facility grant fund for purposes of the Solid Waste Act;

(4) the drinking water state revolving loan fund for purposes of the Drinking Water State Revolving Loan Fund Act;

(5) the water and wastewater project grant fund for purposes specified in the New Mexico Finance Authority Act; or

(6) the water and wastewater planning fund for purposes specified in the New Mexico Finance Authority Act.

D. The authority and the department of environment in coordination with the New Mexico finance authority oversight committee may recommend annually to each regular session of the legislature amounts to be appropriated to the funds listed in Subsection C of this section for local infrastructure financing."

Section 2. A new section of the New Mexico Finance Authority Act is enacted to read:

"WATER AND WASTEWATER PLANNING FUND--CREATION--
ADMINISTRATION--PURPOSES.--

A. The "water and wastewater planning fund" is created within the authority, which shall be administered by the authority. The authority shall adopt rules necessary to administer the fund.

B. The following shall be deposited directly into the water and wastewater planning fund:

(1) the net proceeds from the sale of bonds issued pursuant to the provisions of Section 6-21-6.1 NMSA 1978 for the purposes of the water and wastewater planning fund and payable from the public project revolving fund;

(2) money appropriated by the legislature to implement the provisions of this section; and

(3) any other public or private money dedicated to the fund.

C. Money in the water and wastewater planning fund is appropriated to the authority to make grants to qualified entities to evaluate and to estimate the costs of implementing the most feasible alternatives for meeting water and wastewater public project needs and to pay administrative costs of the water and wastewater planning program.

D. The authority shall adopt rules governing the terms and conditions of grants made from the water and wastewater planning fund. Grants may be made from the fund only with the agreement of the qualified entity to reimburse the fund for the amount of the grant when financing from any source is subsequently received by the qualified entity for the water or wastewater public project.

E. The authority may make grants from the water and wastewater planning fund to qualified entities without specific authorization by law for each grant."

Section 3. A new section of the New Mexico Finance Authority Act is enacted to read:

"NEW MEXICO FINANCE AUTHORITY REVENUE BONDS--PURPOSES.--The New Mexico finance authority may issue and sell revenue bonds payable from the public project revolving fund in compliance with the New Mexico Finance Authority Act in installments or at any one time in an amount not to exceed one million dollars (\$1,000,000), the net proceeds of which shall be deposited in the water and wastewater planning fund and used for the purposes of the fund."

Section 4. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect

immediately.

SENATE BILL 40, WITH EMERGENCY CLAUSE

SIGNED March 4, 2002

CHAPTER 27

CHAPTER 27, LAWS 2002

AN ACT

MAKING AN APPROPRIATION FROM THE BOARD OF NURSING FUND FOR RESEARCH ON THE NURSING CRISIS; DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION.--Fifty thousand dollars (\$50,000) is appropriated from the board of nursing fund to the board of nursing for expenditure in fiscal years 2002 and 2003 to contract for a statewide study of the need for additional nurses and the types of education and training necessary to meet New Mexico's health care needs. Any unexpended or unencumbered balance remaining at the end of fiscal year 2003 shall revert to the board of nursing fund.

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

SENATE BILL 42 WITH EMERGENCY CLAUSE

SIGNED MARCH 4, 2002

CHAPTER 28

CHAPTER 28, LAWS 2002

AN ACT

RELATING TO TAXATION; MAKING A TECHNICAL CORRECTION TO THE GROSS RECEIPTS AND COMPENSATING TAX ACT.

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

Section 1. Section 7-9-3 NMSA 1978 (being Laws 1978, Chapter 46, Section 1, as amended by Laws 2001, Chapter 65, Section 1 and by Laws 2001, Chapter 343, Section 1) is amended to read:

"7-9-3. DEFINITIONS.--As used in the Gross Receipts and Compensating Tax Act:

A. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

B. "buying" or "selling" means any transfer of property for consideration or any performance of service for consideration;

C. "construction" means building, altering, repairing or demolishing in the ordinary course of business any:

(1) road, highway, bridge, parking area or related project;

(2) building, stadium or other structure;

(3) airport, subway or similar facility;

(4) park, trail, athletic field, golf course or similar facility;

(5) dam, reservoir, canal, ditch or similar facility;

(6) sewerage or water treatment facility, power generating plant, pump station, natural gas compressing station, gas processing plant, coal gasification plant, refinery, distillery or similar facility;

(7) sewerage, water, gas or other pipeline;

(8) transmission line;

(9) radio, television or other tower;

(10) water, oil or other storage tank;

(11) shaft, tunnel or other mining appurtenance;

(12) microwave station or similar facility;

(13) retaining wall, wall, fence gate or similar structure; or

(14) similar work;

"construction" also means:

(15) leveling or clearing land;

(16) excavating earth;

(17) drilling wells of any type, including seismograph shot holes or core drilling; or

(18) similar work;

D. "financial corporation" means any savings and loan association or any incorporated savings and loan company, trust company, mortgage banking company, consumer finance company or other financial corporation;

E. "engaging in business" means carrying on or causing to be carried on any activity with the purpose of direct or indirect benefit, except that:

(1) "engaging in business" does not include having a worldwide web site as a third-party content provider on a computer physically located in New Mexico but owned by another nonaffiliated person; and

(2) "engaging in business" does not include using a nonaffiliated third-party call center to accept and process telephone or electronic orders of tangible

personal property or licenses primarily from non-New Mexico buyers, which orders are forwarded to a location outside New Mexico for filling, or to provide services primarily to non-New Mexico customers;

F. "gross receipts" means the total amount of money or the value of other consideration received from selling property in New Mexico, from leasing property employed in New Mexico, from selling services performed outside New Mexico the product of which is initially used in New Mexico or from performing services in New Mexico. In an exchange in which the money or other consideration received does not represent the value of the property or service exchanged, "gross receipts" means the reasonable value of the property or service exchanged.

(1) "Gross receipts" includes:

(a) any receipts from sales of tangible personal property handled on consignment;

(b) the total commissions or fees derived from the business of buying, selling or promoting the purchase, sale or leasing, as an agent or broker on a commission or fee basis, of any property, service, stock, bond or security;

(c) amounts paid by members of any cooperative association or similar organization for sales or leases of personal property or performance of services by such organization; and

(d) amounts received from transmitting messages or conversations by persons providing telephone or telegraph services.

(2) "Gross receipts" excludes:

(a) cash discounts allowed and taken;

(b) New Mexico gross receipts tax, governmental gross receipts tax and leased vehicle gross receipts tax payable on transactions for the reporting period;

(c) taxes imposed pursuant to the provisions of any local option gross receipts tax that is payable on transactions for the reporting period;

(d) any gross receipts or sales taxes imposed by an Indian nation, tribe or pueblo; provided that the tax is approved, if approval is required by federal law or regulation, by the secretary of the interior of the United States; and provided further that the gross receipts or sales tax imposed by the Indian nation, tribe or pueblo provides a reciprocal exclusion for gross receipts, sales or gross receipts-based excise taxes imposed by the state or its political subdivisions;

(e) any type of time-price differential; and

(f) amounts received solely on behalf of another in a disclosed agency capacity.

(3) When the sale of property or service is made under any type of charge, conditional or time-sales contract or the leasing of property is made under a leasing contract, the seller or lessor may elect to treat all receipts, excluding any type of time-price differential, under such contracts as gross receipts as and when the payments are actually received. If the seller or lessor transfers his interest in any such contract to a third person, the seller or lessor shall pay the gross receipts tax upon the full sale or leasing contract amount, excluding any type of time-price differential;

G. "manufacturing" means combining or processing components or materials to increase their value for sale in the ordinary course of business, but does not include construction;

H. "person" means:

(1) an individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, limited liability company, limited liability partnership, joint venture, syndicate or other entity, including any gas, water or electric utility owned or operated by a county, municipality or other political subdivision of the state; or

(2) a national, federal, state, Indian or other governmental unit or subdivision, or an agency, department or instrumentality of any of the foregoing;

I. "property" means real property, tangible personal property, licenses, franchises, patents, trademarks and copyrights. Tangible personal property includes electricity and manufactured homes;

J. "leasing" means an arrangement whereby, for a consideration, property is employed for or by any person other than the owner of the property except that the granting of a license to use property is the sale of a license and not a lease;

K. "service" means all activities engaged in for other persons for a consideration, which activities involve predominantly the performance of a service as distinguished from selling or leasing property. "Service" includes activities performed by a person for its members or shareholders. In determining what is a service, the intended use, principal objective or ultimate objective of the contracting parties shall not be controlling. "Service" includes construction activities and all tangible personal property that will become an ingredient or component part of a construction project. Such tangible personal property retains its character as tangible personal property until it is installed as an ingredient or component part of a construction project in New Mexico. However, sales of tangible personal property that will become an ingredient or

component part of a construction project to persons engaged in the construction business are sales of tangible personal property;

L. "use" or "using" includes use, consumption or storage other than storage for subsequent sale in the ordinary course of business or for use solely outside this state;

M. "secretary" means the secretary of taxation and revenue or the secretary's delegate;

N. "manufactured home" means a movable or portable housing structure for human occupancy that exceeds either a width of eight feet or a length of forty feet constructed to be towed on its own chassis and designed to be installed with or without a permanent foundation;

O. "initial use" or "initially used" means the first employment for the intended purpose and does not include the following activities:

(1) observation of tests conducted by the performer of services;

(2) participation in progress reviews, briefings, consultations and conferences conducted by the performer of services;

(3) review of preliminary drafts, drawings and other materials prepared by the performer of the services;

(4) inspection of preliminary prototypes developed by the performer of services; or

(5) similar activities;

P. "research and development services" means an activity engaged in for other persons for consideration, for one or more of the following purposes:

(1) advancing basic knowledge in a recognized field of natural science;

(2) advancing technology in a field of technical endeavor;

(3) the development of a new or improved product, process or system with new or improved function, performance, reliability or quality, whether or not the new or improved product, process or system is offered for sale, lease or other transfer;

(4) the development of new uses or applications for an existing product, process or system, whether or not the new use or application is offered as the rationale for purchase, lease or other transfer of the product, process or system;

(5) analytical or survey activities incorporating technology review, application, trade-off study, modeling, simulation, conceptual design or similar activities, whether or not offered for sale, lease or other transfer; or

(6) the design and development of prototypes or the integration of systems incorporating advances, developments or improvements included in Paragraphs (1) through (5) of this subsection;

Q. "local option gross receipts tax" means a tax authorized to be imposed by a county or municipality upon the taxpayer's gross receipts and required to be collected by the department at the same time and in the same manner as the gross receipts tax; "local option gross receipts tax" includes the taxes imposed pursuant to the Municipal Local Option Gross Receipts Taxes Act, Supplemental Municipal Gross Receipts Tax Act, County Local Option Gross Receipts Taxes Act, Local Hospital Gross Receipts Tax Act, County Correctional Facility Gross Receipts Tax Act and such other acts as may be enacted authorizing counties or municipalities to impose taxes on gross receipts, which taxes are to be collected by the department;

R. "prescription drugs" means insulin and substances that are:

(1) dispensed by or under the supervision of a licensed pharmacist or by a physician or other person authorized under state law to do so;

(2) prescribed for a specified person by a person authorized under state law to prescribe the substance; and

(3) subject to the restrictions on sale contained in Subparagraph 1 of Subsection (b) of 21 USCA 353; and

S. "construction material" means tangible personal property that becomes or is intended to become an ingredient or component part of a construction project, but "construction material" does not include a replacement fixture when the replacement is not construction or a replacement part for a fixture."

SENATE BILL 21, AS AMENDED

CHAPTER 29

CHAPTER 29, LAWS 2002

AN ACT

RELATING TO TAXATION; PROVIDING A DEDUCTION FROM THE GROSS RECEIPTS TAX FOR BALING WIRE USED FOR FEED SOLD FOR LIVESTOCK.

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

Section 1. Section 7-9-58 NMSA 1978 (being Laws 1969, Chapter 144, Section 48, as amended) is amended to read:

"7-9-58. DEDUCTION--GROSS RECEIPTS TAX--FEED--

FERTILIZERS.--

A. Receipts from selling feed for livestock, including the baling wire or twine used to contain the feed, fish raised for human consumption, poultry or animals raised for their hides or pelts and from selling seeds, roots, bulbs, plants, soil conditioners, fertilizers, insecticides, germicides, insects used to control populations of other insects, fungicides or weedicides or water for irrigation purposes may be deducted from gross receipts if the sale is made to a person who states in writing that he is regularly engaged in the business of farming, ranching or raising animals for their hides or pelts.

B. Receipts of auctioneers from selling livestock or other agricultural products at auction may also be deducted from gross receipts."

SENATE BILL 23, AS AMENDED

CHAPTER 30

CHAPTER 30, LAWS 2002

AN ACT

RELATING TO HEALTH; UPDATING THE ASSURANCE CONTRACT REFERENCE AND DEFINITION; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 59A-22-43 NMSA 1978 (being Laws 2001, Chapter 27, Section 1) is amended to read:

"59A-22-43. REQUIRED COVERAGE OF PATIENT COSTS INCURRED IN
CANCER CLINICAL TRIALS.--

A. A health plan shall provide coverage for routine patient care costs incurred as a result of the patient's participation in a phase II, III or IV cancer clinical trial if:

(1) the clinical trial is undertaken for the purposes of the prevention of reoccurrence of cancer, early detection or treatment of cancer for which no equally or more effective standard cancer treatment exists;

(2) the clinical trial is not designed exclusively to test toxicity or disease pathophysiology and it has a therapeutic intent;

(3) the clinical trial is being provided in this state as part of a scientific study of a new therapy or intervention and is for the prevention of reoccurrence, early detection, treatment or palliation of cancer in humans and in which the scientific study includes all of the following:

(a) specific goals;

(b) a rationale and background for the study;

(c) criteria for patient selection;

(d) specific direction for

administering the therapy or intervention and for monitoring patients;

(e) a definition of quantitative measures for determining treatment response;

(f) methods for documenting and treating adverse reactions;
and

(g) a reasonable expectation that the treatment will be at least as efficacious as standard cancer treatment;

(4) the clinical trial is being conducted with approval of at least one of the following:

(a) one of the federal national institutes of health;

(b) a federal national institutes of health cooperative group or center;

(c) the federal department of defense;

(d) the federal food and drug administration in the form of an investigational new drug application;

(e) the federal department of veterans affairs; or

(f) a qualified research entity that meets the criteria established by the federal national institutes of health for grant eligibility;

(5) the clinical trial is being provided as part of a study being conducted in a phase II, phase III or phase IV cancer clinical trial;

(6) the proposed clinical trial or study has been reviewed and approved by an institutional review board that has an active federal-wide assurance of protection for human subjects;

(7) the personnel providing the clinical trial or conducting the study:

(a) are providing the clinical trial or conducting the study within their scope of practice, experience and training and are capable of providing the clinical trial because of their experience, training and volume of patients treated to maintain their expertise;

(b) agree to accept reimbursement as payment in full from the health plan at the rates that are established by that plan and are not more than the level of reimbursement applicable to other similar services provided by health care providers within the plan's provider network; and

(c) agree to provide written notification to the health plan when a patient enters or leaves a clinical trial;

(8) there is no non-investigational treatment equivalent to the clinical trial; and

(9) the available clinical or preclinical data provide a reasonable expectation that the clinical trial will be at least as efficacious as any non-investigational alternative.

B. Pursuant to the patient informed consent document, no third party is liable for damages associated with the treatment provided during a phase of a cancer clinical trial.

C. If a patient is denied coverage of a cost and contends that the denial is in violation of this section, the patient may appeal the decision to deny the coverage of a cost to the superintendent, and that appeal shall be expedited to ensure resolution of

the appeal within no more than thirty days after the date of appeal to the superintendent. Programs pursuant to Title 19 or Title 21 of the federal Social Security Act, which have their respective expedited appeal processes, shall be exempt from this subsection.

D. A health plan shall not provide benefits that supplant a portion of a cancer clinical trial that is customarily paid for by government, biotechnical, pharmaceutical or medical device industry sources.

E. The provisions of this section do not create a private right or cause of action for or on behalf of a patient against the health plan providing coverage. This section provides only an administrative remedy to the superintendent for violation of this section or a related rule promulgated by the superintendent.

F. A health plan may impose deductibles, coinsurance requirements or other standard cost-sharing provisions on benefits provided pursuant to this section.

G. In no event shall the health plan be responsible for out-of-state or out-of-network costs unless the health plan pays for standard treatment out of state or out of network.

H. The provisions of this section do not apply to short-term travel, accident-only or limited or specified disease contracts or policies issued by a health plan.

I. As used in this section:

(1) "clinical trial" means a course of treatment provided to a patient for the purpose of prevention of reoccurrence, early detection or treatment of cancer;

(2) "cooperative group" means a formal network of facilities that collaborate on research projects and have an established federal national institutes of health-approved peer review program operating within the group;

(3) "health plan":

(a) means: 1) a health insurer; 2) a nonprofit health service provider; 3) a health maintenance organization; 4) a managed care organization; 5) a provider service organization; or 6) the state's medical assistance program, whether providing services on a managed care or

fee-for-service basis; and

(b) does not include individual policies intended to supplement major medical group-type coverages such as medicare supplement, long-

term care, disability income, specified disease, accident only, hospital indemnity or other limited-benefit health insurance policies;

(4) "institutional review board" means a board, committee or other group that is both:

(a) formally designated by an institution to approve the initiation of and to conduct periodic review of biomedical research involving human subjects and in which the primary purpose of the review is to assure the protection of the rights and welfare of the human subjects and not to review a clinical trial for scientific merit; and

(b) approved by the federal national institutes of health for protection of the research risks;

(5) "investigational drug or device" means a drug or device that has not been approved by the federal food and drug administration;

(6) "federal-wide assurance of protection for human subjects" means a contract between an institution and the office for human research protections of the federal department of health and human services that defines the relationship of the institution to that department and sets out the responsibilities of the institution and the procedures that will be used by the institution to protect human subjects participating in clinical trials;

(7) "patient" means an individual who participates in a cancer clinical trial and who is an insured, a member or a beneficiary of a health plan; and

(8) "routine patient care cost":

(a) means: 1) a medical service or treatment that is a benefit under a health plan that would be covered if the patient were receiving standard cancer treatment; or 2) a drug provided to a patient during a cancer clinical trial if the drug has been approved by the federal food and drug administration, whether or not that organization has approved the drug for use in treating the patient's particular condition, but only to the extent that the drug is not paid for by the manufacturer, distributor or provider of the drug; and

(b) does not include: 1) the cost of an investigational drug, device or procedure; 2) the cost of a non-health care service that the patient is required to receive as a result of participation in the cancer clinical trial; 3) costs associated with managing the research that is associated with the cancer clinical trial; 4) costs that would not be covered by the patient's health plan if non-investigational treatments were provided; 5) costs of those extra tests that would not be performed except for participation in the cancer clinical trial; and 6) costs paid or not charged for by the cancer clinical trial providers."

SENATE BILL 10, AS AMENDED

CHAPTER 31

CHAPTER 31, LAWS 2002

AN ACT

RELATING TO HIGHER EDUCATION; CREATING THE FACULTY ENDOWMENT FUND; PROVIDING MATCHING FUNDS TO CREATE ENDOWED CHAIRS, PROFESSORSHIPS AND FACULTY DEVELOPMENT PROGRAMS TO ATTRACT AND RETAIN THE HIGHEST QUALITY FACULTY; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Section 1. FACULTY ENDOWMENT FUND CREATED.--

A. The "faculty endowment fund" is created in the state treasury. The fund shall consist of appropriations, income from investment of the fund, gifts, grants, donations and bequests. Money in the fund shall not revert at the end of any fiscal year.

B. The faculty endowment fund shall be administered by the commission on higher education. Money shall be disbursed only on warrant of the secretary of finance and administration upon voucher signed by the executive director of the commission on higher education or his authorized representative.

C. Money shall be disbursed from the faculty endowment fund only to establish endowments for chairs, professorships and faculty development programs at four-year public post-secondary educational institutions as provided in this section. An institution shall not receive a disbursement for an endowment until that institution has notified the commission on higher education that it has received matching funds for the endowment from other than governmental sources in an amount that is equal to or greater than the amount authorized by this section to be disbursed for the endowment.

D. Money in the faculty endowment fund is appropriated to the commission on higher education to be disbursed for the following endowment purposes in the following amounts:

(1) for endowed chairs, five hundred thousand dollars (\$500,000) for each endowed chair;

(2) for endowed professorships, two hundred thousand dollars (\$200,000) for each endowed professorship; and

(3) for endowed faculty development programs, to include lectureships, graduate fellowships and other faculty support programs, thirty-seven thousand five hundred dollars (\$37,500) for each endowed faculty development program.

E. Until June 30, 2005, the following institutions shall be eligible for the following disbursements from the fund:

(1) the university of New Mexico for four endowed chairs;

(2) New Mexico state university for four endowed chairs;

(3) New Mexico institute of mining and technology for two endowed chairs;

(4) the university of New Mexico for two endowed chairs at the university of New Mexico medical center; and

(5) the university of New Mexico, New Mexico state university, New Mexico highlands university, New Mexico institute of mining and technology, western New Mexico university and eastern New Mexico university for endowed professorships and endowed faculty development programs. The number of endowed professorships and endowed faculty development programs allocated to each of the named institutions shall be in the same ratio to the total number of endowed professorships and endowed faculty development programs allocated to all of the named institutions as the main campus full-time-equivalent enrollment of the institution bears to the total main campus full-time-equivalent enrollment of all of the named institutions. For purposes of this paragraph, the main campus full-time-equivalent enrollment of each institution shall be based on enrollment figures for the second semester of the 2001-2002 school year.

F. On or after July 1, 2005, money remaining in the faculty endowment fund shall be available for additional disbursements by the commission on higher education to any of the institutions named in this section, subject to receipt of matching funds. Disbursements may be made based on the date requests for additional disbursement are received by the commission.

G. The endowment funds of the institutions shall not be expended but shall be invested by the institutions in accordance with the prudent man rule, and in accordance with the provisions of Section 21-1-38 NMSA 1978. The income from the investments shall be used by the institutions to provide funding for chairs, professorships and faculty development programs, including paying all or a portion of the salary of the faculty member or the expenses necessary to support associated academic activities.

H. Disbursements of the faculty endowment fund by the commission on higher education shall be allocated as follows:

(1) fifty percent of the disbursements shall be for endowed chairs;

(2) thirty-five percent of the disbursements shall be for endowed professorships; and

(3) fifteen percent of the disbursements shall be for endowed faculty development programs.

I. If the disbursements allocated for endowed chairs are not sufficient to fund the number of positions specified in Paragraphs (1) through (4) of Subsection E of this section, the number of endowed chairs for each of those four institutions shall be proportioned by the commission on higher education in the same manner as endowed professorships and endowed faculty development programs are proportioned in Paragraph (5) of Subsection E of this section, except that each of the four institutions shall be allocated at least one endowed chair.

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

SENATE BILL 14, AS AMENDED,

WITH EMERGENCY CLAUSE

SIGNED MARCH 4, 2002

CHAPTER 32

CHAPTER 32, LAWS 2002

AN ACT

RELATING TO ENERGY; AMENDING THE DEFINITION OF ALTERNATIVE FUEL; REQUIRING STATE AGENCIES AND EDUCATIONAL INSTITUTIONS TO ACQUIRE VEHICLES CAPABLE OF OPERATING ON ALTERNATIVE FUEL; REQUIRING REPORTING OF ALTERNATIVE FUEL VEHICLE ACQUISITIONS BY STATE AGENCIES; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 13-1-188 NMSA 1978 (being Laws 1984, Chapter 65, Section 161) is amended to read:

"13-1-188. PUBLIC ACQUISITION OF AMERICAN-MADE MOTOR VEHICLES REQUIRED.--A state agency shall only acquire motor vehicles assembled in North America except for gas-electric hybrid vehicles until these vehicles are assembled in North America. For the purposes of this section, "motor vehicle" means a light duty vehicle under 8,500 pounds."

Section 2. Section 13-1B-1 NMSA 1978 (being Laws 1992, Chapter 58, Section 1) is amended to read:

"13-1B-1. SHORT TITLE.--Chapter 13, Article 1B NMSA 1978 may be cited as the "Alternative Fuel Acquisition Act"."

Section 3. Section 13-1B-2 NMSA 1978 (being Laws 1992, Chapter 58, Section 2, as amended) is amended to read:

"13-1B-2. DEFINITIONS.--As used in the Alternative Fuel Acquisition Act:

A. "alternative fuel" means natural gas, liquefied petroleum gas, electricity, hydrogen, a fuel mixture containing not less than eighty-five percent ethanol or methanol, a fuel mixture containing not less than twenty percent vegetable oil or a water-phased hydrocarbon fuel emulsion consisting of a hydrocarbon base and water in an amount not less than twenty percent by volume of the total water-phased fuel emulsion;

B. "conventional fuel" means gasoline or diesel fuel;

C. "department" means the energy, minerals and natural resources department;

D. "fund" means the alternative fuel acquisition loan fund;

E. "political subdivision" means a county, municipality or school district;
and

F. "vehicle" means a light duty vehicle under 8,500 pounds."

Section 4. Section 13-1B-3 NMSA 1978 (being Laws 1992, Chapter 58, Section 3, as amended) is amended to read:

"13-1B-3. ACQUISITION OF VEHICLES--EXEMPTIONS.--

A. Seventy-five percent of vehicles acquired in fiscal year 2003 and each fiscal year thereafter by the agencies and departments of state government and educational institutions shall be vehicles that are capable of operating on alternative fuel

or are gas-electric hybrid vehicles. Vehicles capable of operating on alternative fuel may have either bi-fuel capability or dedicated engine configurations.

B. Certified law enforcement pursuit vehicles and emergency vehicles are exempt from the provisions of the Alternative Fuel Acquisition Act. The department may exempt additional vehicles from the requirements of Subsection A of this section upon demonstration by the acquiring entity that:

(1) alternative fuels are unavailable at a cost within fifteen percent of the cost of conventional fuel within the normal driving range of these vehicles; or

(2) a vehicle suitable for its intended use and capable of operating on alternative fuel or a gas-electric hybrid is not available from an original equipment manufacturer.

C. Equipment and installation procedures shall conform to all applicable state and federal safety and environmental regulations and standards.

D. The agencies and departments of state government, political subdivisions and educational institutions may submit loan applications to the department to acquire loans to facilitate the acquisition of their vehicles.

E. Agencies and departments of state government and educational institutions shall provide to the department by September 1, 2003 and by September 1 of each year thereafter the total number of vehicles acquired in the preceding fiscal year, the number of those vehicles that are capable of operating on alternative fuel or that are gas-electric hybrid vehicles and the make, model and fuel type of each of the alternative fuel or gas-electric hybrid vehicles."

Section 5. Section 13-1B-4 NMSA 1978 (being Laws 1992, Chapter 58, Section 4) is amended to read:

"13-1B-4. REVOLVING LOAN FUND CREATED--ADMINISTRATION.--

A. The "alternative fuel acquisition loan fund" is created in the state treasury as a revolving loan fund. The department shall administer the fund and make loans from the fund in accordance with the Alternative Fuel Acquisition Act.

B. The fund shall consist of earnings on balances in the fund, receipts from the repayment of loans made pursuant to the Alternative Fuel Acquisition Act and appropriations made by the legislature.

C. The fund balance shall not exceed five million dollars (\$5,000,000), and any balance in the fund of five million dollars (\$5,000,000) or less shall not revert to the general fund at the end of any fiscal year. Interest on cash balances and repayment of

loans in excess of the amount necessary to maintain the fund balance at five million dollars (\$5,000,000) shall be deposited in the general fund.

D. Administrative costs of the fund shall be paid by the department until interest revenues in the fund are sufficient to cover administrative costs, at which time administrative costs may be paid from the fund.

E. Expenditures from the fund shall be supported by loan documents evidencing the intent of the borrower to repay the loan. The original loan documents shall be filed with the department of finance and administration, and a copy shall be filed with the department."

Section 6. Section 13-1B-5 NMSA 1978 (being Laws 1992, Chapter 58, Section 5, as amended) is amended to read:

"13-1B-5. REVOLVING LOAN FUND--LOANS MADE FROM THE FUND.--

A. Money available in the fund may be loaned by the department to reimburse the expenses incurred in acquiring vehicles of the agencies and departments of state government, political subdivisions and educational institutions from gasoline to alternative fuel.

B. A state agency or department, a political subdivision or an educational institution to which a loan is made shall demonstrate the ability to pay back the loan within seven years of the date that its vehicles are acquired.

C. The maximum amount loaned to acquire a vehicle shall not exceed the actual cost of acquiring the vehicle or three thousand dollars (\$3,000), whichever is less."

Section 7. Section 13-1B-6 NMSA 1978 (being Laws 1992, Chapter 58, Section 6, as amended) is amended to read:

"13-1B-6. LOAN PROGRAM--DUTIES OF THE DEPARTMENT.--

A. The department shall:

(1) administer the provisions of the Alternative Fuel Acquisition Act, except that the provisions of Section 13-1B-3 NMSA 1978 shall be administered by the commission on higher education and the state department of public education for their respective programs;

(2) establish a program to make loans to the agencies and departments of state government, political subdivisions and educational institutions, individually or jointly, to facilitate the acquisition of vehicles of the agencies and

departments of state government, political subdivisions and educational institutions in accordance with the Alternative Fuel Acquisition Act;

(3) review, evaluate and approve or reject all loan applications submitted to obtain loans from the fund;

(4) submit an annual report to the governor and the legislature evaluating the status and the effectiveness of the Alternative Fuel Acquisition Act; and

(5) have an annual audit performed on the administration of the fund.

B. The department shall adopt rules and regulations necessary to carry out the purposes of the Alternative Fuel Acquisition Act, including rules and regulations governing:

(1) the procedures and format for submitting loan applications to the department to obtain a loan from the fund;

(2) the criteria to review, evaluate and approve loan applications;

(3) the procedure to determine the distribution of money in the fund; and

(4) the procedure to determine and notify an applicant of the progress on a loan application."

Section 8. Section 13-1B-7 NMSA 1978 (being Laws 1992, Chapter 58, Section 7) is amended to read:

"13-1B-7. REPAYMENT OF LOANS TO THE FUND.--

A. When developing the repayment schedule for loans from the fund, the department shall consider the projected savings from alternative fuel.

B. The department of finance and administration shall collect and account for the loans made from the fund, and it shall have custody of all of the original loan documents, including all notes and contracts evidencing the amounts owed to the fund.

C. Loans shall be made for a period of time not to exceed seven years, with an annual interest rate of five percent. A loan shall be repaid in equal annual installments, with the first annual installment due within one year of the date on which the loan is issued.

D. Loans shall be made only for eligible items."

Section 9. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

SENATE BILL 18, AS AMENDED

CHAPTER 33

CHAPTER 33, LAWS 2002

AN ACT

MAKING AN APPROPRIATION FOR DRINKING WATER SYSTEM FINANCING;
DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION.--One million five hundred fifty-seven thousand eight hundred twenty dollars (\$1,557,820) is appropriated from the public project revolving fund to the drinking water state revolving loan fund for expenditure in fiscal year 2002 and subsequent fiscal years to carry out the purposes of the Drinking Water State Revolving Loan Fund Act. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the public project revolving fund.

Section 2. EMERGENCY.--It is necessary for the public

peace, health and safety that this act take effect

immediately.

SENATE BILL 34, WITH EMERGENCY CLAUSE

SIGNED MARCH 4, 2002

CHAPTER 34

CHAPTER 34, LAWS 2002

AN ACT

RELATING TO DOMESTIC ABUSE; PROVIDING FOR FORBEARANCE OF COSTS FOR FILING OF CRIMINAL CHARGES FOR VICTIMS OF DOMESTIC ABUSE; CLARIFYING POLICY REGARDING DUAL ARRESTS IN DOMESTIC ABUSE INCIDENTS; PROVIDING FOR TRAINING FOR POLICE OFFICERS; DECLARING AN EMERGENCY.

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

Section 1. A new section of the Criminal Code is enacted to read:

"ALLEGED VICTIMS OF DOMESTIC ABUSE, STALKING OR SEXUAL ASSAULT--FORBEARANCE OF COSTS.--

A. An alleged victim of an offense specified in Subsection B of this section is not required to bear the cost of:

offense;

- (1) filing a criminal charge against an alleged perpetrator of the

- (2) the issuance or service of a warrant;

- (3) the issuance or service of a witness subpoena; or

- (4) the issuance or service of a protection order.

B. The provisions of Subsection A of this section apply to alleged victims of domestic abuse as defined in Section 40-13-2 NMSA 1978 and:

- (1) sexual offenses described in Sections 30-9-11 through 30-9-14 and 30-9-14.3 NMSA 1978;

- (2) crimes against household members described in Sections 30-3-12 through 30-3-16 NMSA 1978;

- (3) harassment, stalking and aggravated stalking described in Sections 30-3A-2 through 30-3A-3.1 NMSA 1978; and

- (4) the violation of an order of protection described in Subsection E of Section 40-13-6 NMSA 1978."

Section 2. A new section of the Family Violence Protection Act is enacted to read:

"LEGISLATIVE FINDINGS--STATE POLICY--DUAL ARRESTS.--The legislature finds that domestic abuse incidents are complex and require special training on the part of law enforcement officers to respond appropriately to domestic abuse incidents. The state of New Mexico discourages dual arrests of persons involved in incidents of domestic abuse. A law enforcement officer, in making arrests for domestic abuse, shall seek to identify and shall consider whether one of the parties acted in self defense."

Section 3. A new section of the Law Enforcement Training Act is enacted to read:

"DOMESTIC ABUSE INCIDENT TRAINING.--Domestic abuse incident training shall be included in the curriculum of each basic law enforcement training class. Domestic abuse incident training shall be included as a component of

in-service training each year for certified police officers."

Section 4. EMERGENCY.--It is necessary for the public

peace, health and safety that this act take effect

immediately.

SENATE BILL 294, AS AMENDED

WITH EMERGENCY CLAUSE

SIGNED MARCH 4, 2002

CHAPTER 35

CHAPTER 35, LAWS 2002

AN ACT

RELATING TO DOMESTIC ABUSE; PROVIDING FOR FORBEARANCE OF COSTS FOR FILING OF CRIMINAL CHARGES FOR VICTIMS OF DOMESTIC ABUSE; CLARIFYING POLICY REGARDING DUAL ARRESTS IN DOMESTIC ABUSE INCIDENTS; PROVIDING FOR TRAINING FOR POLICE OFFICERS; DECLARING AN EMERGENCY.

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

Section 1. A new section of the Criminal Code is enacted to read:

"ALLEGED VICTIMS OF DOMESTIC ABUSE, STALKING OR SEXUAL ASSAULT--FORBEARANCE OF COSTS.--

A. An alleged victim of an offense specified in Subsection B of this section is not required to bear the cost of:

offense;

- (1) filing a criminal charge against an alleged perpetrator of the

- (2) the issuance or service of a warrant;

- (3) the issuance or service of a witness subpoena; or

- (4) the issuance or service of a protection order.

B. The provisions of Subsection A of this section apply to alleged victims of domestic abuse as defined in Section 40-13-2 NMSA 1978 and:

- (1) sexual offenses described in Sections 30-9-11 through 30-9-14 and 30-9-14.3 NMSA 1978;

- (2) crimes against household members described in Sections 30-3-12 through 30-3-16 NMSA 1978;

- (3) harassment, stalking and aggravated stalking described in Sections 30-3A-2 through 30-3A-3.1 NMSA 1978; and

- (4) the violation of an order of protection described in Subsection E of Section 40-13-6 NMSA 1978."

Section 2. A new section of the Family Violence Protection Act is enacted to read:

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Section 3. A new section of the Law Enforcement Training Act is enacted to read:

"DOMESTIC ABUSE INCIDENT TRAINING.--Domestic abuse incident training shall be included in the curriculum of each basic law enforcement training class. Domestic abuse incident training shall be included as a component of in-

service training each year for certified police officers."

Section 4. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HOUSE JUDICIARY COMMITTEE SUBSTITUTE

FOR HOUSE BILL 242, AS AMENDED

WITH EMERGENCY CLAUSE

SIGNED MARCH 4, 2002

CHAPTER 36

CHAPTER 36, LAWS 2002

AN ACT

RELATING TO TAXATION; PROVIDING A TAX CREDIT FOR A PORTION OF DIRECT FILM PRODUCTION EXPENDITURES FOR FILMS MADE IN NEW MEXICO; DECLARING AN EMERGENCY.

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

Section 1. FILM PRODUCTION TAX CREDIT.--

A. The tax credit created by this section may be referred to as the "film production tax credit". An eligible film production company may apply for, and the taxation and revenue department may allow, a tax credit for fifteen percent of direct production expenditures made in New Mexico that are directly attributable to the production in New Mexico of a film and subject to taxation by the state of New Mexico.

B. The film production tax credit shall not be claimed with respect to expenditures for which the film production company has delivered a nontaxable transaction certificate pursuant to Section 7-9-86 NMSA 1978.

C. A long-form narrative film production for which the film production tax credit is claimed shall contain an acknowledgment that the production was filmed in New Mexico.

D. As used in this section:

(1) "direct production expenditure" includes:

- (a) the cost of a story and scenario to be used for a film;
- (b) wages or salaries for talent, management and labor paid to persons who are residents of New Mexico;
- (c) the cost of set construction and operations, wardrobe, accessories and related services;
- (d) the cost of photography, sound synchronization, lighting and related services;
- (e) the cost of editing and related services;
- (f) rental of facilities and equipment;
- (g) leasing of vehicles;
- (h) costs of food or lodging;
- (i) airfare if purchased through a New Mexico-based travel agency or travel company;
- (j) insurance costs and bonding if purchased through a New Mexico-based insurance agent; and
- (k) other direct costs of producing the film in accordance with generally accepted entertainment industry practice;

(2) "film" means a single media or multimedia program, including national advertising messages, that is fixed on film, videotape, computer disc, laser disc or other similar delivery medium, that can be viewed or reproduced and that is exhibited in theaters, licensed for exhibition by individual television stations, groups of stations, networks, cable television stations or other means or licensed for the home viewing market; and

(3) "film production company" means a person that produces film for exhibition in theaters, on television or elsewhere.

E. To be eligible for the film production tax credit, a film production company shall submit to the New Mexico film division of the economic development department information required by the division to demonstrate conformity with the requirements of this section. The division shall determine the eligibility of the company and shall report this information to the taxation and revenue department in a manner and at times the economic development department and the taxation and revenue department shall agree upon.

F. To receive a film production tax credit, a film production company shall apply to the taxation and revenue department on forms and in the manner the department may prescribe. The application shall include a certification of the amount of direct production expenditures made in New Mexico with respect to the film production for which the film production company is seeking the film production tax credit. If the requirements of this section have been complied with, the taxation and revenue department shall approve the film production tax credit and issue a document granting the tax credit.

G. The film production company may apply all or a portion of the film production tax credit granted by the document against personal income tax liability or corporate income tax liability. If the amount of the film production tax credit claimed exceeds the film production company's tax liability for the taxable year in which the credit is being claimed, the excess shall be refunded.

Section 2. APPLICABILITY.--The provisions of this act apply to taxable years beginning on or after January 1, 2002.

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HOUSE BILL 118, AS AMENDED

WITH EMERGENCY CLAUSE

SIGNED MARCH 4, 2002

CHAPTER 37

CHAPTER 37, LAWS 2002

AN ACT

RELATING TO TAXATION; INCLUDING CERTAIN ELECTRICITY GENERATION IN THE DEFINITION OF MANUFACTURING FOR PURPOSES OF THE INVESTMENT

CREDIT ACT AND FOR APPORTIONMENT OF BUSINESS INCOME FOR INCOME TAX PURPOSES; PROVIDING FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR CERTAIN ELECTRICITY GENERATION FACILITY AND 501(c)(3) CORPORATION PROJECTS IN COUNTIES AND MUNICIPALITIES; PROVIDING A DEDUCTION FROM GROSS RECEIPTS FOR CERTAIN SALES OF ENERGY GENERATION EQUIPMENT; REPEALING LAWS 2001, CHAPTER 57, SECTION 1 AND LAWS 2001, CHAPTER 284, SECTION 3.

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

Section 1. Section 3-32-1 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-31-1, as amended) is amended to read:

"3-32-1. INDUSTRIAL REVENUE BOND ACT--DEFINITIONS.--Wherever used in the Industrial Revenue Bond Act unless a different meaning clearly appears in the context, the following terms whether used in the singular or plural shall be given the following respective interpretations:

A. "municipality" means any city, town or village in the state of New Mexico;

B. "project" means any land and building or other improvements thereon, the acquisition by or for a New Mexico corporation of the assets or stock of an existing business or corporation located outside the state of New Mexico to be relocated within or near the municipality in the state of New Mexico and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by the following or by any combination of two or more thereof:

(1) any industry for the manufacturing, processing or assembling of any agricultural or manufactured products;

(2) any commercial enterprise in storing, warehousing, distributing or selling products of agriculture, mining or industry but does not include facilities designed for the sale of goods or commodities at retail or distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities;

(3) any business in which all or part of the activities of the business involve the supplying of services to the general public or to governmental agencies or to a specific industry or customer but does not include establishments primarily engaged in the sale of goods or commodities at retail;

(4) any water distribution or irrigation system, including without limitation, pumps, distribution lines, transmission lines, towers, dams and similar facilities and equipment, designed to provide water to any vineyard or winery;

(5) any electric generation facility other than one for which both location approval and a certificate of convenience and necessity are required prior to commencing construction or operation of the facility, pursuant to the Public Utility Act and Electric Utility Industry Restructuring Act of 1999; and

(6) any 501(c)(3) corporation;

C. "governing body" means the board or body in which the legislative powers of the municipality are vested;

D. "property" means any land, improvements thereon, buildings and any improvements thereto, machinery and equipment of any and all kinds necessary to the project, operating capital and any other personal properties deemed necessary in connection with the project;

E. "mortgage" means a mortgage or a mortgage and deed of trust or the pledge and hypothecation of any assets as collateral security;

F. "health care services" means the diagnosis or treatment of sick or injured persons or medical research and includes the ownership, operation, maintenance, leasing and disposition of health care facilities such as hospitals, clinics, laboratories, x-ray centers and pharmacies and, for any small municipality only, office facilities for physicians;

G. "refinance a hospital or 501(c)(3) corporation project" means the issuance of bonds by a municipality and the use of all or substantially all of the proceeds to liquidate any obligations previously incurred to finance or aid in financing a project of any nonprofit corporation engaged in health care services, including nursing homes, or of any 501 (c)(3) corporation, which would constitute a project under the Industrial Revenue Bond Act had it been originally undertaken and financed by a municipality pursuant to the Industrial Revenue Bond Act; and

H. "501(c)(3) corporation" means a corporation that demonstrates to the taxation and revenue department that it has been granted exemption from the federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended or renumbered."

Section 2. Section 3-32-5 NMSA 1978 (being Laws 1967, Chapter 84, Section 3, as amended) is amended to read:

"3-32-5. ADDITIONAL LEGISLATIVE INTENT.--It is further the legislative intent that the Industrial Revenue Bond Act authorize municipalities to refinance hospital or 501(c)(3) corporation projects and projects of any independent, nonprofit, nonsectarian four-year college or university accredited by the north central association of colleges and schools, to acquire, own, lease or sell projects for the purpose of promoting the local economy and improving local health and the general welfare by inducing private

institutions of higher education, nonprofit corporations engaged in health care services, including nursing homes, 501(c)(3) corporations and, for any small municipality only, office facilities for physicians, to provide more adequate facilities of higher education and to provide more adequate health care services in this state and by inducing mass transit or other transportation activities, industrial parks, office headquarters and research and development activities to locate or expand in this state. It is not intended to authorize any municipality to own or lease projects for retail business or by itself to operate any private institution of higher education; nonprofit corporation engaged in health care services, including nursing homes; 501(c)(3) corporation; industrial parks; office headquarters; or research and development facilities."

Section 3. Section 3-32-6 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-31-3, as amended) is amended to read:

"3-32-6. ADDITIONAL POWERS CONFERRED ON MUNICIPALITIES.--In addition to any other powers which it may now have, each municipality shall have the following powers:

A. to acquire, whether by construction, purchase, gift or lease, one or more projects which shall be located within this state and may be located within or without the municipality or partially within or partially without the municipality, but which shall not be located more than fifteen miles outside of the corporate limits of the municipality; provided that the municipality shall not acquire any electricity generation facility project unless the acquisition is approved by the local school board of the school district in which a project is located and the governing body, the local school board and the person proposing the project negotiate and determine the amount of an annual in-lieu tax payment to be made to the school district by the person proposing the project, for the period that the municipality owns and leases the project, and provided such approval shall not be unreasonably withheld;

B. to sell or lease or otherwise dispose of any or all of its projects upon such terms and conditions as the governing body may deem advisable and as shall not conflict with the provisions of the Industrial Revenue Bond Act;

C. to issue revenue bonds for the purpose of defraying the cost of acquiring by construction and purchase or either any project and to secure the payment of such bonds, all as provided in the Industrial Revenue Bond Act. No municipality shall have the power to operate any project as a business or in any manner except as lessor;

D. to refinance one or more hospital or 501(c)(3) corporation projects and to acquire any such hospital or 501(c)(3) corporation project whether by construction, purchase, gift or lease, which hospital or 501(c)(3) corporation project shall be located within this state and may be located within or without the municipality or partially within or partially without the municipality, but which shall not be located more than fifteen miles outside of the corporate limits of the municipality, and to issue revenue bonds to refinance and acquire a hospital or 501(c)(3) corporation project and to secure the

payment of such bonds, all as provided in the Industrial Revenue Bond Act. No municipality shall have the power to operate any hospital or 501(c)(3) corporation project as a business or in any manner except as lessor; and

E. to refinance one or more projects of any private institution of higher education and to acquire any such project, whether by construction, purchase, gift or lease; provided that the project shall be located within this state and may be located within or without the municipality or partially within or partially without the municipality, but the project shall not be located more than fifteen miles outside of the corporate limits of the municipality, and to issue revenue bonds to refinance and acquire any project of any private institution of higher education and to secure the payment of such bonds. No municipality shall have the power to operate any project of any private institution of higher education as a business or in any manner except as lessor."

Section 4. Section 4-59-2 NMSA 1978 (being Laws 1975, Chapter 286, Section 2, as amended) is amended to read:

"4-59-2. DEFINITIONS.--As used in the County Industrial Revenue Bond Act, unless the context clearly indicates otherwise:

A. "commission" means the governing body of a county;

B. "county" means those counties organized or incorporated in New Mexico;

C. "501(c)(3) corporation" means a corporation that demonstrates to the taxation and revenue department that it has been granted exemption from the federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended or renumbered;

D. "health care services" means the diagnosis or treatment of sick or injured persons or medical research and includes the ownership, operation, maintenance, leasing and disposition of health care facilities, such as hospitals, clinics, laboratories, x-ray centers and pharmacies;

E. "mortgage" means a mortgage or a mortgage and deed of trust or the pledge and hypothecation of any assets as collateral security;

F. "project" means any land and building or other improvements thereon, the acquisition by or for a New Mexico corporation of the assets or stock of an existing business or corporation located outside the state to be relocated within a county, but not within the boundaries of any incorporated municipality, in the state, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by the following or by any combination of two or more thereof:

(1) any industry for the manufacturing, processing or assembling of any agricultural or manufactured products;

(2) any commercial enterprise in storing, warehousing, distributing or selling products of agriculture, mining or industry, but does not include facilities designed for the sale or distribution to the public of electricity, gas, telephone or other services commonly classified as public utilities, except for:

(a) water utilities; and

(b) any electric generation facility other than one for which both location approval and a certificate of convenience and necessity are required prior to commencing construction or operation of the facility, pursuant to the Public Utility Act and the Electric Utility Industry Restructuring Act of 1999;

(3) any business in which all or part of the activities of the business involve the supplying of services to the general public or to governmental agencies or to a specific industry or customer;

(4) any nonprofit corporation engaged in health care services;

(5) any mass transit or other transportation activity involving the movement of passengers, any industrial park, any office headquarters and any research facility;

(6) any water distribution or irrigation system, including without limitation, pumps, distribution lines, transmission lines, towers, dams and similar facilities and equipment; and

(7) any 501(c)(3) corporation; and

G. "property" means any land, improvements thereon, buildings and any improvements thereto, machinery and equipment of any and all kinds necessary to the project, operating capital and any other personal properties deemed necessary in connection with the project."

Section 5. Section 4-59-3 NMSA 1978 (being Laws 1975, Chapter 286, Section 3) is amended to read:

"4-59-3. LEGISLATIVE INTENT.--It is the intent of the legislature by the passage of the County Industrial Revenue Bond Act to authorize counties to acquire, own, lease or sell projects for the purpose of promoting industry and trade by inducing manufacturing, industrial and commercial enterprises to locate or expand in this state, promoting the use of the agricultural products and natural resources of this state and promoting a sound and proper balance in this state between agriculture, commerce and industry. Further, it is the intent of the legislature that counties may be able to promote

the local health and general welfare by inducing nonprofit corporations engaged in health care services and 501(c)(3) corporations to locate, relocate, modernize or expand in this state and by inducing mass transit or other transportation activities, industrial parks, office headquarters and research and development activities to locate or expand in this state. It is intended that each project be self-liquidating. It is not intended that any county itself be authorized to operate any manufacturing, industrial or commercial enterprise or any nonprofit corporation engaged in health care services or any 501(c)(3) corporation or industrial parks, office headquarters or research and development facilities."

Section 6. Section 7-4-10 NMSA 1978 (being Laws 1993, Chapter 153, Section 1, as amended by Laws 2001, Chapter 57, Section 1 and by Laws 2001, Chapter 284, Section 3 and also by Laws 2001, Chapter 337, Section 1) is amended to read:

"7-4-10. APPORTIONMENT OF BUSINESS INCOME.--

A. Except as provided in Subsection B of this section, all business income shall be apportioned to this state by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor and the denominator of which is three.

B. For taxable years beginning prior to January 1, 2011, each taxpayer whose principal business activity is manufacturing may elect to have business income apportioned to this state by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus twice the sales factor and the denominator of which is four. To elect the method of apportionment provided by this subsection, the taxpayer shall notify the department of the election, in writing, no later than the date on which the taxpayer files the return for the first taxable year to which the election will apply. The election will apply to that taxable year and to each taxable year thereafter until the taxpayer notifies the department, in writing, that the election is terminated, except that the taxpayer shall not terminate the election until the method of apportioning business income provided by this subsection has been used by the taxpayer for at least three consecutive taxable years, including a total of at least thirty-six calendar months. Notwithstanding any provisions of this subsection to the contrary, the taxpayer shall use the method of apportionment provided by Subsection A of this section for the taxable year unless:

(1) the taxpayer's corporate income tax liability for the taxable year, computed by the same method of apportionment used in the preceding taxable year, exceeds the corporate income tax liability for the taxpayer's immediately preceding taxable year; or

(2) the sum of the taxpayer's payroll factor and property factor for the taxable year exceeds the sum of the taxpayer's payroll factor and property factor for

the taxpayer's base year. For purposes of this paragraph, "base year" means the taxpayer's first taxable year beginning on or after January 1, 1991.

C. For purposes of this section, "manufacturing" means combining or processing components or materials to increase their value for sale in the ordinary course of business, but does not include:

(1) construction;

(2) farming;

(3) power generation, except for electricity generation at a facility other than one for which both location approval and a certificate of convenience and necessity are required prior to commencing construction or operation of the facility, pursuant to the Public Utility Act and the Electric Utility Industry Restructuring Act of 1999; or

(4) processing natural resources, including hydrocarbons."

Section 7. Section 7-9A-3 NMSA 1978 (being Laws 1979, Chapter 347, Section 3, as amended) is amended to read:

"7-9A-3. DEFINITIONS.--As used in the Investment Credit Act:

A. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

B. "equipment" means an essential machine, mechanism or tool, or a component or fitting thereof, used directly and exclusively in a manufacturing operation and subject to depreciation for purposes of the Internal Revenue Code by the taxpayer carrying on the manufacturing operation. "Equipment" does not include any vehicle that leaves the site of the manufacturing operation for purposes of transporting persons or property or any property for which the taxpayer claims the credit pursuant to Section 7-9-79 NMSA 1978;

C. "manufacturing" means combining or processing components or materials, including recyclable materials, to increase their value for sale in the ordinary course of business, including genetic testing and production, but not including:

(1) construction;

(2) farming;

(3) power generation, except for electricity generation at a facility other than one for which both location approval and a certificate of convenience and

necessity are required prior to commencing construction or operation of the facility, pursuant to the Public Utility Act and the Electric Utility Industry Restructuring Act of 1999; or

(4) processing natural resources, including hydrocarbons;

D. "manufacturing operation" means a plant, including a genetic testing and production facility, employing personnel to perform production tasks, in conjunction with equipment not previously existing at the site, to produce goods;

E. "recyclable materials" means materials that would otherwise become solid waste if not recycled and that can be collected, separated or processed and placed in use in the form of raw materials or products; and

F. "taxpayer" means a person liable for payment of any tax, a person responsible for withholding and payment over or for collection and payment over of any tax or a person to whom an assessment has been made, if the assessment remains unabated or the amount thereof has not been paid."

Section 8. A new section of the Gross Receipts and Compensating Tax Act is enacted to read:

"DEDUCTION--GROSS RECEIPTS TAX--WIND ENERGY GENERATION EQUIPMENT--SALES TO GOVERNMENT AGENCIES.--Receipts from selling wind generation nacelles, rotors or related equipment to the United States or New Mexico or any governmental unit or subdivision, agency, department or instrumentality thereof, if such equipment is installed on a supporting structure, may be deducted from gross receipts."

Section 9. REPEAL.--Laws 2001, Chapter 57, Section 1 and Laws 2001, Chapter 284, Section 3 are repealed.

HOUSE TAXATION AND REVENUE COMMITTEE

SUBSTITUTE FOR HOUSE BILLS 143, 373 AND 377

CHAPTER 38

CHAPTER 38, LAWS 2002

AN ACT

RELATING TO MOTOR VEHICLES; REGULATING ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES; PROVIDING PENALTIES.

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

Section 1. A new section of the Motor Vehicle Code is enacted to read:

"ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES--STANDARDS--OPERATOR REQUIREMENTS--APPLICABILITY--PENALTIES.

A. As used in this section, "electric personal assistive mobility device" means a self-balancing device having two nontandem wheels designed to transport a single person by means of an electric propulsion system with an average power of one horsepower and with a maximum speed on a paved level surface of less than twenty miles per hour when powered solely by its propulsion system and while being ridden by an operator who weighs one hundred seventy pounds.

B. An electric personal assistive mobility device shall be equipped with:

(1) front, rear and side reflectors;

(2) a braking system that enables the operator to bring the device to a controlled stop; and

(3) if operated at any time from one-half hour after sunset to one-half hour before sunrise, a lamp that emits a white light that sufficiently illuminates the area in front of the device.

C. The director shall by rule prescribe motor vehicle safety standards applicable to electric personal assistive mobility devices.

D. An operator of an electric personal assistive mobility device traveling on a sidewalk, roadway or bicycle path shall have the rights and duties of a pedestrian, and shall exercise due care to avoid colliding with pedestrians. An operator shall yield the right of way to pedestrians.

E. Except as provided in this section, no other provisions of the Motor Vehicle Code shall apply to electric personal assistive mobility devices.

F. An operator who violates a provision of Subsection B, C or D of this section shall receive a warning for the first offense. For a second offense, the operator shall be punished by a fine of ten dollars (\$10.00). For a third or subsequent offense, in addition to the fine, the electric personal assistive mobility device shall be impounded for up to thirty days.

G. This section does not apply to personal assistive mobility devices used by persons with disabilities."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

HOUSE BILL 298, AS AMENDED

CHAPTER 39

CHAPTER 39, LAWS 2002

AN ACT

RELATING TO PUBLIC MONEY; REQUIRING ADVICE AND CONSENT OF THE STATE BOARD OF FINANCE FOR CERTAIN INVESTMENTS OF THE STATE TREASURER.

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

Section 1. Section 6-10-10 NMSA 1978 (being Laws 1933, Chapter 175, Section 4, as amended) is amended to read:

"6-10-10. DEPOSIT AND INVESTMENT OF FUNDS.--

A. Upon the certification or designation of any bank, savings and loan association or credit union whose deposits are insured by an agency of the United States to receive public money on deposit, the state treasurer and county or municipal treasurers who have on hand any public money by virtue of their offices shall make deposit of that money in banks and savings and loan associations, and may make deposit of that money in credit unions whose deposits are insured by an agency of the United States, designated by the authority authorized by law to so designate to receive the deposits of all money thereafter received or collected by the treasurers.

B. County or municipal treasurers may deposit money in one or more accounts with any such bank, savings and loan association or credit union located in their respective counties, subject to limitation on credit union accounts.

C. The state treasurer may deposit money in one or more accounts with any such bank, savings and loan association or credit union, subject to the limitation on credit union accounts.

D. Duplicate receipts or deposit slips shall be taken for each deposit made pursuant to Subsection A, B or C of this section. When deposits are made by the state treasurer, one copy of the receipt or deposit slip shall be retained by the state treasurer and the other copy shall be filed monthly on the first day of each month with the financial control division of the department of finance and administration. When deposits are made by the treasurer or any other authorized person making the deposits for a board of finance of a public or educational institution, one copy of the receipt or deposit slip shall be retained by the treasurer or authorized person so making the deposit and the other copy shall be filed monthly on the first day of each month with that board of finance. When deposits are made by a county or municipal treasurer, one of the duplicate receipts or deposit slips shall be retained by the treasurer so making the deposit and the other copy shall be filed monthly on the first day of each month with the secretary of the board of finance of the county or municipality for which that treasurer is acting.

E. "Deposit", as used in this section, means either investment or deposit and includes share, share certificate and share draft.

F. County or municipal treasurers, by and with the advice and consent of their respective boards of finance charged with the supervision and control of the respective funds, have the power to invest all sinking funds or money remaining unexpended from the proceeds of any issue of bonds or other negotiable securities of any county, municipality or school district that is entrusted to their care and custody and all money not immediately necessary for the public uses of the counties, municipalities or school districts not invested or deposited in banks, savings and loan associations or credit unions in:

(1) bonds or negotiable securities of the United States, the state or any county, municipality or school district that has a taxable valuation of real property for the last preceding year of at least one million dollars (\$1,000,000) and has not defaulted in the payment of any interest or sinking fund obligation or failed to meet any bonds at maturity at any time within five years last preceding; or

(2) securities that are issued by the United States government or by its agencies or instrumentalities and that are either direct obligations of the United States or are backed by the full faith and credit of the United States government or agencies guaranteed by the United States government.

G. The treasurer of a class A county or the treasurer of a municipality having a population of more than sixty-five thousand according to the most recent federal decennial census and located within a class A county, by and with the advice and consent of the boards of finance charged with the supervision and control of the funds, has the power to invest all sinking funds or money remaining unexpended from the proceeds of any issue of bonds or other negotiable securities of the county or municipality that is entrusted to his care and custody and all money not immediately

necessary for the public uses of the county or municipality not invested or deposited in banks, savings and loan associations or credit unions in:

(1) shares of a diversified investment company registered pursuant to the federal Investment Company Act of 1940 that invests in fixed income securities or debt instruments that are listed in a nationally recognized, broad-market, fixed-income-securities market index; provided that the investment company or manager has total assets under management of at least one hundred million dollars (\$100,000,000) and provided that the board of finance of the county or municipality may allow reasonable administrative and investment expenses to be paid directly from the income or assets of these investments;

(2) individual, common or collective trust funds of banks or trust companies that invest in fixed-income securities or debt instruments that are listed in a nationally recognized, broad-market, fixed-income-securities market index; provided that the investment company or manager has total assets under management of at least one hundred million dollars (\$100,000,000) and provided that the board of finance of the county or municipality may allow reasonable administrative and investment expenses to be paid directly from the income or assets of these investments; or

(3) shares of pooled investment funds managed by the state investment officer, as provided in Subsection G of Section 6-8-7 NMSA 1978; provided that the board of finance of the county or municipality may allow reasonable administrative and investment expenses to be paid directly from the income or assets of these investments.

H. A local public body, with the advice and consent of the body charged with the supervision and control of the local public body's respective funds, has the power to invest all sinking funds or money remaining unexpended from the proceeds of any issue of bonds or other negotiable securities of the investor that is entrusted to the local public body's care and custody and all money not immediately necessary for the public uses of the investor and not otherwise invested or deposited in banks, savings and loan associations or credit unions in contracts with banks, savings and loan associations or credit unions for the present purchase and resale at a specified time in the future of specific securities at specified prices at a price differential representing the interest income to be earned by the investor. The contract shall be fully secured by obligations of the United States or other securities backed by the United States having a market value of at least one hundred two percent of the contract. The collateral required for investment in the contracts provided for in this subsection shall be shown on the books of the financial institution as being the property of the investor and the designation shall be contemporaneous with the investment. As used in this subsection, "local public body" includes all political subdivisions of the state and agencies, instrumentalities and institutions thereof; provided that home rule municipalities that prior to July 1, 1994 had enacted ordinances authorizing the investment of repurchase agreements may continue investment in repurchase agreements pursuant to those ordinances.

I. The state treasurer, with the advice and consent of the state board of finance, has the power to invest money held in demand deposits and not immediately needed for the operation of state government and money held in the short-term investment fund, except as provided in Section 6-10-10.1 NMSA 1978. The investments shall be made only in securities that are issued by the United States government or by its departments or agencies and are either direct obligations of the United States or are backed by the full faith and credit of the United States government or agencies sponsored by the United States government.

J. The state treasurer, with the advice and consent of the state board of finance, may also invest in contracts for the present purchase and resale at a specified time in the future, not to exceed one year or, in the case of bond proceeds, not to exceed three years, of specific securities at specified prices at a price differential representing the interest income to be earned by the state. No such contract shall be invested in unless the contract is fully secured by obligations of the United States or other securities backed by the United States having a market value of at least one hundred two percent of the amount of the contract.

K. The state treasurer, with the advice and consent of the state board of finance, may also invest in contracts for the temporary exchange of state-owned securities for the use of broker-dealers, banks or other recognized institutional investors in securities, for periods not to exceed one year for a specified fee rate. No such contract shall be invested in unless the contract is fully secured by exchange of an irrevocable letter of credit running to the state, cash or equivalent collateral of at least one hundred two percent of the market value of the securities plus accrued interest temporarily exchanged.

L. The collateral required for either of the forms of investment in Subsection J or K of this section shall be delivered to the state fiscal agent or its designee contemporaneously with the transfer of funds or delivery of the securities at the earliest time industry practice permits, but in all cases, settlement shall be on a same-day basis.

M. Neither of the contracts in Subsection J or K of this section shall be invested in unless the contracting bank, brokerage firm or recognized institutional investor has a net worth in excess of five hundred million dollars (\$500,000,000).

N. The state treasurer, with the advice and consent of the state board of finance, may also invest in any of the following investments in an amount not to exceed forty percent of any fund that the state treasurer invests:

(1) commercial paper rated "prime" quality by a national rating service, issued by corporations organized and operating within the United States;

(2) medium-term notes and corporate notes with a maturity not exceeding five years that are rated A or its equivalent or better by a nationally

recognized rating service and that are issued by a corporation organized and operating in the United States; or

(3) any asset-backed obligation with a maturity not exceeding five years that is rated AAA or its equivalent by a nationally recognized rating service.

O. The state treasurer, with the advice and consent of the state board of finance, may also invest in:

(1) shares of a diversified investment company registered pursuant to the federal Investment Company Act of 1940 that invests in United States fixed income securities or debt instruments authorized pursuant to Subsections I, J and N of this section, provided that the investment company has total assets under management of at least one billion dollars (\$1,000,000,000) and the investments made by the state treasurer pursuant to this paragraph are less than five percent of the assets of the investment company; or

(2) individual, common or collective trust funds of banks or trust companies that invest in United States fixed income securities or debt instruments authorized pursuant to Subsections I, J and N of this section, provided that the investment manager has assets under management of at least one billion dollars (\$1,000,000,000) and the investments made by the state treasurer pursuant to this paragraph are less than five percent of the assets of the individual, common or collective trust fund.

P. No public funds to be invested in negotiable securities or loans to financial institutions fully secured by negotiable securities at current market value shall be paid out unless there is a contemporaneous transfer of the securities at the earliest time industry practice permits, but in all cases, settlement shall be on a same-day basis either by physical delivery or, in the case of uncertificated securities, by appropriate book entry on the books of the issuer, to the purchaser or to a reputable third-party safekeeping financial institution acting as agent or trustee for the purchaser, which agent or trustee shall furnish timely confirmation to the purchaser."

HOUSE BILL 68, AS AMENDED

CHAPTER 40

CHAPTER 40, LAWS 2002

AN ACT

RELATING TO COURTS; AUTHORIZING COMPENSATION FOR RETIRED METROPOLITAN COURT JUDGES WHO SERVE AS SPECIAL MASTERS, ARBITRATORS OR METROPOLITAN COURT JUDGE PRO TEMPORES.

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

Section 1. A new section of Chapter 34, Article 8A NMSA 1978 is enacted to read:

"APPOINTMENT AS SPECIAL MASTER, ARBITRATOR OR METROPOLITAN COURT JUDGE PRO TEMPORE--COMPENSATION.--

A. The chief metropolitan court judge may appoint a retired metropolitan court judge, with the retired judge's consent, to serve as a special master, an arbitrator or a metropolitan court judge pro tempore, subject to money available in the metropolitan court operating budget.

B. A retired metropolitan court judge shall be compensated for his services in an amount equal to ninety percent of the compensation provided to a district court judge pro tempore."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

HOUSE BILL 151

CHAPTER 41

CHAPTER 41, LAWS 2002

AN ACT

RELATING TO EDUCATION; PROVIDING LIMITED LICENSES FOR TEACHERS OF NATIVE AMERICAN LANGUAGE AND CULTURE.

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

Section 1. Section 22-10-3 NMSA 1978 (being Laws 1975, Chapter 306, Section 3, as amended) is amended to read:

"22-10-3. CERTIFICATE REQUIREMENT--TYPES OF

CERTIFICATES--FORFEITURE OF CLAIM--EXCEPTION--ADMINISTRATOR APPRENTICESHIP.--

A. Any person teaching, supervising an instructional program, counseling or providing special instructional services in a public school or state agency, any person administering in a public school and any person providing health care and administering medication or performing medical procedures in a public school shall hold a valid certificate authorizing the person to perform that function.

B. All certificates issued by the state board shall be standard certificates except that the state board may issue alternative, substandard, substitute and Native American language and culture certificates under certain circumstances.

C. If a person applies for and is qualified to receive an alternative certificate, the state board shall issue an alternative certificate to a person not meeting the requirements for a standard certificate.

D. If a local school board or the governing authority of a state agency certifies to the state board that an emergency exists in the hiring of a qualified person, the state board may issue a substandard certificate to a person not meeting the requirements for a standard certificate.

E. The state board may issue a substitute certificate to a person not meeting the requirements for a standard certificate to enable the person to perform the functions of a substitute teacher pursuant to the rules of the state board.

F. The state board may issue a Native American language and culture certificate to a person proficient in a Native American language and culture of a New Mexico tribe or pueblo who meets criteria established by the state board. A baccalaureate degree is not required for the person applying for this certificate. The Native American language and culture certificate shall be issued and renewable in accordance with procedures established by the state board.

G. All substandard certificates issued shall be effective for only one school year. An alternative certificate may be effective for up to three years, provided that after a person has satisfactorily completed a minimum of one year up to three years of teaching under the supervision of a mentor or clinical supervisor, the state board shall issue a standard certificate to that person. No person under the age of eighteen years shall hold a valid certificate, whether a standard, alternative or substandard.

H. Any person teaching, supervising an instructional program, counseling or providing special instructional services in a public school or state agency and any person administering in a public school without a valid certificate after the first three months of the school year shall thereafter forfeit all claim to compensation for services rendered.

I. This section shall not apply to a person performing the functions of a practice teacher as defined in the rules of the state board.

J. Any school nurse certified by the department of education shall also be licensed by the board of nursing.

K. Notwithstanding any existing requirements, any person seeking certification as an administrator shall be required to serve a one-year apprenticeship. The state board shall develop criteria and rules to implement the provisions of this subsection."

HOUSE BILL 204

CHAPTER 42

CHAPTER 42, LAWS 2002

AN ACT

RELATING TO ANATOMICAL GIFTS; CLARIFYING THE LEGAL BASIS OF A DOCUMENT OF GIFT; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 24-6A-5 NMSA 1978 (being Laws 1995, Chapter 116, Section 5, as amended) is amended to read:

"24-6A-5. REQUIRED REQUEST--SEARCH AND NOTIFICATION--CIVIL OR CRIMINAL IMMUNITY.--

A. If, at or near the time of death of a patient, there is no medical record that the patient has made or refused to make an anatomical gift, the hospital administrator or a representative designated by the administrator shall discuss the option to make or refuse to make an anatomical gift and request the making of an anatomical gift pursuant to Subsection A of Section 24-6A-3 NMSA 1978. The request shall be made with reasonable discretion and sensitivity to the circumstances of the family. A request is not required if the gift is not suitable, based upon accepted medical standards, for a purpose specified in Section 24-6A-6 NMSA 1978. An entry shall be made in the medical record of the patient, stating the name and affiliation of the person making the request and of the name, response and relationship to the patient of the person to whom the request was made. The secretary of health may adopt rules to implement this subsection.

B. The following persons shall make a reasonable search for a document of gift or other information identifying the bearer as a donor or as a person who has refused to make an anatomical gift:

(1) a law enforcement officer, firefighter, emergency medical technician, emergency medical services first responder or other emergency rescuer finding a person who the searcher believes is dead or near death; and

(2) a hospital, upon the admission of a person at or near the time of death, if there is not immediately available any other source of that information.

C. If a document of gift or evidence of refusal to make an anatomical gift is located by the search required by Paragraph (1) of Subsection B of this section and the person or body to whom the document or evidence relates is taken to a hospital, the hospital shall be notified of the contents and the document or other evidence shall be sent to the hospital.

D. If, at or near the time of death of a patient, a hospital knows that an anatomical gift has been made pursuant to Subsection A of Section 24-6A-3 NMSA 1978, that a release and removal of a part has been permitted pursuant to Section 24-6A-4 NMSA 1978, that a patient or a person identified as in transit to the hospital is a donor or that an anatomical gift has been made in a document of gift, the hospital shall notify the donee if one is named and known to the hospital; if not, it shall notify an appropriate procurement organization. The hospital shall cooperate in the implementation of the anatomical gift or release and removal of a part.

E. A person who in good faith acts or attempts to act in accordance with the provisions of the Uniform Anatomical Gift Act or the anatomical gift laws of another state is not liable for damages in a civil action or subject to prosecution in a criminal proceeding for his acts."

Section 2. Section 24-6A-6 NMSA 1978 (being Laws 1995, Chapter 116, Section 6) is amended to read:

"24-6A-6. PERSONS WHO MAY BECOME DONEES--PURPOSES FOR WHICH ANATOMICAL GIFTS MAY BE MADE.--

A. The following persons may become donees of anatomical gifts for the purposes stated:

(1) a hospital, physician, procurement organization or an accredited medical school, dental school, college or university, for transplantation, therapy, medical or dental education, research or advancement of medical or dental science; or

(2) a designated individual, for transplantation or therapy needed by that individual. A donee may not be designated on the basis of the donee's race, age,

religion, color, national origin, ancestry, gender, sexual orientation or physical or mental handicaps.

B. An anatomical gift may be made to a designated donee or without designating a donee. If a donee is not designated in the document of gift or if the donee is not available or rejects the anatomical gift, the anatomical gift may be accepted by any hospital or procurement organization.

C. If the donee knows of the decedent's refusal or contrary indications to make an anatomical gift or that an anatomical gift by a member of a class having priority to act is opposed by a member of the same class or a prior class under Subsection A of Section 24-6A-3 NMSA 1978, the donee shall not accept the anatomical gift."

Section 3. A new section of the Uniform Anatomical Gift Act is enacted to read:

"DOCUMENT OF GIFT AS A LEGAL DOCUMENT.--A document of gift, which includes a motor vehicle driver's license, constitutes a legal document and has sufficient legal authority to be accepted by a designated or undesignated donee of anatomical gifts pursuant to the Uniform Anatomical Gift Act."

Section 4. Section 66-5-10 NMSA 1978 (being Laws 1978, Chapter 35, Section 232, as amended) is amended to read:

"66-5-10. APPLICATION FOR LICENSE--INFORMATION--TRANSFER TO LICENSE.--

A. Within the forms prescribed by the department for applications and licenses of drivers of motor vehicles, a space shall be provided to show whether the applicant is a donor as provided in the Uniform Anatomical Gift Act. Anyone applying for a license may, if he desires, indicate his donor status on the space provided on the application, and this information, if given by an applicant, shall be shown upon the license issued. The form and driver's license shall be signed by the donor in the presence of a witness who shall also sign the form in the donor's presence. The department shall, as soon as practicable, include the following donor statement on the application form:

"I, _____, hereby make an

(Name of applicant/donor)

anatomical gift effective upon my death. A

medical evaluation at the time of my death shall

determine the organs and tissues suitable for
donation.

(Signature of donor)

(Signature of parent or guardian is required if the donor is under sixteen years of age.)".

B. The department shall mark the donor status on each person's driver's license record and shall retain each application form or its image of a person who wishes to be a donor. The department shall create and maintain a statewide donor registry and shall provide on-line computer terminal access to the donor registry to organ procurement agencies and procurement organizations, as defined in the Uniform Anatomical Gift Act. Authorized hospital or organ and tissue donor program personnel, immediately prior to or after a donor's death, may request verification of the donor's status from the department and may obtain a copy of the application from the department."

HOUSE JUDICIARY COMMITTEE SUBSTITUTE

FOR HOUSE BILL 253

CHAPTER 43

CHAPTER 43, LAWS 2002

AN ACT

RELATING TO OPERATION OF THE INTERTRIBAL CEREMONIAL; TRANSFERRING ASSETS REMAINING UNDER THE CONTROL OF THE TOURISM DEPARTMENT; DECLARING AN EMERGENCY.

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

Section 1. TEMPORARY PROVISION--TRANSFER OF INTERTRIBAL CEREMONIAL ASSETS.--All money, records, property, equipment and supplies transferred to the tourism department pursuant to Subsection B of Section 1 of Chapter 7 of Laws 1996 (1st S.S.) from

the intertribal Indian ceremonial association, formerly a state agency, are transferred to the city of Gallup for its use in supporting and promoting the annual intertribal Indian ceremonial and preserving traditional rites and ceremonies of all American Indian nations, tribes and pueblos.

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HOUSE BILL 256, WITH EMERGENCY CLAUSE

SIGNED MARCH 4, 2002

CHAPTER 44

CHAPTER 44, LAWS 2002

AN ACT

RELATING TO THE NEW MEXICO NATIONAL GUARD; AUTHORIZING THE EMERGENCY SERVICE RIBBON.

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

Section 1. EMERGENCY SERVICE RIBBON.--The adjutant general shall award the emergency service ribbon to any member of the New Mexico national guard who, after January 1, 2000, honorably performs duty when an emergency situation has been declared by the governor. The duty must be in direct support of the declared state of emergency and the guardmember must be in duty status, on orders in either pay or non-pay status, at the time the service is rendered.

HOUSE BILL 292

CHAPTER 45

CHAPTER 45, LAWS 2002

AN ACT

RELATING TO TAXATION; MAKING A TECHNICAL CORRECTION TO THE GROSS RECEIPTS AND COMPENSATING TAX ACT.

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

Section 1. Section 7-9-3 NMSA 1978 (being Laws 1978, Chapter 46, Section 1, as amended by Laws 2001, Chapter 65, Section 1 and by Laws 2001, Chapter 343, Section 1) is amended to read:

"7-9-3. DEFINITIONS.--As used in the Gross Receipts and Compensating Tax Act:

A. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

B. "buying" or "selling" means any transfer of property for consideration or any performance of service for consideration;

C. "construction" means building, altering, repairing or demolishing in the ordinary course of business any:

- (1) road, highway, bridge, parking area or related project;
- (2) building, stadium or other structure;
- (3) airport, subway or similar facility;
- (4) park, trail, athletic field, golf course or similar facility;
- (5) dam, reservoir, canal, ditch or similar facility;
- (6) sewerage or water treatment facility, power generating plant, pump station, natural gas compressing station, gas processing plant, coal gasification plant, refinery, distillery or similar facility;
- (7) sewerage, water, gas or other pipeline;
- (8) transmission line;
- (9) radio, television or other tower;
- (10) water, oil or other storage tank;

- (11) shaft, tunnel or other mining appurtenance;
- (12) microwave station or similar facility;
- (13) retaining wall, wall, fence gate or similar structure; or
- (14) similar work;

"construction" also means:

- (15) leveling or clearing land;
- (16) excavating earth;
- (17) drilling wells of any type, including seismograph shot holes or core drilling; or
- (18) similar work;

D. "financial corporation" means any savings and loan association or any incorporated savings and loan company, trust company, mortgage banking company, consumer finance company or other financial corporation;

E. "engaging in business" means carrying on or causing to be carried on any activity with the purpose of direct or indirect benefit, except that:

(1) "engaging in business" does not include having a worldwide web site as a third-party content provider on a computer physically located in New Mexico but owned by another nonaffiliated person; and

(2) "engaging in business" does not include using a nonaffiliated third-party call center to accept and process telephone or electronic orders of tangible personal property or licenses primarily from non-New Mexico buyers, which orders are forwarded to a location outside New Mexico for filling, or to provide services primarily to non-New Mexico customers;

F. "gross receipts" means the total amount of money or the value of other consideration received from selling property in New Mexico, from leasing property employed in New Mexico, from selling services performed outside New Mexico the product of which is initially used in New Mexico or from performing services in New Mexico. In an exchange in which the money or other consideration received does not represent the value of the property or service exchanged, "gross receipts" means the reasonable value of the property or service exchanged.

(1) "Gross receipts" includes:

(a) any receipts from sales of tangible personal property handled on consignment;

(b) the total commissions or fees derived from the business of buying, selling or promoting the purchase, sale or leasing, as an agent or broker on a commission or fee basis, of any property, service, stock, bond or security;

(c) amounts paid by members of any cooperative association or similar organization for sales or leases of personal property or performance of services by such organization; and

(d) amounts received from transmitting messages or conversations by persons providing telephone or telegraph services.

(2) "Gross receipts" excludes:

(a) cash discounts allowed and taken;

(b) New Mexico gross receipts tax, governmental gross receipts tax and leased vehicle gross receipts tax payable on transactions for the reporting period;

(c) taxes imposed pursuant to the provisions of any local option gross receipts tax that is payable on transactions for the reporting period;

(d) any gross receipts or sales taxes imposed by an Indian nation, tribe or pueblo; provided that the tax is approved, if approval is required by federal law or regulation, by the secretary of the interior of the United States; and provided further that the gross receipts or sales tax imposed by the Indian nation, tribe or pueblo provides a reciprocal exclusion for gross receipts, sales or gross receipts-based excise taxes imposed by the state or its political subdivisions;

(e) any type of time-price differential; and

(f) amounts received solely on behalf of another in a disclosed agency capacity.

(3) When the sale of property or service is made under any type of charge, conditional or time-sales contract or the leasing of property is made under a leasing contract, the seller or lessor may elect to treat all receipts, excluding any type of time-price differential, under such contracts as gross receipts as and when the payments are actually received. If the seller or lessor transfers his interest in any such contract to a third person, the seller or lessor shall pay the gross receipts tax upon the full sale or leasing contract amount, excluding any type of time-price differential;

G. "manufacturing" means combining or processing components or materials to increase their value for sale in the ordinary course of business, but does not include construction;

H. "person" means:

(1) an individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, limited liability company, limited liability partnership, joint venture, syndicate or other entity, including any gas, water or electric utility owned or operated by a county, municipality or other political subdivision of the state; or

(2) a national, federal, state, Indian or other governmental unit or subdivision, or an agency, department or instrumentality of any of the foregoing;

I. "property" means real property, tangible personal property, licenses, franchises, patents, trademarks and copyrights. Tangible personal property includes electricity and manufactured homes;

J. "leasing" means an arrangement whereby, for a consideration, property is employed for or by any person other than the owner of the property except that the granting of a license to use property is the sale of a license and not a lease;

K. "service" means all activities engaged in for other persons for a consideration, which activities involve predominantly the performance of a service as distinguished from selling or leasing property. "Service" includes activities performed by a person for its members or shareholders. In determining what is a service, the intended use, principal objective or ultimate objective of the contracting parties shall not be controlling. "Service" includes construction activities and all tangible personal property that will become an ingredient or component part of a construction project. Such tangible personal property retains its character as tangible personal property until it is installed as an ingredient or component part of a construction project in New Mexico. However, sales of tangible personal property that will become an ingredient or component part of a construction project to persons engaged in the construction business are sales of tangible personal property;

L. "use" or "using" includes use, consumption or storage other than storage for subsequent sale in the ordinary course of business or for use solely outside this state;

M. "secretary" means the secretary of taxation and revenue or the secretary's delegate;

N. "manufactured home" means a movable or portable housing structure for human occupancy that exceeds either a width of eight feet or a length of forty feet

constructed to be towed on its own chassis and designed to be installed with or without a permanent foundation;

O. "initial use" or "initially used" means the first employment for the intended purpose and does not include the following activities:

- (1) observation of tests conducted by the performer of services;
- (2) participation in progress reviews, briefings, consultations and conferences conducted by the performer of services;
- (3) review of preliminary drafts, drawings and other materials prepared by the performer of the services;
- (4) inspection of preliminary prototypes developed by the performer of services; or
- (5) similar activities;

P. "research and development services" means an activity engaged in for other persons for consideration, for one or more of the following purposes:

- (1) advancing basic knowledge in a recognized field of natural science;
- (2) advancing technology in a field of technical endeavor;
- (3) the development of a new or improved product, process or system with new or improved function, performance, reliability or quality, whether or not the new or improved product, process or system is offered for sale, lease or other transfer;
- (4) the development of new uses or applications for an existing product, process or system, whether or not the new use or application is offered as the rationale for purchase, lease or other transfer of the product, process or system;
- (5) analytical or survey activities incorporating technology review, application, trade-off study, modeling, simulation, conceptual design or similar activities, whether or not offered for sale, lease or other transfer; or
- (6) the design and development of prototypes or the integration of systems incorporating advances, developments or improvements included in Paragraphs (1) through (5) of this subsection;

Q. "local option gross receipts tax" means a tax authorized to be imposed by a county or municipality upon the taxpayer's gross receipts and required to be

collected by the department at the same time and in the same manner as the gross receipts tax; "local option gross receipts tax" includes the taxes imposed pursuant to the Municipal Local Option Gross Receipts Taxes Act, Supplemental Municipal Gross Receipts Tax Act, County Local Option Gross Receipts Taxes Act, Local Hospital Gross Receipts Tax Act, County Correctional Facility Gross Receipts Tax Act and such other acts as may be enacted authorizing counties or municipalities to impose taxes on gross receipts, which taxes are to be collected by the department;

R. "prescription drugs" means insulin and substances that are:

(1) dispensed by or under the supervision of a licensed pharmacist or by a physician or other person authorized under state law to do so;

(2) prescribed for a specified person by a person authorized under state law to prescribe the substance; and

(3) subject to the restrictions on sale contained in Subparagraph 1 of Subsection (b) of 21 USCA 353; and

S. "construction material" means tangible personal property that becomes or is intended to become an ingredient or component part of a construction project, but "construction material" does not include a replacement fixture when the replacement is not construction or a replacement part for a fixture."

HOUSE BILL 152

CHAPTER 46

CHAPTER 46, LAWS 2002

AN ACT

RELATING TO LAW ENFORCEMENT; REVISING PROCEDURES REGARDING THE FINGERPRINTING OF A PERSON WHO IS ARRESTED; PROVIDING FOR EXPUNGEMENT OF ARREST INFORMATION; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 29-3-8 NMSA 1978 (being Laws 1978, Chapter 87, Section 1, as amended) is amended to read:

"29-3-8. FINGERPRINTING OF PERSONS ARRESTED--DISPOSITION.--

A. A person arrested for the commission of a criminal offense amounting to a felony under the laws of this state or any other jurisdiction shall be required by the arresting peace officer or the jail to make fingerprint impressions prior to the person's release. The arresting peace officer or the jail shall obtain fingerprint impressions and a photograph each time a person is arrested. At the time of fingerprinting, a state tracking number shall be assigned to the fingerprint records and the booking sheet.

B. A person arrested for the commission of a criminal offense not amounting to a felony but punishable by imprisonment for more than six months under the laws of this state or any political subdivision shall be required by the arresting peace officer or the jail to make fingerprint impressions prior to the person's release. The arresting peace officer or the jail shall obtain fingerprint impressions and a photograph each time a person is arrested. At the time of fingerprinting, a state tracking number shall be assigned to the fingerprint records and the booking sheet.

C. A person arrested for violating a provision of Section 66-8-102 NMSA 1978 or committing a violation of a municipal or county ordinance prescribing criminal penalties for driving while under the influence of intoxicating liquor or drugs shall be required by the arresting peace officer or the jail to make fingerprint impressions prior to the person's release. The arresting peace officer or the jail shall obtain fingerprint impressions and a photograph each time a person is arrested. At the time of fingerprinting, a state tracking number shall be assigned to the fingerprint records and the booking sheet.

D. Fingerprint impressions shall be made pursuant to rules adopted by the department. Fingerprint record submission policies and a state tracking number system for fingerprint records shall be implemented pursuant to rules adopted by the department. All felony, misdemeanor and DWI arrest fingerprints shall be made in duplicate. Both copies and a photograph of the person arrested shall be forwarded to the department within five days following the date of arrest. The department shall forward one copy to the federal bureau of investigation in Washington, D. C.

E. An inmate who is charged with a felony or misdemeanor offense while incarcerated shall be fingerprinted and photographed, and the jail or corrections facility shall forward the offender's fingerprint records and photograph to the department.

F. The administrative office of the courts shall provide to the department the disposition of all criminal cases assigned a state tracking number. The disposition shall be provided in electronic format, promptly upon the conclusion of the case.

G. The administrative office of the district attorneys shall provide to the department the disposition of all criminal cases assigned a state tracking number, when the district attorney decides not to file charges in the case. The disposition shall be

provided in electronic format, promptly upon a district attorney's decision not to file charges in the case.

H. Law enforcement agencies, the administrative office of the courts and the administrative office of the district attorneys may allow the department access to their records for the purpose of auditing those records to ensure compliance with the provisions of this section."

Section 2. A new section of Chapter 29, Article 3 NMSA 1978 is enacted to read:

"PETITION TO EXPUNGE ARREST INFORMATION.--

A. A person may petition the department to expunge arrest information on the person's state record or federal bureau of investigation record if the arrest was for a misdemeanor or petty misdemeanor offense and the arrest was not for a crime of moral turpitude. If the department cannot locate a final disposition after contacting the arresting law enforcement agency, the administrative office of the courts and the administrative office of the district attorneys, the department shall expunge the arrest information.

B. As used in this section:

(1) "expunge" means to remove a notation of an arrest placed on a person's state record or federal bureau of investigation record; and

(2) "final disposition" means a final outcome following arrest, including nolle prosequi, a dismissal, a decision to not file charges, a referral to a pre-prosecution diversion program, placement on probation or imposition of a fine."

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

HOUSE BILL 297, AS AMENDED

WITH CERTIFICATE OF CORRECTION

CHAPTER 47

CHAPTER 47, LAWS 2002

AN ACT

RELATING TO HAZARDOUS MATERIALS; AMENDING THE HAZARDOUS WASTE ACT TO PROVIDE FOR REGULATION OF THE MANAGEMENT OF USED OIL.

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

Section 1. Section 74-4-3 NMSA 1978 (being Laws 1977, Chapter 313, Section 3, as amended by Laws 2001, Chapter 323, Section 1 and by Laws 2001, Chapter 325, Section 2) is amended to read:

"74-4-3. DEFINITIONS.--As used in the Hazardous Waste Act:

A. "above ground storage tank" means a single tank or combination of tanks, including underground pipes connected thereto, that are used to contain petroleum, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure of sixty degrees Fahrenheit and fourteen and seven-tenths pounds per square inch absolute, and the volume of which is more than ninety percent above the surface of the ground. "Above ground storage tank" does not include any:

(1) farm, ranch or residential tank used for storing motor fuel or heating oil for noncommercial purposes;

(2) pipeline facility, including gathering lines regulated under the federal Natural Gas Pipeline Safety Act of 1968 or the federal Hazardous Liquid Pipeline Safety Act of 1979, or that is an intrastate pipeline facility regulated under state laws comparable to either act;

(3) surface impoundment, pit, pond or lagoon;

(4) storm water or wastewater collection system;

(5) flow-through process tank;

(6) liquid trap, tank or associated gathering lines or other storage methods or devices related to oil, gas or mining exploration, production, transportation, refining, processing or storage, or to the oil field service industry operations;

(7) tank associated with an emergency generator system;

(8) pipes connected to any tank that is described in Paragraphs (1) through (7) of this subsection; or

(9) tanks or related pipelines and facilities owned or used by a refinery, natural gas processing plant or pipeline company in the regular course of their refining, processing or pipeline business;

B. "board" means the environmental improvement board;

C. "corrective action" means an action taken in accordance with rules of the board to investigate, minimize, eliminate or clean up a release to protect the public health, safety and welfare or the environment;

D. "director" or "secretary" means the secretary of environment;

E. "disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters;

F. "division" or "department" means the department of environment;

G. "federal agency" means any department, agency or other instrumentality of the federal government and any independent agency or establishment of that government, including any government corporation and the government printing office;

H. "generator" means any person producing hazardous waste;

I. "hazardous agricultural waste" means hazardous waste generated as part of his licensed activity by any person licensed pursuant to the Pesticide Control Act or any hazardous waste designated as hazardous agricultural waste by the board, but does not include animal excrement in connection with farm, ranch or feedlot operations;

J. "hazardous substance incident" means any emergency incident involving a chemical or chemicals, including but not limited to transportation wrecks, accidental spills or leaks, fires or explosions, which incident creates the reasonable probability of injury to human health or property;

K. "hazardous waste" means any solid waste or combination of solid wastes that because of their quantity, concentration or physical, chemical or infectious characteristics may:

(1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

(2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. "Hazardous waste" does not include any of the following, until the board determines that they are subject to Subtitle C of the federal Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901 et seq.: drilling fluids, produced waters and other wastes associated with the exploration, development or production of crude oil or natural gas or geothermal energy; fly ash waste; bottom ash waste; slag waste; flue gas emission control waste generated primarily from the

combustion of coal or other fossil fuels; solid waste from the extraction, beneficiation or processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore; or cement kiln dust waste;

L. "manifest" means the form used for identifying the quantity, composition, origin, routing and destination of hazardous waste during transportation from point of generation to point of disposal, treatment or storage;

M. "person" means any individual, trust, firm, joint stock company, federal agency, corporation, including a government corporation, partnership, association, state, municipality, commission, political subdivision of a state or any interstate body;

N. "regulated substance" means:

(1) any substance defined in Section 101(14) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, but not including any substance regulated as a hazardous waste under Subtitle C of the federal Resource Conservation and Recovery Act of 1976, as amended; and

(2) petroleum, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure of sixty degrees Fahrenheit and fourteen and seven-tenths pounds per square inch absolute;

O. "solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Section 402 of the federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear or byproduct material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923);

P. "storage" means the containment of hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste;

Q. "storage tank" means an above ground storage tank or an underground storage tank;

R. "tank installer" means any individual who installs or repairs a storage tank;

S. "transporter" means a person engaged in the movement of hazardous waste, not including movement at the site of generation, disposal, treatment or storage;

T. "treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable to recovery, amenable to storage or reduced in volume. "Treatment" includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous; [and]

U. "underground storage tank" means a single tank or combination of tanks, including underground pipes connected thereto, that are used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected thereto, is ten percent or more beneath the surface of the ground. "Underground storage tank" does not include any:

(1) farm, ranch or residential tank of one thousand one hundred gallons or less capacity used for storing motor fuel or heating oil for noncommercial purposes;

(2) septic tank;

(3) pipeline facility, including gathering lines that are regulated under the federal Natural Gas Pipeline Safety Act of 1968 or the federal Hazardous Liquid Pipeline Safety Act of 1979, or that is an intrastate pipeline facility regulated under state laws comparable to either act;

(4) surface impoundment, pit, pond or lagoon;

(5) storm water or wastewater collection system;

(6) flow-through process tank;

(7) liquid trap, tank or associated gathering lines directly related to oil or gas production and gathering operations;

(8) storage tank situated in an underground area, such as a basement, cellar, mineworking drift, shaft or tunnel, if the storage tank is situated upon or above the surface of the undesignated floor;

(9) tank associated with an emergency generator system;

(10) tank exempted by rule of the board after finding that the type of tank is adequately regulated under another federal or state law; or

(11) pipes connected to any tank that is described in Paragraphs (1) through (10) of this subsection; and

V. "used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities."

Section 2. Section 74-4-4 NMSA 1978 (being Laws 1977, Chapter 313, Section 4, as amended by Laws 2001, Chapter 323, Section 2 and by Laws 2001, Chapter 325, Section 3) is amended to read:

"74-4-4. DUTIES AND POWERS OF THE BOARD.--

A. The board shall adopt rules for the management of hazardous waste as may be necessary to protect public health and the environment, that are equivalent to and no more stringent than federal regulations adopted by the federal environmental protection agency pursuant to the federal Resource Conservation and Recovery Act of 1976, as amended:

(1) for the identification and listing of hazardous wastes, taking into account toxicity, persistence and degradability, potential for accumulation in tissue and other related factors, including flammability, corrosiveness and other hazardous characteristics; provided that, except as authorized by Sections 74-4-3.3 and 74-8-2 NMSA 1978, the board shall not identify or list any solid waste or combination of solid wastes as a hazardous waste that has not been listed and designated as a hazardous waste by the federal environmental protection agency pursuant to the federal Resource Conservation and Recovery Act of 1976, as amended;

(2) establishing standards applicable to generators identified or listed under this subsection, including requirements for:

(a) furnishing information on the location and description of the generator's facility and on the production or energy recovery activity occurring at that facility;

(b) record keeping practices that accurately identify the quantities of hazardous waste generated, the constituents of the waste that are significant in quantity or in potential harm to human health or the environment and the disposition of the waste;

(c) labeling practices for any containers used for the storage, transport or disposal of the hazardous waste that will identify accurately the waste;

(d) use of safe containers tested for safe storage and transportation of the hazardous waste;

(e) furnishing the information on the general chemical composition of the hazardous waste to persons transporting, treating, storing or disposing of the waste;

(f) implementation of programs to reduce the volume or quantity and toxicity of the hazardous waste generated;

(g) submission of reports to the secretary at such times as the secretary deems necessary, setting out the quantities of hazardous waste identified or listed pursuant to the Hazardous Waste Act that the generator has generated during a particular time period and the disposition of all hazardous waste reported, the efforts undertaken during a particular time period to reduce the volume and toxicity of waste generated and the changes in volume and toxicity of waste actually achieved during a particular time period in comparison with previous time periods; and

(h) the use of a manifest system and any other reasonable means necessary to assure that all hazardous waste generated is designated for treatment, storage or disposal in, and arrives at, treatment, storage or disposal facilities, other than facilities on the premises where the waste is generated, for which a permit has been issued pursuant to the Hazardous Waste Act and that the generator of hazardous waste has a program in place to reduce the volume or quality and toxicity of waste to the degree determined by the generator to be economically practicable and that the proposed method of treatment, storage or disposal is that practicable method currently available to the generator that minimizes the present and future threat to human health and the environment;

(3) establishing standards applicable to transporters of hazardous waste identified or listed under this subsection or of fuel produced from any such hazardous waste or of fuel from such waste and any other material, as may be necessary to protect human health and the environment, including but not limited to requirements for:

(a) record keeping concerning the hazardous waste transported and its source and delivery points;

(b) transportation of the hazardous waste only if properly labeled;

(c) compliance with the manifest system referred to in Subparagraph (h) of Paragraph (2) of this subsection; and

(d) transportation of all the hazardous waste only to the hazardous waste treatment, storage or disposal facilities that the shipper designates on the manifest form to be a facility holding a permit issued pursuant to the Hazardous Waste Act or the federal Resource Conservation and Recovery Act of 1976, as amended;

(4) establishing standards applicable to distributors or marketers of any fuel produced from hazardous waste, or any fuel that contains hazardous waste, for:

(a) furnishing the information stating the location and general description of the facility; and

(b) furnishing the information describing the production or energy recovery activity carried out at the facility;

(5) establishing performance standards as may be necessary to protect human health and the environment applicable to owners and operators of facilities for the treatment, storage or disposal of hazardous waste identified or listed under this section, distinguishing, where appropriate, between new facilities and facilities in existence on the date of promulgation, including requirements for:

(a) maintaining the records of all hazardous waste identified or listed under this subsection that is treated, stored or disposed of, as the case may be, and the manner in which such waste was treated, stored or disposed of;

(b) satisfactory reporting, monitoring, inspection and compliance with the manifest system referred to in Subparagraph (h) of Paragraph (2) of this subsection;

(c) treatment, storage or disposal of all such waste and any liquid that is not a hazardous waste, except with respect to underground injection control into deep injection wells, received by the facility pursuant to such operating methods, techniques and practices as may be satisfactory to the secretary;

(d) location, design and construction of hazardous waste treatment, disposal or storage facilities;

(e) contingency plans for effective action to minimize unanticipated damage from any treatment, storage or disposal of any hazardous waste;

(f) maintenance and operation of the facilities and requiring any additional qualifications as to ownership, continuity of operation, training for personnel and financial responsibility, including financial responsibility for corrective action, as may be necessary or desirable;

(g) compliance with the requirements of Paragraph (6) of this subsection respecting permits for treatment, storage or disposal;

(h) the taking of corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a treatment, storage or disposal facility, regardless of the time at which waste was placed in the unit; and

(i) the taking of corrective action beyond a facility's boundaries where necessary to protect human health and the environment unless the

owner or operator of that facility demonstrates to the satisfaction of the secretary that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. Rules adopted and promulgated under this subparagraph shall take effect immediately and shall apply to all facilities operating under permits issued under Paragraph (6) of this subsection and to all landfills, surface impoundments and waste pile units, including any new units, replacements of existing units or lateral expansions of existing units, that receive hazardous waste after July 26, 1982. No private entity shall be precluded by reason of criteria established under Subparagraph (f) of this paragraph from the ownership or operation of facilities providing hazardous waste treatment, storage or disposal services where the entity can provide assurance of financial responsibility and continuity of operation consistent with the degree and duration of risks associated with the treatment, storage or disposal of specified hazardous waste;

(6) requiring each person owning or operating or both an existing facility or planning to construct a new facility for the treatment, storage or disposal of hazardous waste identified or listed under this subsection to have a permit issued pursuant to requirements established by the board;

(7) establishing procedures for the issuance, suspension, revocation and modification of permits issued under Paragraph (6) of this subsection, which rules shall provide for public notice, public comment and an opportunity for a hearing prior to the issuance, suspension, revocation or major modification of any permit unless otherwise provided in the Hazardous Waste Act;

(8) defining major and minor modifications; and

(9) establishing procedures for the inspection of facilities for the treatment, storage and disposal of hazardous waste that govern the minimum frequency and manner of the inspections, the manner in which records of the inspections shall be maintained and the manner in which reports of the inspections shall be filed; provided, however, that inspections of permitted facilities shall occur no less often than every two years.

B. The board shall adopt rules:

(1) concerning hazardous substance incidents; and

(2) requiring notification to the department of any hazardous substance incidents.

C. The board shall adopt rules concerning storage tanks as may be necessary to protect public health and the environment and that, in the case of underground storage tanks, are equivalent to and no more stringent than federal regulations adopted by the federal environmental protection agency pursuant to the

federal Resource Conservation and Recovery Act of 1976, as amended. Rules adopted pursuant to this subsection shall include:

- (1) standards for the installation, operation and maintenance of storage tanks;
- (2) requirements for financial responsibility;
- (3) standards for inventory control;
- (4) standards for the detection of leaks from and the integrity-testing and monitoring of storage tanks;
- (5) standards for the closure and dismantling of storage tanks;
- (6) requirements for record keeping; and
- (7) requirements for the reporting, containment and remediation of all leaks from any storage tanks.

D. Notwithstanding the provisions of Subsection A of this section, the board may adopt rules for the management of hazardous waste and hazardous waste transformation that are more stringent than federal regulations adopted by the federal environmental protection agency pursuant to the federal Resource Conservation and Recovery Act of 1976, as amended, if the board determines, after notice and public hearing, that such federal regulations are not sufficient to protect public health and the environment. As used in this subsection, "transformation" means incineration, pyrolysis, distillation, gasification or biological conversion other than composting.

E. The board shall adopt rules concerning the management of used oil that are equivalent to and no more stringent than federal regulations adopted by the federal environmental protection agency pursuant to the federal Resource Conservation and Recovery Act of 1976, as amended.

F. In the event the board wishes to adopt rules that are identical with regulations adopted by an agency of the federal government, the board, after notice and hearing, may adopt such rules by reference to the federal regulations without setting forth the provisions of the federal regulations."

Section 3. REPEAL.--Laws 2001, chapter 323, Sections 1 and 2 are repealed.

CHAPTER 48

CHAPTER 48, LAWS 2002

AN ACT

RELATING TO GAMING TAXATION; AMENDING SECTION 60-2E-47 NMSA 1978 (BEING LAWS 1997, CHAPTER 190, SECTION 49, AS AMENDED BY LAWS 2001, CHAPTER 256, SECTION 1 AND ALSO BY LAWS 2001, CHAPTER 262, SECTION 3) TO INCLUDE LANGUAGE FROM THE FIRST BILL SIGNED IN 2001 AMENDING THAT SECTION; REPEALING LAWS 2001, CHAPTER 256, SECTION 1; DECLARING AN EMERGENCY.

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

Section 1. Section 60-2E-47 NMSA 1978 (being Laws 1997, Chapter 190, Section 49, as amended by Laws 2001, Chapter 256, Section 1 and also by Laws 2001, Chapter 262, Section 3) is amended to read:

"60-2E-47. GAMING TAX--IMPOSITION--ADMINISTRATION.--

A. An excise tax is imposed on the privilege of engaging in gaming activities in the state. This tax shall be known as the "gaming tax".

B. The gaming tax is an amount equal to ten percent of the gross receipts of manufacturer licensees from the sale, lease or other transfer of gaming devices in or into the state, except receipts of a manufacturer from the sale, lease or other transfer to a licensed distributor for subsequent sale or lease may be excluded from gross receipts; ten percent of the gross receipts of distributor licensees from the sale, lease or other transfer of gaming devices in or into the state; ten percent of the net take of a gaming operator licensee that is a nonprofit organization; and twenty-five percent of the net take of every other gaming operator licensee. For the purposes of this section, "gross receipts" means the total amount of money or the value of other consideration received from selling, leasing or otherwise transferring gaming devices.

C. The gaming tax imposed on a licensee is in lieu of all state and local gross receipts taxes on that portion of the licensee's gross receipts attributable to gaming activities.

D. The gaming tax is to be paid on or before the fifteenth day of the month following the month in which the taxable event occurs. The gaming tax shall be administered and collected by the taxation and revenue department in cooperation with the board. The provisions of the Tax Administration Act apply to the collection and administration of the tax.

E. In addition to the gaming tax, a gaming operator licensee that is a racetrack shall pay twenty percent of its net take to purses to be distributed in accordance with rules adopted by the state racing commission. An amount not to exceed twenty percent of the interest earned on the balance of any fund consisting of money for purses distributed by racetrack gaming operator licensees pursuant to this subsection may be expended for the costs of administering the distributions. A racetrack gaming operator licensee shall spend no less than one-fourth of one percent of the net take of its gaming machines to fund or support programs for the treatment and assistance of compulsive gamblers.

F. A nonprofit gaming operator licensee shall distribute at least sixty percent of the balance of its net take, after payment of the gaming tax and any income taxes,

for charitable or educational purposes."

Section 2. REPEAL.--Laws 2001, Chapter 256, Section 1 is repealed.

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HOUSE BILL 352, WITH EMERGENCY CLAUSE

SIGNED MARCH 4, 2002

CHAPTER 49

CHAPTER 49, LAWS 2002

AN ACT

RELATING TO TAXATION; AMENDING SECTIONS OF THE GROSS RECEIPTS AND COMPENSATING TAX ACT TO PROVIDE FOR TAXATION OF CERTAIN SALES BY FLORISTS.

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

Section 1. Section 7-9-3 NMSA 1978 (being Laws 1978, Chapter 46, Section 1, as amended by Laws 2001, Chapter 65, Section 1 and by Laws 2001, Chapter 343, Section 1) is amended to read:

"7-9-3. DEFINITIONS.--As used in the Gross Receipts and Compensating Tax Act:

A. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

B. "buying" or "selling" means any transfer of property for consideration or any performance of service for consideration;

C. "construction" means building, altering, repairing or demolishing in the ordinary course of business any:

(1) road, highway, bridge, parking area or related project;

(2) building, stadium or other structure;

(3) airport, subway or similar facility;

(4) park, trail, athletic field, golf course or similar facility;

(5) dam, reservoir, canal, ditch or similar facility;

(6) sewerage or water treatment facility, power generating plant, pump station, natural gas compressing station, gas processing plant, coal gasification plant, refinery, distillery or similar facility;

(7) sewerage, water, gas or other pipeline;

(8) transmission line;

(9) radio, television or other tower;

(10) water, oil or other storage tank;

(11) shaft, tunnel or other mining appurtenance;

(12) microwave station or similar facility;

(13) retaining wall, wall, fence gate or similar structure; or

(14) similar work;

"construction" also means:

(15) leveling or clearing land;

(16) excavating earth;

(17) drilling wells of any type, including seismograph shot holes or core drilling; or

(18) similar work;

D. "financial corporation" means any savings and loan association or any incorporated savings and loan company, trust company, mortgage banking company, consumer finance company or other financial corporation;

E. "engaging in business" means carrying on or causing to be carried on any activity with the purpose of direct or indirect benefit, except that:

(1) "engaging in business" does not include having a worldwide web site as a third-party content provider on a computer physically located in New Mexico but owned by another nonaffiliated person; and

(2) "engaging in business" does not include using a nonaffiliated third-party call center to accept and process telephone or electronic orders of tangible personal property or licenses primarily from non-New Mexico buyers, which orders are forwarded to a location outside New Mexico for filling, or to provide services primarily to non-New Mexico customers;

F. "gross receipts" means the total amount of money or the value of other consideration received from selling property in New Mexico, from leasing property employed in New Mexico, from selling services performed outside New Mexico the product of which is initially used in New Mexico or from performing services in New Mexico. In an exchange in which the money or other consideration received does not represent the value of the property or service exchanged, "gross receipts" means the reasonable value of the property or service exchanged.

(1) "Gross receipts" includes:

(a) any receipts from sales of tangible personal property handled on consignment;

(b) the total commissions or fees derived from the business of buying, selling or promoting the purchase, sale or leasing, as an agent or broker on a commission or fee basis, of any property, service, stock, bond or security;

(c) amounts paid by members of any cooperative association or similar organization for sales or leases of personal property or performance of services by such organization;

(d) amounts received from transmitting messages or conversations by persons providing telephone or telegraph services; and

(e) amounts received by a New Mexico florist from the sale of flowers, plants or other products that are customarily sold by florists where the sale is made pursuant to orders placed with the New Mexico florist that are filled and delivered outside New Mexico by an out-of-state florist.

(2) "Gross receipts" excludes:

(a) cash discounts allowed and taken;

(b) New Mexico gross receipts tax, governmental gross receipts tax and leased vehicle gross receipts tax payable on transactions for the reporting period;

(c) taxes imposed pursuant to the provisions of any local option gross receipts tax that is payable on transactions for the reporting period;

(d) any gross receipts or sales taxes imposed by an Indian nation, tribe or pueblo; provided that the tax is approved, if approval is required by federal law or regulation, by the secretary of the interior of the United States; and provided further that the gross receipts or sales tax imposed by the Indian nation, tribe or pueblo provides a reciprocal exclusion for gross receipts, sales or gross receipts-based excise taxes imposed by the state or its political subdivisions;

(e) any type of time-price differential;

(f) amounts received solely on behalf of another in a disclosed agency capacity; and

(g) amounts received by a New Mexico florist from the sale of flowers, plants or other products that are customarily sold by florists where the sale is made pursuant to orders placed with an out-of-state florist for filling and delivery in New Mexico by a New Mexico florist.

(3) When the sale of property or service is made under any type of charge, conditional or time-sales contract or the leasing of property is made under a leasing contract, the seller or lessor may elect to treat all receipts, excluding any type of time-price differential, under such contracts as gross receipts as and when the payments are actually received. If the seller or lessor transfers his interest in any such contract to a third person, the seller or lessor shall pay the gross receipts tax upon the full sale or leasing contract amount, excluding any type of time-price differential;

G. "manufacturing" means combining or processing components or materials to increase their value for sale in the ordinary course of business, but does not include construction;

H. "person" means:

(1) an individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, limited liability company, limited liability partnership, joint venture, syndicate or other entity, including any gas, water or electric utility owned or operated by a county, municipality or other political subdivision of the state; or

(2) a national, federal, state, Indian or other governmental unit or subdivision, or an agency, department or instrumentality of any of the foregoing;

I. "property" means real property, tangible personal property, licenses, franchises, patents, trademarks and copyrights. Tangible personal property includes electricity and manufactured homes;

J. "leasing" means an arrangement whereby, for a consideration, property is employed for or by any person other than the owner of the property, except that the granting of a license to use property is the sale of a license and not a lease;

K. "service" means all activities engaged in for other persons for a consideration, which activities involve predominantly the performance of a service as distinguished from selling or leasing property. "Service" includes activities performed by a person for its members or shareholders. In determining what is a service, the intended use, principal objective or ultimate objective of the contracting parties shall not be controlling. "Service" includes construction activities and all tangible personal property that will become an ingredient or component part of a construction project. Such tangible personal property retains its character as tangible personal property until it is installed as an ingredient or component part of a construction project in New Mexico. However, sales of tangible personal property that will become an ingredient or component part of a construction project to persons engaged in the construction business are sales of tangible personal property;

L. "use" or "using" includes use, consumption or storage other than storage for subsequent sale in the ordinary course of business or for use solely outside this state;

M. "secretary" means the secretary of taxation and revenue or the secretary's delegate;

N. "manufactured home" means a movable or portable housing structure for human occupancy that exceeds either a width of eight feet or a length of forty feet constructed to be towed on its own chassis and designed to be installed with or without a permanent foundation;

O. "initial use" or "initially used" means the first employment for the intended purpose and does not include the following activities:

(1) observation of tests conducted by the performer of services;

(2) participation in progress reviews, briefings, consultations and conferences conducted by the performer of services;

(3) review of preliminary drafts, drawings and other materials prepared by the performer of the services;

(4) inspection of preliminary prototypes developed by the performer of services; or

(5) similar activities;

P. "research and development services" means an activity engaged in for other persons for consideration, for one or more of the following purposes:

(1) advancing basic knowledge in a recognized field of natural science;

(2) advancing technology in a field of technical endeavor;

(3) the development of a new or improved product, process or system with new or improved function, performance, reliability or quality, whether or not the new or improved product, process or system is offered for sale, lease or other transfer;

(4) the development of new uses or applications for an existing product, process or system, whether or not the new use or application is offered as the rationale for purchase, lease or other transfer of the product, process or system;

(5) analytical or survey activities incorporating technology review, application, trade-off study, modeling, simulation, conceptual design or similar activities, whether or not offered for sale, lease or other transfer; or

(6) the design and development of prototypes or the integration of systems incorporating advances, developments or improvements included in Paragraphs (1) through (5) of this subsection;

Q. "local option gross receipts tax" means a tax authorized to be imposed by a county or municipality upon the taxpayer's gross receipts and required to be collected by the department at the same time and in the same manner as the gross receipts tax; "local option gross receipts tax" includes the taxes imposed pursuant to the Municipal Local Option Gross Receipts Taxes Act, Supplemental Municipal Gross Receipts Tax Act, County Local Option Gross Receipts Taxes Act, Local Hospital Gross Receipts Tax Act, County Correctional Facility Gross Receipts Tax Act and such other acts as may be enacted authorizing counties or municipalities to impose taxes on gross receipts, which taxes are to be collected by the department;

R. "prescription drugs" means insulin and substances that are:

(1) dispensed by or under the supervision of a licensed pharmacist or by a physician or other person authorized under state law to do so;

(2) prescribed for a specified person by a person authorized under state law to prescribe the substance; and

(3) subject to the restrictions on sale contained in Subparagraph 1 of Subsection (b) of 21 USCA 353; and

S. "construction material" means tangible personal property that becomes or is intended to become an ingredient or component part of a construction project, but "construction material" does not include a replacement fixture when the replacement is not construction or a replacement part for a fixture."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

HOUSE BILL 37, AS AMENDED

CHAPTER 50

CHAPTER 50, LAWS 2002

AN ACT

RELATING TO COMMERCIAL TRANSACTIONS; REDUCING THE FEE FOR ELECTRONIC FILINGS; PROVIDING THE SECRETARY OF STATE WITH AUTHORITY TO ESTABLISH ADDITIONAL FILING FEES; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 55-9-515 NMSA 1978 (being Laws 2001, Chapter 139, Section 86) is amended to read:

"55-9-515. DURATION AND EFFECTIVENESS OF FINANCING STATEMENT--EFFECT OF LAPSED FINANCING STATEMENT.--

(a) Except as otherwise provided in Subsections (b), (e), (f) and (g) of this section, a filed financing statement is effective for a period of five years after the date of filing.

(b) Except as otherwise provided in Subsections (e), (f) and (g) of this section, an initial financing statement filed in connection with a public-finance transaction or manufactured-home transaction is effective for a period of thirty years after the date of filing if it indicates that it is filed in connection with a public-finance transaction or manufactured-home transaction.

(c) The effectiveness of a filed financing statement lapses on the expiration of the period of its effectiveness unless before the lapse a continuation statement is filed pursuant to Subsection (d) of this section. Upon lapse, a financing statement ceases to be effective and any security interest or agricultural lien that was perfected by the financing statement becomes unperfected unless the security interest is perfected otherwise. If the security interest or agricultural lien becomes unperfected upon lapse, it is deemed never to have been perfected as against a purchaser of the collateral for value.

(d) A continuation statement may be filed only within six months before the expiration of the five-year period specified in Subsection (a) of this section or the thirty-year period specified in Subsection (b) of this section, whichever is applicable.

(e) Except as otherwise provided in Section 55-9-510 NMSA 1978, upon timely filing of a continuation statement, the effectiveness of the initial financing statement continues for a period of five years commencing on the day on which the financing statement would have become ineffective in the absence of the filing. Upon the expiration of the five-year period, the financing statement lapses in the same manner as provided in Subsection (c) of this section, unless, before the lapse, another continuation statement is filed pursuant to Subsection (d) of this section. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the initial financing statement.

(f) If a debtor is a transmitting utility and a filed financing statement so indicates, the financing statement is effective until a termination statement is filed. The filing officer may require proof of the debtor's authority to operate as a transmitting utility as a condition of filing the financing statement or an amendment.

(g) A record of a mortgage that is effective as a financing statement filed as a fixture filing under Subsection (c) of Section 55-9-502 NMSA 1978 remains effective as a financing statement filed as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real property."

Section 2. Section 55-9-525 NMSA 1978 (being Laws 2001, Chapter 139, Section 96) is amended to read:

"55-9-525. FEES.--

(a) Except as provided in Subsections (b) and (d) of this section, the fee for filing and indexing a record pursuant to Section 55-9-501 through 55-9-526 NMSA 1978 is:

(1) if the record is communicated in writing in a form prescribed by the secretary of state:

(i) twenty dollars (\$20.00) if the record consists of one, two or three pages;

(ii) forty dollars (\$40.00) if the record consists of at least four pages, but no more than twenty-five pages; and

(iii) one hundred dollars (\$100) if the record consists of more than twenty-five pages, plus five dollars (\$5.00) for each page;

(2) if the record is communicated in writing, but not in a form prescribed by the secretary of state, double the amount specified in Paragraph (1) of this subsection for a record of the same length;

(3) if the record is communicated by facsimile or a similar medium and the use of that medium is authorized by filing-office rule, the amount specified in Paragraph (1) of this subsection for a record of the same length; and

(4) if the record is communicated in any other medium authorized by filing-office rule:

(i) ten dollars (\$10.00) if the record consists of fifteen thousand or fewer bytes; and

(ii) twenty dollars (\$20.00) if the record consists of more than fifteen thousand bytes.

(b) Except as otherwise provided in Subsection (d) of this section, the fee for filing and indexing an initial financing statement of the following kind is the amount specified in Subsection (a) of this section plus:

(1) one hundred dollars (\$100) if the financing statement indicates that it is filed in connection with a public-finance transaction;

(2) one hundred dollars (\$100) if the financing statement states that a debtor is a transmitting utility; and

(3) one hundred dollars (\$100) if the financing statement indicates that it is filed in connection with a manufactured-home transaction.

(c) The number of names required to be indexed does not affect the amount of the fee set forth in Subsections (a) and (b) of this section.

(d) This section does not require a fee with respect to a record of a mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under Subsection (c) of Section 55-9-502 NMSA 1978. However, the recording fees that otherwise would be applicable to the record of the mortgage apply.

(e) The secretary of state is authorized to establish additional fees for sale of data or records by adopting and publishing rules, pursuant to Section 55-9-526 NMSA 1978, to implement the requirements set forth in Chapter 55, Article 9 NMSA 1978."

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

HOUSE BILL 353, AS AMENDED

CHAPTER 51

CHAPTER 51, LAWS 2002

AN ACT

RELATING TO ELECTIONS; PROVIDING A REMEDY FOR USE OF INCORRECT BALLOTS.

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

Section 1. A new section of the Election Code is enacted to read:

"BALLOTS--REMEDY FOR USE OF INCORRECT BALLOTS.--

A. As used in this section, "incorrect ballot" means an election ballot that fails to list the correct candidate for an office.

B. If an incorrect ballot is discovered after eligible voters have used the incorrect ballot to cast their votes, the precinct board shall:

(1) lock and seal the voting machine on which the incorrect ballot appears to prevent further voting on that machine, at which time that machine shall be considered disabled;

(2) preserve a record of the voters who voted using the incorrect ballot by marking the vote number shown on the public counter of the voting machine on both the copy of the voter list marked for the secretary of state and the signature roster;

(3) attach a note to the voter list marked for the secretary of state and the signature roster giving the number of the last voter who voted using the incorrect ballot; and

(4) if necessary, use emergency paper ballots pursuant to Section 1-12-43 NMSA 1978.

C. The precinct board shall notify the county clerk and the secretary of state of the incorrect ballot and of the precinct board's compliance with the provisions of this section no later than one hour after the polls close.

D. The votes recorded on the voting machine that was locked and sealed pursuant to Subsection B of this section shall be tallied with the votes from valid ballots from the precinct, except that the votes for incorrect candidates shall not be tallied. Written notice of this procedure and a statement of the number of voters who voted using the incorrect ballot shall be sent to the secretary of state and the county clerk after the signature roster is properly certified.

E. If a candidate contests the election results and the court finds that the number of eligible voters who relied on incorrect ballots is great enough to affect the outcome of that candidate's race, the court may order the county clerk to send ballots for that candidate's race to those voters who voted using an incorrect ballot.

F. The ballots prescribed in Subsection E of this section shall list the names of the candidates and office for the race in question, be in a form substantially similar to absentee ballots as prescribed by the secretary of state and:

(1) indicate the number of voters that are eligible to vote in the court-ordered vote;

(2) give the reason the voter is being asked to vote;

(3) indicate that the voter must return the ballot within fourteen days of receiving it;

(4) be mailed to the voter by certified mail, return receipt requested; and

(5) be mailed with a prepaid return envelope addressed to the county clerk of the county within which the voter's precinct lies.

G. Returned ballots shall be opened, counted and tallied by the county clerk in the presence of the district court judge or his representative and the results added to the candidates' respective vote totals and reported to the court and the secretary of state. Ballots not received by the county clerk within eighteen days of the county clerk's mailing shall not be counted."

HOUSE BILL 422, AS AMENDED

CHAPTER 52

CHAPTER 52, LAWS 2002

AN ACT

RELATING TO THE PUBLIC PROJECT REVOLVING FUND; EXTENDING THE SUNSET PROVISION CONCERNING EMERGENCY PUBLIC PROJECTS FUNDED BY THE NEW MEXICO FINANCE AUTHORITY FROM THE PUBLIC PROJECT REVOLVING FUND; DECLARING AN EMERGENCY.

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

Section 1. Section 6-21-6.2 NMSA 1978 (being Laws 1999, Chapter 4, Section 2) is amended to read:

"6-21-6.2. PUBLIC PROJECT REVOLVING FUND--EMERGENCY PUBLIC PROJECTS.--

A. Money on deposit in the public project revolving fund may be used to acquire securities or to make loans to qualified entities for emergency public projects. The amount of securities acquired from or the loan made to a qualified entity at any one time for any one emergency public project shall not exceed five hundred thousand dollars (\$500,000). Emergency public projects are not required to obtain the specific authorization by law required in Sections 6-21-6 and 6-21-8 NMSA 1978; however, each emergency public project must be specifically designated as such by the authority prior to the acquisition of securities or the making of a loan to a qualified entity for the emergency public project. The aggregate amount of loans for emergency public projects that may be made by the authority in any one fiscal year may not exceed three million dollars (\$3,000,000).

B. The provisions of this section shall be effective until June 30, 2005."

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HOUSE BILL 16, AS AMENDED
WITH EMERGENCY CLAUSE AND
CERTIFICATE OF CORRECTIONS
SIGNED MARCH 4, 2002

CHAPTER 53

CHAPTER 53, LAWS 2002

AN ACT

RELATING TO FINANCE; AMENDING THE NEW MEXICO FINANCE AUTHORITY ACT TO ALLOW THE PUBLIC PROJECT REVOLVING FUND TO BE USED TO PURCHASE BONDS ISSUED BY THE NEW MEXICO FINANCE AUTHORITY; DECLARING AN EMERGENCY.

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

Section 1. Section 6-21-6 NMSA 1978 (being Laws 1992, Chapter 61, Section 6, as amended by Laws 2000, Chapter 80, Section 3 and also by Laws 2000, Chapter 93, Section 1) is amended to read:

"6-21-6. PUBLIC PROJECT REVOLVING FUND--PURPOSE--
ADMINISTRATION.--

A. The "public project revolving fund" is created within the authority. The fund shall be administered by the authority as a separate account, but may consist of such subaccounts as the authority deems necessary to carry out the purposes of the fund. The authority may establish procedures and adopt rules as required to administer the fund in accordance with the New Mexico Finance Authority Act.

B. Except as otherwise provided in the New Mexico Finance Authority Act, money from payments of principal of and interest on loans and payments of principal of and interest on securities held by the authority for public projects authorized specifically by law shall be deposited in the public project revolving fund. The fund shall also consist of any other money appropriated, distributed or otherwise allocated to the fund for the purpose of financing public projects authorized specifically by law.

C. Money appropriated to pay administrative costs, money available for administrative costs from other sources and money from payments of interest on loans or securities held by the authority, including payments of interest on loans and securities held by the authority for public projects authorized specifically by law, that represents payments for administrative costs shall not be deposited in the public project revolving fund and shall be deposited in a separate account of the authority and may be used by the authority to meet administrative costs of the authority.

D. Except as otherwise provided in the New Mexico Finance Authority Act, money in the public project revolving fund is appropriated to the authority to pay the reasonably necessary costs of originating and servicing loans, grants or securities funded by the fund and to make loans or grants and to purchase or sell securities to assist qualified entities in financing public projects in accordance with the New Mexico Finance Authority Act and pursuant to specific authorization by law for each project.

E. Money in the public project revolving fund not needed for immediate disbursement, including money held in reserve, may be deposited with the state treasurer for short-term investment pursuant to Section 6-10-10.1 NMSA 1978 or may be invested in direct and general obligations of or obligations fully and unconditionally guaranteed by the United States, obligations issued by agencies of the United States, obligations of this state or any political subdivision of the state, interest-bearing time deposits, commercial paper issued by corporations organized and operating in the United States and rated "prime" quality by a national rating service, other investments permitted by Section 6-10-10 NMSA 1978 or as otherwise provided by the trust indenture or bond resolution, if money is pledged for or secures payment of bonds issued by the authority.

F. The authority shall establish fiscal controls and accounting procedures that are sufficient to assure proper accounting for public project revolving fund payments, disbursements and balances.

G. Money on deposit in the public project revolving fund may be used to make interim loans for a term not exceeding two years to qualified entities for the purpose of providing interim financing for any project approved or funded by the legislature.

H. Money on deposit in the public project revolving fund may be used to acquire securities or to make loans to qualified entities in connection with the equipment program. As used in this subsection, "equipment program" means the program of the authority designed to finance:

(1) the acquisition of equipment for:

(a) fire protection;

(b) law enforcement and protection;

- (c) computer and data processing;
- (d) street and road construction and maintenance;
- (e) emergency medical services;
- (f) solid waste collection, transfer and disposal;
- (g) radio and telecommunications; and
- (h) utility system purposes; and

(2) the acquisition, construction and improvement of fire stations.

I. The amount of securities acquired from or the loan made to a qualified entity at any one time pursuant to Subsection H of this section shall not exceed five hundred thousand dollars (\$500,000). The authority shall either obtain specific authorization by law for the projects funded through the equipment program at a legislative session subsequent to the acquisitions of the securities or the making of loans or issue bonds within two years of the date the securities are acquired or within two years of the date on which the loans are made and use the bond proceeds to reimburse the public project revolving fund for the amounts temporarily used to acquire securities or to make loans. The temporarily funded projects under the equipment program are not required to obtain specific authorization by law required of projects permanently funded from the public project revolving fund, as provided in this section and Section 6-21-8 NMSA 1978.

J. Money on deposit in the public project revolving fund may be designated as a reserve for any bonds issued by the authority, including bonds payable from sources other than the public project revolving fund, and the authority may covenant in any bond resolution or trust indenture to maintain and replenish the reserve from money deposited in the public project revolving fund after issuance of bonds by the authority.

K. Money on deposit in the public project revolving fund may be used to purchase bonds issued by the authority, which are payable from any designated source of revenues or collateral. Purchasing and holding such bonds in the public project revolving fund shall not, as a matter of law, result in cancellation or merger of such bonds notwithstanding the fact that the authority as the issuer of such bonds is obligated to make the required debt service payments and the public project revolving fund held by the authority is entitled to receive the required debt service payments."

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HOUSE BILL 17, WITH EMERGENCY CLAUSE

SIGNED MARCH 4, 2002

CHAPTER 54

CHAPTER 54, LAWS 2002

AN ACT

RELATING TO SCHOOL DISTRICT FINANCING; AUTHORIZING SCHOOL DISTRICTS TO ISSUE BOND ANTICIPATION NOTES TO PROVIDE SHORT-TERM FINANCING FOR CAPITAL PROJECTS; DECLARING AN EMERGENCY.

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

Section 1. A new section of the Public School Code is enacted to read:

"SHORT TITLE.--This act may be cited as the "School District Bond Anticipation Notes Act"."

Section 2. A new section of the Public School Code is enacted to read:

"PURPOSE.--The purpose of the School District Bond Anticipation Notes Act is to provide a mechanism for school districts to obtain short-term financing for capital projects that are needed by the school district to meet the educational needs of students in the school district and to promote the health, safety, security and general welfare of the students in the school district."

Section 3. A new section of the Public School Code is enacted to read:

"DEFINITIONS.--As used in the School District Bond Anticipation Notes Act:

A. "bond anticipation note" means a security evidencing an obligation of the school district that precedes the issuance of general obligation bonds; and

B. "general obligation bond" means indebtedness issued by a school district that constitutes a debt for the purpose of Article 9, Section 11 of the constitution of New Mexico."

Section 4. A new section of the Public School Code is enacted to read:

"ISSUANCE OF BOND ANTICIPATION NOTES.--

A. A school district may issue bond anticipation notes for any purpose for which general obligation bonds are authorized to be issued.

B. The principal amount of bond anticipation notes shall be payable solely from the proceeds of the general obligation bonds for which the bond anticipation notes are issued and shall not be considered debt of the school district for purposes of Article 9, Section 11 of the constitution of New Mexico."

Section 5. A new section of the Public School Code is enacted to read:

"BOND ANTICIPATION NOTE DETAILS.--

A. Bond anticipation notes shall be authorized by resolution of the local school board and may be issued in such denominations as determined by the local school board.

B. Bond anticipation notes shall mature no later than one year from the date of issuance. The local school board shall covenant in the resolution authorizing the issuance of the bond anticipation notes to issue general obligation bonds in an amount necessary to retire the bond anticipation notes.

C. The annual interest rate and yield on the bond anticipation notes shall be stated in the resolution that authorizes the issuance of the bond anticipation notes; provided that the maximum net effective interest rate on bond anticipation notes shall not exceed ten percent a year.

D. Bond anticipation notes may be sold at, above or below par at a public sale, in a negotiated sale or to the New Mexico finance authority."

Section 6. A new section of the Public School Code is enacted to read:

"LIMITATIONS ON ISSUANCE OF BOND ANTICIPATION NOTES.--Bond anticipation notes shall not be issued:

A. unless the general obligation bonds for which bond anticipation notes are contemplated have been authorized at an election as required by Article 9, Section 11 of the constitution of New Mexico;

B. in a principal amount in excess of the amount of the general obligation bonds authorized to be issued at an election or, if some portion of the bonds authorized at that election have been issued, in a principal amount in excess of the amount of the authorized but unissued general obligation bonds;

C. in a principal amount in excess of the amount of outstanding general obligation bonds of the school district maturing within one year of the date of issuance of the bond anticipation notes; and

D. unless the proceeds of the bond anticipation notes are to be used for the same purpose for which the general obligation bonds are authorized."

Section 7. A new section of the Public School Code is enacted to read:

"PUBLICATION OF NOTICE--VALIDATION--LIMITATION OF ACTION.--After adoption of a resolution authorizing issuance of bond anticipation notes, the local school board shall publish notice of the adoption of the resolution once in a newspaper of general circulation in the school district. After thirty days from the date of publication, any action attacking the validity of the proceedings had or taken by the local school board preliminary to and in the authorization and issuance of the bond anticipation notes described in the notice is perpetually barred."

Section 8. A new section of the Public School Code is enacted to read:

"CUMULATIVE AND COMPLETE AUTHORITY.--The School District Bond Anticipation Notes Act is an additional and alternative method for obtaining funding for capital projects by a school district and constitutes full authority for the exercise of powers granted to a local school board by that act. Powers conferred by the School District Bond Anticipation Notes Act are supplemental and additional to powers conferred by other laws of the state, without reference to such other laws of the state."

Section 9. A new section of the Public School Code is enacted to read:

"LIBERAL INTERPRETATION.--The School District Bond Anticipation Notes Act shall be liberally construed to effect the purposes of the act."

Section 10. SEVERABILITY.--If any part or application of the School District Bond Anticipation Notes Act is held invalid, the remainder or its application to other situations or persons shall not be affected.

Section 11. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HOUSE BILL 18, WITH EMERGENCY CLAUSE

SIGNED MARCH 4, 2002

CHAPTER 55

CHAPTER 55, LAWS 2002

AN ACT

RELATING TO CONTROLLED SUBSTANCES; REQUIRING REGISTRATION EXCLUSIVELY THROUGH THE BOARD OF PHARMACY OF CERTAIN PERSONS HANDLING CONTROLLED SUBSTANCES.

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

Section 1. Section 30-31-12 NMSA 1978 (being Laws 1972, Chapter 84, Section 12, as amended) is amended to read:

"30-31-12. REGISTRATION REQUIREMENTS.--

A. Every person who manufactures, distributes or dispenses any controlled substance or who proposes to engage in the manufacture, distribution or dispensing of any controlled substance shall obtain annually a registration issued by the board in accordance with its regulations.

B. Persons registered by the board to manufacture, distribute, dispense or conduct research with controlled substances may possess, manufacture, distribute, dispense, prescribe or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of the Controlled Substances Act.

C. The following persons need not register and may lawfully possess controlled substances:

(1) an agent of any registered manufacturer, distributor or dispenser of any controlled substance if he is acting in the usual course of his principal's business or employment;

(2) a common or contract carrier or warehouseman, or an employee whose possession of any controlled substance is in the usual course of the common or contract carrier or warehouseman's business; or

(3) an ultimate user.

D. The board may waive by regulation the requirement for registration of certain manufacturers, distributors or dispensers if it is consistent with the public health and safety.

E. The board may inspect the establishment of a registrant or applicant for registration in accordance with the board's regulations."

HOUSE BILL 41, WITH CERTIFICATE OF CORRECTIONS

CHAPTER 56

CHAPTER 56, LAWS 2002

AN ACT

RELATING TO PUBLIC RECORDS; CREATING A FUND; DEPOSITING STATE RECORDS CENTER SALES REVENUE INTO THE FUND; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. Section 14-3-19 NMSA 1978 (being Laws 1968, Chapter 14, Section 1) is amended to read:

"14-3-19. STORAGE EQUIPMENT, SUPPLIES AND MATERIALS--MICROFILM SERVICES AND SUPPLIES--PURCHASE BY STATE COMMISSION OF PUBLIC RECORDS FOR RESALE.--The state commission of public records may purchase for resale such storage boxes, forms, microfilm supplies necessary to the providing of microfilm services and other supplies and materials as in its judgment are necessary to facilitate the various aspects of its programs. The commission may sell such items and services at cost plus a five percent handling charge. All receipts from such sales shall go into the records center revolving fund."

Section 2. A new section of the Public Records Act is enacted to read:

"RECORDS CENTER REVOLVING FUND--CREATED--REVENUES FROM SALES DEPOSITED IN FUND.--The "records center revolving fund" is created in the state treasury. Money from the sale of state records center publications, services, equipment, supplies and materials shall be deposited in the fund. The fund shall be administered by the state records center, and money in the fund is appropriated to the state records center to carry out the administrative purposes of the Public Records Act and the State Rules Act. Expenditures from the fund shall be by warrant of the secretary of finance and administration upon vouchers signed by the state records administrator or his authorized representative."

Section 3. TEMPORARY PROVISION--TRANSFER OF FUNDS.--On the effective date of this act, all money in the special revolving fund established by Laws 1961, Chapter 111 for the use of the state records center shall be transferred to the records center revolving fund.

Section 4. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HOUSE BILL 43, WITH EMERGENCY CLAUSE

SIGNED MARCH 4, 2002

CHAPTER 57

CHAPTER 57, LAWS 2002

AN ACT

RELATING TO PUBLIC MONEY; CLARIFYING THAT EARNINGS INCLUDE REALIZED AND UNREALIZED GAINS AND LOSSES.

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

Section 1. Section 6-10-2.1 NMSA 1978 (being Laws 1989, Chapter 324, Section 41, as amended) is amended to read:

"6-10-2.1. STATE TREASURER--DUTY.--The state treasurer shall identify and allocate to the general fund all earnings, including realized and unrealized gains and losses, from the investment of all accounts or funds in his custody unless the allocation of the earnings is:

A. otherwise provided by law;

B. prohibited by federal law creating the fund or the account or by specific court order; or

C. from the investment of a permanent fund and the use of the interest and income from the fund is restricted by constitutional or statutory provisions to particular purposes."

HOUSE BILL 67

CHAPTER 58

CHAPTER 58, LAWS 2002

AN ACT

RELATING TO TAXATION; CREATING AN INCOME TAX EXEMPTION FOR THE INCOME OF INDIVIDUALS ONE HUNDRED YEARS OF AGE OR OLDER.

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

Section 1. A new section of the Income Tax Act is enacted to read:

"EXEMPTION--INCOME OF INDIVIDUALS ONE HUNDRED YEARS OF AGE OR OLDER.--The income of an individual who is a natural person, who is one hundred years of age or older and who is not a dependent of another individual is exempt from state income tax."

Section 2. APPLICABILITY.--The provisions of this act

apply to taxable years beginning on or after January 1,
2002.

SENATE BILL 95

CHAPTER 59

CHAPTER 59, LAWS 2002

AN ACT

RELATING TO TAXATION; PROVIDING A RENEWABLE ENERGY PRODUCTION TAX CREDIT.

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

Section 1. A new section of the Corporate Income and Franchise Tax Act is enacted to read:

"RENEWABLE ENERGY PRODUCTION TAX CREDIT--LIMITATIONS--
DEFINITIONS--CLAIMING THE CREDIT.--"

A. A taxpayer that owns a qualified energy generator certified by the energy, minerals and natural resources department is eligible for a tax credit in an amount equal to one cent (\$.01) per kilowatt-hour for the first four hundred thousand megawatt-hours of electricity produced by the qualified energy generator using a qualified energy resource in the taxable year. A taxpayer shall be eligible for the tax credit for ten consecutive years, beginning on the date the qualified energy generator begins producing electricity. The tax credit provided in this section may be referred to as the "renewable energy production tax credit".

B. As used in this section:

(1) "qualified energy generator" means a facility with at least twenty megawatts generating capacity located in New Mexico that produces electricity using a qualified energy resource and that sells that electricity to an unrelated person; and

(2) "qualified energy resource" means a resource that generates electrical energy by means of a zero-emissions generation technology that has substantial long-term production potential and that uses only the following energy sources:

(a) solar light;

(b) solar heat; or

(c) wind.

C. A taxpayer may request certification of eligibility for the renewable energy production tax credit from the energy, minerals and natural resources department, which shall determine if the applicant is a qualified energy generator; provided that the department may certify the eligibility of an energy generator only if the total amount of electricity that may be produced annually by all qualified energy generators that are certified will not exceed eight hundred thousand megawatt-hours. Applications shall be considered in the order received. The energy, minerals and natural

resources department may estimate the annual power- generating potential of a generating facility for the purposes of this section. The energy, minerals and natural resources department shall issue a certificate to the applicant stating whether the applicant is an eligible qualified energy generator and the estimated annual production potential of the generating facility, which shall be the limit of that facility's energy production eligible for the tax credit for the taxable year. The energy, minerals and natural resources department may issue rules governing the procedure for administering the provisions of this subsection.

D. To claim a renewable energy production tax credit, a taxpayer that has been certified as eligible pursuant to Subsection C of this section shall submit to the taxation and revenue department the certificate issued by the energy, minerals and natural resources department, documentation of the amount of electricity produced by the taxpayer's facility in the taxable year, and any other information the taxation and revenue department may require to determine the amount of the tax credit due the taxpayer.

E. Once a taxpayer has been granted a renewable energy production tax credit for a given facility, that taxpayer shall be allowed to retain its original date of application for tax credits for that facility until either the facility goes out of production for more than six consecutive months in a year or until the facility's ten-year eligibility has expired.

F. The renewable energy production tax credit may be deducted from the taxpayer's New Mexico corporate income tax liability for the taxable year. If the amount of the tax credit claimed exceeds the taxpayer's corporate income tax liability, the excess may be carried forward for up to five consecutive taxable years."

Section 2. APPLICABILITY.--The provisions of this act

apply to taxable years beginning on or after July 1, 2002.

SENATE BILL 187, AS AMENDED

CHAPTER 60

CHAPTER 60, LAWS 2002

AN ACT

RELATING TO STATE INVESTMENTS; ALLOWING DIRECT INVESTMENT OF THE SEVERANCE TAX PERMANENT FUND IN NEW MEXICO FILM PROJECTS; PROVIDING AND QUALIFYING LIMITATIONS; DECLARING AN EMERGENCY.

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

Section 1. Section 7-27-5.26 NMSA 1978 (being Laws 2000 (2nd S.S.), Chapter 6, Section 2, as amended) is amended to read:

"7-27-5.26. INVESTMENT IN FILMS TO BE PRODUCED IN NEW MEXICO.--

A. No more than one-half of one percent of the market value of the severance tax permanent fund may be invested in New Mexico film private equity funds or a New Mexico film project under this section.

B. If an investment is made under this section, not more than seven million five hundred thousand dollars (\$7,500,000) of the amount authorized for investment pursuant to Subsection A of this section shall be invested in any one New Mexico film private equity fund or any one New Mexico film project.

C. The state investment officer shall make investments pursuant to this section only upon approval of the state investment council after a review by the private equity investment advisory committee and the New Mexico film division of the economic development department. The state investment officer may make debt or equity investments pursuant to this section only in New Mexico film projects or New Mexico film private equity funds that invest only in film projects that:

(1) are filmed wholly or substantially in New Mexico;

(2) have shown to the satisfaction of the New Mexico film division that a distribution contract is in place with a reputable distribution company;

(3) have agreed that, while filming in New Mexico, a majority of the production crew will be New Mexico residents;

(4) have posted a completion bond that has been approved by the New Mexico film division; provided that a completion bond shall not be required if the fund or project is guaranteed pursuant to Paragraph (5) of this subsection; and

(5) have obtained a full, unconditional and irrevocable guarantee of repayment of the invested amount in favor of the severance tax permanent fund:

(a) from an entity that has a credit rating of not less than Baa or BBB by a national rating agency;

(b) from a substantial subsidiary of an entity that has a credit rating of not less than Baa or BBB by a national rating agency;

(c) by providing a full, unconditional and irrevocable letter of credit from a United States incorporated bank with a credit rating of not less than A by a national rating agency; or

(d) from a substantial and solvent entity as determined by the state investment council in accordance with its standards and practices; or

(6) if not guaranteed pursuant to Paragraph (5) of this subsection, have obtained no less than one-third of the estimated total production costs from other sources as approved by the state investment officer.

D. As used in this section:

(1) "committed capital" means the sum of the fixed amounts of money that accredited investors have obligated for investment in a New Mexico film private equity fund, which fixed amounts may be invested in that fund in one or more payments over time;

(2) "film project" means a single media or multimedia program, including advertising messages, fixed on film, videotape, computer disc, laser disc or other similar delivery medium from which the program can be viewed or reproduced and that is intended to be exhibited in theaters, licensed for exhibition by individual television stations, groups of stations, networks, cable television stations or other means or licensed for the home viewing market; and

(3) "New Mexico film private equity fund" means any limited partnership, limited liability company or corporation organized and operating in the United States that:

(a) has as its primary business activity the investment of funds in return for equity in film projects produced wholly or partly in New Mexico;

(b) holds out the prospects for capital appreciation from such investments; and

(c) accepts investments only from accredited investors as that term is defined in Section 2 of the federal Securities Act of 1933, as amended, and rules promulgated pursuant to that section."

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

SIGNED MARCH 4, 2002

CHAPTER 61

CHAPTER 61, LAWS 2002

AN ACT

RELATING TO ELECTIONS; AUTHORIZING AT-LARGE ELECTIONS OF COUNTY COMMISSIONERS WHO RESIDE IN COUNTY COMMISSION DISTRICTS IN H CLASS COUNTIES AND IN COUNTIES HAVING A POPULATION OF FEWER THAN 13,000, WITH A THREE-MEMBER BOARD OF COUNTY COMMISSIONERS; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 4-38-2 NMSA 1978 (being Laws 1876, Chapter 1, Section 8, as amended) is amended to read:

"4-38-2. MEMBERS--QUORUM.--

A. The board of county commissioners shall consist of either three or five qualified electors who shall be elected according to law. For a three-member board, two members constitute a quorum for the purpose of transacting business. For a five-member board, three members constitute a quorum for the purpose of transacting business.

B. The board of county commissioners of any county having a population of more than one hundred thousand, as shown by the most recent federal decennial census, and having a final, full assessed valuation in excess of seventy-five million dollars (\$75,000,000) shall consist of five qualified electors who shall be elected according to law."

Section 2. Section 4-38-3 NMSA 1978 (being Laws 1876, Chapter 1, Section 10, as amended) is amended to read:

"4-38-3. RESIDENCE IN DISTRICTS--PERIOD FOR DISTRICTING--ELECTION AT LARGE.--

A. A county having a population greater than thirteen thousand, according to the most recent federal decennial census, shall be divided by the board of county commissioners into as many compact single-member districts as there are board members to be elected. The districts shall be as equal in population as possible and numbered respectively to correspond to the number of board members. One commissioner shall be elected from each district by the voters of the district and shall be

a resident of the district from which he is elected. If a commissioner permanently removes his residence from or maintains no residence in the district from which he was elected, he shall be deemed to have resigned. The division of the county into single-member districts shall be made once immediately following each federal decennial census.

B. An H class county or a county having a population of thirteen thousand or fewer according to the most recent federal decennial census, may be divided by the board of county commissioners into single-member districts. If the county is districted, the districts shall be as equal in population as possible and numbered respectively to correspond to the number of board members. A commissioner shall be a resident of the district from which he is elected. If a commissioner permanently removes his residence from or maintains no residence in the district from which he was elected, he shall be deemed to have resigned. The division of the county into single-member districts shall be made once immediately following each federal decennial census. The board of county commissioners in a county with only three board members may require either that:

(1) commissioners shall be elected from each district by the voters of the whole county; or

(2) each commissioner shall be elected by the voters of the district from which that commissioner is running for office."

SENATE BILL 157

CHAPTER 62

CHAPTER 62, LAWS 2002

AN ACT

RELATING TO THE PROCUREMENT CODE; CLARIFYING REMEDIES BEFORE EXECUTION OF CONTRACT AND RATIFICATION OR TERMINATION AFTER EXECUTION OF CONTRACT; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 13-1-181 NMSA 1978 (being Laws 1984, Chapter 65, Section 154) is amended to read:

"13-1-181. REMEDIES PRIOR TO EXECUTION OF CONTRACT.--If prior to the execution of a valid, written contract by all parties and necessary approval authorities,

the state purchasing agent or a central purchasing office makes a determination that a solicitation or proposed award of the proposed contract is in violation of law, then the solicitation or proposed award shall be canceled."

Section 2. Section 13-1-182 NMSA 1978 (being Laws 1984, Chapter 65, Section 155) is amended to read:

"13-1-182. RATIFICATION OR TERMINATION AFTER EXECUTION OF CONTRACT.--If after the execution of a valid, written contract by all parties and necessary approval authorities, the state purchasing agent or a central purchasing office makes a determination that a solicitation or award of the contract was in violation of law and if the business awarded the contract did not act fraudulently or in bad faith:

A. the contract may be ratified, affirmed and revised to comply with law, provided that a determination is made that doing so is in the best interests of a state agency or a local public body; or

B. the contract may be terminated, and the contractor shall be compensated for the actual expenses reasonably incurred under the contract plus a reasonable profit prior to termination."

SENATE BILL 173

CHAPTER 63

CHAPTER 63, LAWS 2002

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; CHANGING THE PROGRAM UNIT CALCULATION FOR CERTAIN SCHOOL DISTRICTS.

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

Section 1. Section 22-8-25 NMSA 1978 (being Laws 1981, Chapter 176, Section 5, as amended) is amended to read:

"22-8-25. STATE EQUALIZATION GUARANTEE DISTRIBUTION--
DEFINITIONS--DETERMINATION OF AMOUNT.--

A. The state equalization guarantee distribution is that amount of money distributed to each school district to ensure that the school district's operating revenue, including its local and federal revenues as defined in this section, is at least equal to the school district's program cost.

B. "Local revenue", as used in this section, means seventy-five percent of receipts to the school district derived from that amount produced by a school district property tax applied at the rate of fifty cents (\$.50) to each one thousand dollars (\$1,000) of net taxable value of property allocated to the school district and to the assessed value of products severed and sold in the school district as determined under the Oil and Gas Ad Valorem Production Tax Act and upon the assessed value of equipment in the school district as determined under the Oil and Gas Production Equipment Ad Valorem Tax Act. The school district shall budget and expend twenty percent of the total revenue receipts for capital outlay.

C. "Federal revenue", as used in this section, means receipts to the school district, excluding amounts that, if taken into account in the computation of the state equalization guarantee distribution, result, under federal law or regulations, in a reduction in or elimination of federal school funding otherwise receivable by the school district, derived from the following:

(1) seventy-five percent of the school district's share of forest reserve funds distributed in accordance with Section 22-8-33 NMSA 1978. The school district shall budget and expend twenty percent of the total forest reserve receipts for capital outlay; and

(2) seventy-five percent of grants from the federal government as assistance to those areas affected by federal activity authorized in accordance with Title 20 of the United States Code, commonly known as "PL 874 funds" or "impact aid". The school district shall budget and expend twenty percent of the grant receipts for capital outlay.

D. To determine the amount of the state equalization guarantee distribution, the state superintendent shall:

(1) calculate the number of program units to which each school district is entitled using an average of the MEM on the fortieth, eightieth and one hundred twentieth days of the prior year; or

(2) calculate the number of program units to which a school district operating under an approved year-round school calendar is entitled using an average of the MEM on appropriate dates established by the state board; or

(3) calculate the number of program units to which a school district with a MEM of two hundred or less is entitled by using an average of the MEM on the

fortieth, eightieth and one hundred twentieth days of the prior year or the fortieth day of the current year, whichever is greater; and

(4) using the results of the calculations in Paragraph (1), (2) or (3) of this subsection and the instructional staff training and experience index from the October report of the prior school year, establish a total program cost of the school district;

(5) calculate the local and federal revenues as defined in this section;

(6) deduct the sum of the calculations made in Paragraph (5) of this subsection from the program cost established in Paragraph (4) of this subsection; and

(7) deduct the total amount of guaranteed energy savings contract payments that the state superintendent determines will be made to the school district from the public school utility conservation fund during the fiscal year for which the state equalization guarantee distribution is being computed.

E. The amount of the state equalization guarantee distribution to which a school district is entitled is the balance remaining after the deductions made in Paragraphs (6) and (7) of Subsection D of this section.

F. The state equalization guarantee distribution shall be distributed prior to June 30 of each fiscal year. The calculation shall be based on the local and federal revenues specified in this section received from June 1 of the previous fiscal year through May 31 of the fiscal year for which the state equalization guarantee distribution is being computed. In the event that a school district has received more state equalization guarantee funds than its entitlement, a refund shall be made by the school district to the state general fund."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

SENATE BILL 205

CHAPTER 64

CHAPTER 64, LAWS 2002

AN ACT

RELATING TO INSURANCE; AMENDING THE NEW MEXICO INSURANCE CODE TO PROVIDE FOR AN EXEMPTION, UNDER CERTAIN CIRCUMSTANCES, FROM THE REQUIREMENT THAT CERTAIN FORMS AND CLASSIFICATIONS BE FILED WITH AND APPROVED BY THE SUPERINTENDENT OF INSURANCE; DECLARING AN EMERGENCY.

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

Section 1. Section 59A-18-12 NMSA 1978 (being Laws 1984, Chapter 127, Section 342, as amended) is amended to read:

"59A-18-12. FILING OF FORMS AND CLASSIFICATIONS--REVIEW OF EFFECT UPON INSURED.--

A. No insurance policy or annuity contract shall be delivered or issued for delivery in this state, nor shall any assumption certificate, endorsement, rider or application that becomes a part of any such policy be used, until a copy of the form and the classification of risks pertaining thereto have been filed with the superintendent. Any such filing shall be made at least sixty days before its proposed effective date. No filing made pursuant to this section shall become effective nor shall it be used until approved by the superintendent pursuant to Section 59A-18-14 NMSA 1978. Provided, that:

(1) this subsection shall not apply as to policies, contracts, endorsements or riders of unique and special character not for general use or offering but designed and used solely as to a particular insured or risk; and

(2) if the superintendent has exempted any person or class of persons or any market segment from any or all of the provisions of the Insurance Rate Regulation Law pursuant to Subsection C of Section 59A-17-2 NMSA 1978, the superintendent also may exempt by rule that person, class of persons or market segment from any or all of the provisions of this subsection.

B. No workers' compensation insurance policy covering a risk arising from the employment of a worker performing work for an employer in New Mexico when that employer is not domiciled in New Mexico shall be issued or become effective, nor shall any endorsement or rider covering such a risk be issued or become effective, until a copy of the form and the classification of risks pertaining thereto have been filed with the superintendent.

C. Any insured may in writing request the insurer to review the manner in which its filing has been applied as to insurance afforded him. If the insurer fails to make such review and grant appropriate relief within thirty days after such request is received, the insured may file a written complaint and request for a hearing with the superintendent, stating grounds relied upon. If the complaint charges a violation of the Insurance Code and the superintendent finds that the complaint was made in good faith and that the insured would be aggrieved if the violation is proved, he shall hold a

hearing, with notice to the insured and insurer stating the grounds of complaint. If upon such hearing the superintendent finds the complaint justified, he shall order the insurer to correct the matter complained of within a reasonable time specified but not less than twenty days after a copy of his order was mailed to or served upon the insurer."

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

SENATE BILL 256, AS AMENDED

WITH EMERGENCY CLAUSE

SIGNED MARCH 4, 2002

CHAPTER 65

CHAPTER 65, LAWS 2002

AN ACT

RELATING TO PUBLIC SCHOOL CAPITAL OUTLAY; MAKING AN APPROPRIATION FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND FOR THE CORE ADMINISTRATIVE FUNCTIONS OF THE DEFICIENCIES CORRECTION UNIT; PROVIDING THAT A CERTAIN AMOUNT OF SEVERANCE TAX BOND PROCEEDS AND OTHER APPROPRIATIONS TO THE PUBLIC SCHOOL CAPITAL OUTLAY FUND MAY BE USED FOR PROJECT MANAGEMENT.

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

Section 1. Section 22-24-4 NMSA 1978 (being Laws 1975, Chapter 235, Section 4, as amended by Laws 2001, Chapter 338, Section 5 and also by Laws 2001, Chapter 339, Section 1) is amended to read:

"22-24-4. FUND CREATED--USE.--

A. There is created the "public school capital outlay fund". Balances remaining in the fund at the end of each fiscal year shall not revert.

B. Except as provided in Subsections G and H of this section, money in the fund may be used only for capital expenditures deemed by the council necessary for an adequate educational program.

C. The council may authorize the purchase by the property control division of the general services department of property to be loaned to school districts to meet a temporary requirement. Payment for these purchases shall be made from the fund. Title and custody to the property shall rest in the property control division. The council shall authorize the lending of the property to school districts upon request and upon finding that sufficient need exists. Application for use or return of state-owned portable classroom buildings shall be submitted by school districts to the council. Expenses of maintenance of the property while in the custody of the property control division shall be paid from the fund; expenses of maintenance and insurance of the property while in the custody of a school district shall be the responsibility of the school district. The council may authorize the permanent disposition of the property by the property control division with prior approval of the state board of finance.

D. Applications for assistance from the fund shall be made by school districts to the council in accordance with requirements of the council. The council shall require as a condition of application that a school district have a current five-year facilities plan, which shall include a current preventive maintenance plan to which the school adheres for each public school in the district.

E. The council shall review all requests for assistance from the fund and shall allocate funds only for those capital outlay projects that meet the criteria of the Public School Capital Outlay Act.

F. Money in the fund shall be disbursed by warrant of the department of finance and administration on vouchers signed by the secretary of finance and administration following certification by the council that an application has been approved.

G. Not more than three percent of the supplemental severance tax bond proceeds appropriated to the fund pursuant to Section 7-27-12.2 NMSA 1978, the severance tax bond proceeds appropriated to the fund pursuant to Laws 2001, Chapter 338, Section 14 and the general fund appropriation to the fund pursuant to Subsection D of Section 15 of Chapter 338 of Laws 2001 for the purpose of correcting outstanding deficiencies pursuant to Sections 22-24-4.1 and 22-24-4.2 NMSA 1978 may be expended by the council for project management expenses.

H. Of the appropriation made to the fund by Subsection D of Section 15 of Chapter 338 of Laws 2001 for the purpose of correcting outstanding deficiencies pursuant to Sections 22-24-4.1 and 22-24-4.2 NMSA 1978, one million one hundred thousand dollars (\$1,100,000) is appropriated to the council for expenditure in fiscal year 2003 for the core administrative functions of the deficiencies corrections unit. Any unexpended or unencumbered balance remaining at the end of fiscal year 2003 shall revert to the fund."

CHAPTER 66

CHAPTER 66, LAWS 2002

AN ACT

RELATING TO SEVERANCE TAX BONDS; LOWERING THE MATCH REQUIREMENT FOR BONDS ISSUED TO FINANCE WATER AND SEWER DISTRIBUTION AND COLLECTION SYSTEMS IN THE DEVELOPED AND UNDERSERVED AREAS OF BERNALILLO COUNTY.

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

Section 1. Section 7-27-12.1 NMSA 1978 (being Laws 1999 (1st S.S.), Chapter 5, Section 1, as amended) is amended to read:

"7-27-12.1. SEVERANCE TAX BONDS--PURPOSE FOR WHICH ISSUED-- APPROPRIATION OF PROCEEDS.--The state board of finance may issue and sell severance tax bonds in fiscal years 2001 through 2010 in compliance with the Severance Tax Bonding Act in an amount not exceeding a total of twenty million dollars (\$20,000,000) when the local government division of the department of finance and administration certifies the need for the issuance of the bonds; provided that no more than four million dollars (\$4,000,000) may be issued in fiscal year 2001 and no more than two million dollars (\$2,000,000) may be issued in any one fiscal year thereafter. The state board of finance shall schedule the issuance and sale of the bonds in the most expeditious and economical manner possible upon a finding by the board that the project has been developed sufficiently to justify the issuance and that the project can proceed to contract within a reasonable time. The state board of finance shall further take the appropriate steps necessary to comply with the Internal Revenue Code of 1986, as amended. The proceeds from the sale of the bonds are appropriated to the local government division of the department of finance and administration for the purpose of financing water and sewer distribution and collection systems in the developed and underserved areas of Bernalillo county, including areas in the city of Albuquerque. The certification and issuance of bonds for any fiscal year is contingent upon the secretary of finance and administration receiving certification from the governing body of the city of Albuquerque and the board of county commissioners of Bernalillo county that funding in an amount equal to one and one-half times the amount of bonds issued pursuant to this section, including the amount of bonds proposed to be issued for that fiscal year, has been secured from federal, city and county sources to construct the water and sewer distribution and collection systems. Any funding from federal, city and county sources in excess of the amount required for certification in any fiscal year may be carried forward and credited against the amount required in subsequent fiscal years. Any unexpended or unencumbered balance remaining at the

end of fiscal year 2012 shall revert to the severance tax bonding fund. If the local government division of the department of finance and administration has not certified the need for the issuance of the bonds by the end of fiscal year 2010, the authorization provided in this section shall expire."

SENATE BILL 316

CHAPTER 67

CHAPTER 67, LAWS 2002

AN ACT

RELATING TO CAPITAL PROJECTS; PROVIDING LEGISLATIVE AUTHORIZATION FOR THE NEW MEXICO FINANCE AUTHORITY TO MAKE LOANS FOR PUBLIC PROJECTS FROM THE PUBLIC PROJECT REVOLVING FUND; DECLARING AN EMERGENCY.

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

Section 1. AUTHORIZATION OF PROJECTS.--Pursuant to the provisions of Section 6-21-6 NMSA 1978, the legislature authorizes the New Mexico finance authority to make loans from the public project revolving fund to the following qualified entities for the following public projects on terms and conditions established by the authority:

A. to the pueblo of Acoma for a water and wastewater system feasibility study, wastewater projects and water projects;

B. to the Agua Sana mutual domestic water consumers association for water projects, phases 3-12;

C. to the Alcalde mutual domestic water consumers association for a wastewater project;

D. to Angel Fire for a wastewater project and water-wastewater projects;

E. to the Arenas Valley water association for a building project;

F. to Artesia for a wastewater project;

G. to Bayard for a wastewater project and water project;

H. to Belen for wastewater projects and water projects;

I. to the Berino mutual domestic water consumers association for a water utility equipment project, a preliminary engineering report and a water project;

J. to Bernalillo for wastewater projects and a water project;

K. to the Bibo mutual domestic water consumers association for a water project;

L. to the Blanco water users association for a water project;

M. to Bloomfield for a wastewater project, water project, police vehicles acquisition, fire equipment and a utility vehicle;

N. to the Bluewater Acres domestic water users association for a water project;

O. to Bosque Farms for a wastewater project and water project;

P. to the Canjilon mutual domestic water consumers association for a water project;

Q. to the Canones mutual domestic water consumers association for a wastewater project and a water project;

R. to the Canyon mutual domestic water consumers association for a water project;

S. to Carrizozo for a wastewater project and water project;

T. to the Carrizozo soil and water conservation district for a building;

U. to the Catron county-Horse Mountain fire department for a fire substation;

V. to the Catron county-Mogollon fire department for a fire pumper truck;

W. to the Catron county-Quemado fire department for a fire pumper truck and fire substation;

X. to the Catron county-Rancho Grande fire department for a fire pumper truck;

Y. to the Cebolleta land grant for a wastewater project;

Z. to Chama for a wastewater project and water project;

AA. to the Chamisal mutual domestic water consumers association for a water project;

BB. to the Chupadero water and sewage corporation for a water project;

CC. to the Cibola county-Cebolleta fire department for a fire station;

DD. to Cimarron for a water project;

EE. to the Claunch-Pinto soil and water conservation district for a building and land acquisition project;

FF. to the Cleveland mutual domestic water consumers association for a water project;

GG. to Cloudcroft for a wastewater project;

HH. to the Colfax county-Angel Fire fire department for a fire station;

II. to Columbus for a water project;

JJ. to Corrales for a truck;

KK. to the Crosby mutual domestic water consumers association and sewage works association for a water project;

LL. to the Cuba soil and water conservation district for a building project;

MM. to the Cumberland water cooperative for a water project;

NN. to Deming for a wastewater project, solid waste project, community facilities project, industrial wastewater pretreatment plant, to upgrade water quality and for plant expansion;

OO. to Des Moines for a water project;

PP. to the Desert Sands mutual domestic water consumers association for a water-wastewater equipment project and master water plan;

QQ. to the Dona Ana mutual domestic water consumers association for a water project;

RR. to Eagle Nest for a wastewater project and water project;

SS. to Edgewood for a wastewater project;

TT. to El Prado water and sanitation district for wastewater projects and water projects;

UU. to El Rito domestic consumer water association for a water project;

VV. to El Valle de Los Ranchos de Taos water and sanitation district for a wastewater project, wastewater collection system and a building project;

WW. to Elida for an ambulance;

XX. to Espanola for a water-wastewater project and water project, building project and police vehicles acquisition;

YY. to Estancia for a wastewater project, water project and floodplain mitigation project;

ZZ. to the Fambrough mutual domestic water consumers association for a water project;

AAA. to Fort Sumner for a water project;

BBB. to the Gabaldon mutual domestic water consumers association for a water project;

CCC. to Grants for a water and sewer project;

DDD. to the Guadalupe county-Anton Chico fire department for a fire pumper truck;

EEE. to the Greater Chimayo mutual domestic water consumers association for water projects;

FFF. to the High Sierra water association for a water project;

GGG. to Hobbs for a water project;

HHH. to Hurley for a preliminary engineering report and water project;

III. to the Ilfeld mutual domestic water consumers association for a water project;

JJJ. to La Asociacion de Agua de los Brazos for a water project;

KKK. to La Jara water users association for a water equipment and filtration project;

LLL. to La Jicarita Valley association of mutual domestics for a water feasibility study;

MMM. to La Luz mutual domestic water consumers association for a water and wastewater feasibility study;

NNN. to Las Trampas mutual domestic water consumers association for a water project;

OOO. to Las Vegas for wastewater projects, a water meter project and a water project;

PPP. to the Lea soil and water conservation district for a building;

QQQ. to Los Alamos for a hospital project and refinancing project;

RRR. to Lordsburg for a water project and a fire pumper truck;

SSS. to the Los Alamos public school district for technology equipment;

TTT. to Los Lunas for wastewater projects and a water project;

UUU. to Maxwell for a wastewater project and water project;

VVV. to McKinley county for a courthouse renovation and building project;

WWW. to the Mescalero Apache tribe for a building project;

XXX. to the Mesquite mutual domestic water consumers and mutual sewage works association for a wastewater project and water project;

YYY. to Milan for fire equipment;

ZZZ. to the Mora mutual domestic water consumers association for a wastewater project;

AAAA. to Mosquero for water projects;

BBBB. to the Navajo Dam mutual domestic water consumers association for a water project;

CCCC. to the Orchard Estates-Faculty Lane water association for a water project;

DDDD. to the Oro Grande mutual domestic water consumers association for a water project;

EEEE. to the Otero soil and water conservation district for a building;

FFFF. to the Pajarito Mesa mutual domestic water consumers association for a water project;

GGGG. to the Pecan Park mutual domestic water consumers association for a water project;

HHHH. to the Pineywoods Estates water association for a water project;

IIII. to the Plaza Blanca domestic water association for a water project;

JJJJ. to the Pojoaque Valley school district for a wastewater project and water project;

KKKK. to the Quemado Lake Estates water association for a water project;

LLLL. to the Quemado mutual water and sewage works association for a wastewater project;

MMMM. to Questa for a wastewater project, water project and a truck;

NNNN. to the Ramah Navajo chapter for a water project;

OOOO. to the Ramah water and sanitation district for a wastewater project;

PPPP. to Raton for a wastewater project;

QQQQ. to Red River for a wastewater project, water project and a fire apparatus upgrade;

RRRR. to the Regina mutual domestic water consumers association for a water project;

SSSS. to Rio Arriba county for a building;

TTTT. to Rio Rancho for a building project, road project and a public safety building;

UUUU. to the Rio Rancho public school district for a building;

VVVV. to Roy for wastewater projects;

WWWW. to the San Acacia mutual domestic water consumers association for a water project;

XXXX. to the pueblo of San Juan for a water-wastewater feasibility study, a wastewater project and water-wastewater projects;

YYYY. to the San Rafael water and sanitation district for a refinancing project and water project;

ZZZZ. to the Sandoval county-La Madera fire department for a fire pumper truck;

AAAAA. to Santa Clara for a preliminary engineering report, wastewater project and water project;

BBBBB. to Santa Fe for a water project;

CCCCC. to Santa Rosa for police vehicles and a bridge project;

DDDDD. to the Seboyeta mutual domestic water consumers association for a water project;

EEEEE. to Silver City for a refinancing project;

FFFFF. to Socorro for a water project, road project, water well project and landfill project;

GGGGG. to the Solacito mutual domestic water consumers association for a water project;

HHHHH. to Springer for a utility vehicle and police vehicles acquisition;

IIIII. to Sunland Park for wastewater projects and a water project;

JJJJJ. to the Table Top water users association for a water project;

KKKKK. to the Talpa mutual domestic water consumers association for a water project;

LLLLL. to Taos for wastewater projects and a water project;

MMMMM. to the pueblo of Tesuque for a wastewater project and a building project;

NNNNN. to the Taos county-La Lama fire department for a fire substation;

OOOOO. to the Taos county-Latir fire department for a fire pumper truck;

PPPPP. to Tucumcari for a wastewater project and water project;

QQQQQ. to Tularosa for a wastewater project, water project and water feasibility study;

RRRRR. to the Upper Holman mutual domestic water consumers association for a water project;

SSSSS. to Virden for a water project;

TTTTT. to Wagon Mound for a wastewater project and water project;

UUUUU. to the White Cliffs mutual domestic water users association for a wastewater project and water project;

VVVVV. to the Williams Acres water and sanitation district for a wastewater project;

WWWWW. to the pueblo of Zuni for water and sewerline extensions;

XXXXX. to Carrizozo for a building project and equipment acquisition project;

YYYYY. to Cibola county for a building project;

ZZZZZ. to the Dexter school district for a building project and an equipment acquisition project;

AAAAA. to Grady for equipment acquisitions;

BBBBB. to the Hope ditch association for a water project;

CCCCC. to Lake Arthur for equipment acquisitions;

DDDDD. to Lincoln county for a loan refinancing project;

EEEEEE. to Maxwell for equipment acquisitions;

FFFFFF. to McKinley county for a road project;

GGGGGG. to Milan for a building project;

HHHHHH. to Mora county for the acquisition of fire trucks and fire equipment projects;

IIIIII. to the Penasco school district for a building project;

JJJJJJ. to Portales for a solid waste project;

KKKKKK. to the Questa school district for a building project;

LLLLLL. to Roosevelt county for building projects;

MMMMMM. to Roy for an equipment acquisition project;

NNNNNN. to Sierra county for building projects and equipment acquisition projects;

OOOOOO. to Silver City for a road project;

PPPPPP. to Socorro county for an equipment acquisition project;

QQQQQQ. to the Taos school district for a building project;

RRRRRR. to Mosquero for building projects;

SSSSSS. to San Juan college for building projects;

TTTTTT. to Clovis for equipment acquisitions;

UUUUUU. to Los Lunas for equipment acquisitions;

VVVVVV. to Lincoln county for equipment acquisitions;

WWWWWW. to Pecos for a wastewater project;

XXXXXX. to Elephant Butte for a wastewater project;

YYYYYY. to the Dexter consolidated schools for a building and equipment project;

ZZZZZZ. to the Hagerman municipal schools for a building and equipment project;

AAAAAAA. to the Hatch Valley municipal schools for a building and equipment project;

BBBBBBB. to the Pojoaque Valley public schools for a building and equipment project;

CCCCCC. to the Texico municipal schools for a building and equipment project;

DDDDDD. to the Truth or Consequences municipal schools for a building and equipment project;

EEEEEE. to the general services department for building and equipment projects;

FFFFFF. to Milan for a loan refinancing project;

GGGGGG. to Chavez county for infrastructure projects;

HHHHHH. to the Tiberon water association for a water project and a wastewater project;

IIIIII. to the interstate stream commission for water projects and water rights acquisition;

JJJJJJ. to the retiree health care authority for a building project;

KKKKKK. to the Gallup-McKinley school district for teacher housing projects and building projects;

LLLLLL. to Deming for equipment projects;

MMMMMM. to the Pueblo of Santo Domingo for infrastructure projects, land acquisition and equipment projects;

NNNNNN. to the Jicarilla Apache Nation for infrastructure projects and equipment projects;

OOOOOO. to the Lower Valley water users association for a wastewater project; and

PPPPPP. to Sierra county for equipment acquisitions.

Section 2. VOIDING OF AUTHORIZATION.--If a qualified entity listed in Section 1 of this act has not certified to the New Mexico finance authority by the end of fiscal year 2005 its desire to continue to pursue a loan from the public project revolving fund for a public project listed in that section, the legislative authorization granted to

the New Mexico finance authority by that section to make a loan from the public project revolving fund to that qualified entity for that public project is void.

Section 3. EMERGENCY.--It is necessary for the public

peace, health and safety that this act take effect immediately.

SENATE BILL 51, AS AMENDED

WITH EMERGENCY CLAUSE

SIGNED MARCH 4, 2002

CHAPTER 68

CHAPTER 68, LAWS 2002

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; CHANGING THE CALCULATION OF THE AT-RISK INDEX USED TO DETERMINE ADDITIONAL PROGRAM UNITS.

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

Section 1. Section 22-8-23.3 NMSA 1978 (being Laws 1997, Chapter 40, Section 7) is amended to read:

"22-8-23.3. AT-RISK PROGRAM UNITS.--

A. A school district is eligible for additional program units if it establishes within its state board approved educational plan identified services to assist students to reach their full academic potential. A school district receiving additional at-risk program units shall include a report of specified services in its annual accountability report pursuant to Section 22-1-6 NMSA 1978. The number of additional units to which a school district is entitled under this section is computed in the following manner:

At-Risk Index x MEM = Units

where MEM is equal to the total district membership, including early childhood education, full-time-equivalent membership and special education membership and where the at-risk index is calculated in the following manner:

Three-Year Average Total Rate x 0.0915 = At-Risk Index.

B. To calculate the three-year average total rate, the department shall compute a three-year average of the school district's percentage of membership used to determine its Title I allocation, a three-year average of the percentage of membership classified as English language learners using criteria established by the federal office of civil rights and a three-year average of the percentage of student mobility. The department shall then add the three-year average rates. The number obtained from this calculation is the three-year average total rate.

C. The department shall recalculate the at-risk index for each school district every year. For the 2002-2003, 2003-2004 and 2004-2005 school years, a school district shall not receive less than ninety percent of the at-risk funding generated in fiscal year 2001."

SENATE BILL 61, AS AMENDED

CHAPTER 69

CHAPTER 69, LAWS 2002

AN ACT

RELATING TO THE FACILITIES NEEDS OF STATE GOVERNMENT; ADDING ALBUQUERQUE TO THE CAPITOL BUILDINGS PLANNING COMMISSION'S RESPONSIBILITIES; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 15-10-1 NMSA 1978 (being Laws 1997, Chapter 178, Section 5) is amended to read:

"15-10-1. CAPITOL BUILDINGS PLANNING COMMISSION CREATED.--

A. The "capitol buildings planning commission" is created to study and plan for the long-range facilities needs of state government in Santa Fe and Albuquerque. The commission shall review prior long-range facilities needs assessments and develop an initial master plan for the state facilities in Santa Fe and Albuquerque.

B. The commission shall be composed of four members of the legislature, two from each house, appointed by the New Mexico legislative council, the secretary of general services, the New Mexico staff architect, the secretary of finance and administration or his designee, the commissioner of public lands or his designee and the chairman of the supreme court building commission or his designee.

C. The legislative council service shall provide staff for the commission in coordination with the staff of the general services department.

D. The commission shall meet regularly and shall report annually to the legislature on an annual update of the master plan for the long-range facilities needs of state government in Santa Fe and Albuquerque."

SENATE BILL 111

CHAPTER 70

CHAPTER 70, LAWS 2002

AN ACT

RELATING TO GAME ANIMALS; PROVIDING FOR THE STATE GAME COMMISSION TO ADOPT RULES TO PREVENT CONTAGIOUS DISEASES IN GAME ANIMALS.

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

Section 1. Section 17-1-14 NMSA 1978 (being Laws 1921, Chapter 35, Section 7, as amended) is amended to read:

"17-1-14. GENERAL POWERS AND DUTIES OF STATE GAME COMMISSION--
-GAME PROTECTION FUND.--

A. The state game commission shall have general control over the collection and disbursement of all money collected or received under the state laws for the protection and propagation of game and fish, which money shall be paid over to the state treasurer to the credit of the game protection fund, and the fund, including all earned income therefrom, shall not be transferred to another fund. Chapter 17 NMSA 1978 shall be guaranty to the person who pays for hunting and fishing licenses and permits that the money in that fund shall not be used for any purpose other than as provided in Chapter 17 NMSA 1978. The state game commission shall have authority:

(1) to establish and, through the director of the department of game and fish, to operate fish hatcheries for the purpose of stocking public waters of the state

and to furnish fish fry and fingerlings to stock private waters, receipts from such sources to go into the game protection fund;

(2) to declare closed seasons in any specified locality and on any species of game or fish threatened with undue depletion from any cause;

(3) to establish game refuges for the purpose of providing safe sanctuaries in which game may breed and replenish adjacent hunting ranges, it being the purpose of this provision to establish small refuges rather than large preserves, or to close large areas to hunting;

(4) to purchase lands for game refuges where suitable public lands do not exist, to purchase lands for fish hatcheries and to purchase lands to be maintained perpetually as public hunting grounds, particularly lands suitable for waterfowl hunting, all such lands to be paid for from the game protection fund;

(5) to receive by gift or bequest, in the name and on behalf of the state, lands suitable for game refuges, hunting grounds, fish hatcheries or for any other purpose necessary to carry out the provisions of Chapter 17 NMSA 1978;

(6) to apply for and accept any state, federal or private funds, grants or donations from any source for game and fish programs and projects;

(7) to designate certain areas as rest grounds for migratory birds, in which hunting shall be forbidden at all times or at such times as the state game commission shall provide, it being the purpose of this provision not to interfere unduly with the hunting of waterfowl but to provide havens in which they can rest and feed without molestation;

(8) to close any public stream or lake or portion thereof to fishing when such action is necessary to protect a recently stocked water, to protect spawning waters or to prevent undue depletion of the fish;

(9) to propagate, capture, purchase, transport or sell any species of game or fish needed for restocking any lands or streams of the state;

(10) after reasonable notice and hearing, to suspend or revoke any license or permit issued pursuant to the provisions of Chapter 17 NMSA 1978 and withhold license privileges for a definite period not to exceed three years from any person procuring a license through misrepresentation, violating any provisions of Chapter 17 NMSA 1978 or hunting without a proper license;

(11) to adopt rules establishing procedures that provide reasonable notice and a hearing before the state game commission for the suspension, revocation or withholding of license privileges of a person charged with violating the provisions of Chapter 17 NMSA 1978, subject to such judicial review as may be provided by law;

(12) to conduct studies of programs for the management of endangered and nongame species of wildlife;

(13) to establish licenses, permits and certificates not otherwise provided for in Section 17-3-13 NMSA 1978 and to charge and collect just and reasonable fees for them; provided the fees shall not exceed the costs of administration associated with the licenses, permits or certificates;

(14) to permit, regulate or prohibit the commercial taking or capturing of native, free-ranging amphibians or reptiles not specifically protected by law, except for rattlesnake roundups, collection of fish bait and lizard races; and

(15) to adopt rules to control, eradicate or prevent the spread of a contagious disease, pest or parasite, including chronic wasting disease, to or among game animals. The rules shall include provisions for:

(a) notification to the department of game and fish of the diagnosis or suspected presence of a contagious disease;

(b) examination by the state veterinarian or his designee of suspected infected game animals;

(c) quarantine, treatment or destruction of an infected game animal;

(d) disinfection and isolation of a licensed private park where an infected game animal has been; and

(e) indemnification and destruction of a protected game animal.

B. The director of the department of game and fish shall exercise all the powers and duties conferred upon the state game and fish warden by all previous statutes now in force not in conflict with Chapter 17 NMSA 1978.

C. The state game commission shall have authority to prohibit all hunting in periods of extreme forest fire danger, at such times and places as may be necessary to reduce the danger of destructive forest fires.

D. The hunting, pursuing, capturing, killing or wounding of any game animals, birds or fish in or upon any game refuge, rest ground or closed water or closed area or during any closed season established or proclaimed by the state game commission in accordance with the authority conferred in Chapter 17 NMSA 1978 constitutes a misdemeanor and shall be punishable as prescribed in Chapter 17 NMSA 1978."

SENATE BILL 151, AS AMENDED

CHAPTER 71

CHAPTER 71, LAWS 2002

AN ACT

RELATING TO MOTOR VEHICLES; INCREASING THE PENALTY ASSESSMENT FOR SPEEDING IN A CONSTRUCTION OR OTHER SAFETY ZONE; EXCLUDING CERTAIN SPEEDING CONVICTIONS FROM CONSIDERATION IN ANY POINT SYSTEM USED TO DETERMINE WHETHER DRIVING PRIVILEGES SHOULD BE SUSPENDED OR REVOKED; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 66-7-301 NMSA 1978 (being Laws 1978, Chapter 35, Section 405, as amended) is amended to read:

"66-7-301. SPEED REGULATION.--

A. No person shall drive a vehicle on a highway at a speed greater than:

(1) fifteen miles per hour on all highways when passing a school while children are going to or leaving school and when the school zone is properly posted;

(2) thirty miles per hour in a business or residence district;

(3) seventy-five miles per hour; and

(4) the posted speed limit in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the highway and transportation department, provided that the posted speed limit shall be determined by an engineering study performed by the state highway and transportation department.

B. In every event, speed shall be so controlled by the driver as may be necessary:

(1) to avoid colliding with a person, vehicle or other conveyance on or entering the highway;

(2) to comply with legal requirements as may be established by the state highway and transportation department or the New Mexico state police division of the department of public safety and the duty of all persons to use due care; and

(3) to protect workers in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the highway and transportation department.

C. The speed limits set forth in Subsection A of this section may be altered as authorized in Section 66-7-303 NMSA 1978."

Section 2. Section 66-8-116 NMSA 1978 (being Laws 1978, Chapter 35, Section 524, as amended) is amended to read:

"66-8-116. PENALTY ASSESSMENT MISDEMEANORS--

DEFINITION--SCHEDULE OF ASSESSMENTS.--

A. As used in the Motor Vehicle Code, "penalty assessment misdemeanor" means violation of any of the following listed sections of the NMSA 1978 for which, except as provided in Subsection D of this section, the listed penalty assessment is established:

| COMMON NAME OF OFFENSE PENALTY | SECTION VIOLATED |
|-----------------------------------|------------------|
|-----------------------------------|------------------|

ASSESSMENT

Permitting unlicensed

| | |
|----------------------------|---------|
| minor to drive \$ 10.00 | 66-5-40 |
|----------------------------|---------|

| | |
|-------------------------------|----------|
| Failure to obey sign 10.00 | 66-7-104 |
|-------------------------------|----------|

| | |
|---------------------------------|----------|
| Failure to obey signal 10.00 | 66-7-105 |
|---------------------------------|----------|

| | |
|----------|----------|
| Speeding | 66-7-301 |
|----------|----------|

(1) up to

| | |
|---|--------|
| and including ten miles an hour over the speed limit | 15.00 |
| (2) from eleven up to and including fifteen miles an hour over the speed limit | 30.00 |
| (3) from sixteen up to and including twenty miles an hour over the speed limit | 65.00 |
| (4) from twenty-one up to and including twenty-five miles an hour over the speed limit | 100.00 |
| (5) from twenty-six up to and including thirty miles an hour over the speed limit | 125.00 |
| (6) from thirty-one up to and including thirty-five miles an hour over the | |

speed limit
150.00

(7) more than thirty-five

miles an hour over the

speed limit
200.00

Unfastened safety belt 66-7-372
25.00

Child not in restraint device

or seat belt 66-7-369 25.00

Minimum speed 66-7-305
10.00

Speeding 66-7-306
15.00

Improper starting 66-7-324
10.00

Improper backing 66-7-354
10.00

Improper lane 66-7-308
10.00

Improper lane 66-7-313
10.00

Improper lane 66-7-316
10.00

Improper lane 66-7-317
10.00

Improper lane 66-7-319
10.00

Improper passing 66-7-309 through

| | |
|---|----------------------------------|
| 10.00 | 66-7-312 |
| Improper passing 10.00 | 66-7-315 |
| Controlled access violation 10.00 | 66-7-320 |
| Controlled access violation 10.00 | 66-7-321 |
| Improper turning 10.00 | 66-7-322 |
| Improper turning 10.00 | 66-7-323 |
| Improper turning 10.00 | 66-7-325 |
| Following too closely 10.00 | 66-7-318 |
| Failure to yield 10.00 | 66-7-328 through 66-7-332 |
| Failure to yield 25.00 | 66-7-332.1 |
| Pedestrian violation 10.00 | 66-7-333 |
| Pedestrian violation 10.00 | 66-7-340 |
| Failure to stop 10.00 | 66-7-341 through 66-7-346 |

| | | |
|--|---|-------|
| Passing school bus 100.00 | 66-7-347 | |
| Failure to signal 10.00 | 66-7-325 through 66-7-327 | |
| Failure to secure load 100.00 | 66-7-407 | |
| Operation without oversize- overweight permit | 66-7-413 | 50.00 |
| Improper equipment 10.00 | 66-3-801 | |
| Improper equipment 20.00 | 66-3-901 | |
| Improper emergency signal | 66-3-853 through 66-3-857 | |
| 10.00 | | |
| Operation interference 5.00 | 66-7-357 | |
| Littering 300.00 | 66-7-364 | |
| Improper parking 5.00 | 66-7-349 through 66-7-352 and 66-7-353 | |
| Improper parking 50.00 | 66-7-352.5 | |
| Improper parking 5.00 | 66-3-852 | |
| Failure to dim lights | 66-3-831 | 10.00 |

| | |
|---------------------------|----------|
| Riding in or towing | |
| occupied house trailer | 66-7-366 |
| 5.00 | |
| Improper opening of doors | 66-7-367 |
| 5.00 | |
| No slow-moving vehicle | |
| emblem or flashing | |
| amber light | 66-3-887 |
| 5.00 | |
| Open container - first | |
| violation | 66-8-138 |
| 25.00. | |

B. The term "penalty assessment misdemeanor" does not include a violation that has caused or contributed to the cause of an accident resulting in injury or death to a person.

C. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, no fine imposed upon later conviction shall exceed the penalty assessment established for the particular penalty assessment misdemeanor and no probation imposed upon a suspended or deferred sentence shall exceed ninety days.

D. The penalty assessment for speeding in violation of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978 is twice the penalty assessment established in Subsection A of this section for the equivalent miles per hour over the speed limit."

Section 3. A new section of the Motor Vehicle Code is enacted to read:

"CERTAIN SPEEDING CONVICTIONS TO BE DISREGARDED IN THE DEVELOPMENT OR APPLICATION OF A POINT SYSTEM.--

A. Except as provided in Subsection B of this section, in developing and applying a point system that is used as a basis for suspension or revocation of driving privileges, the division shall not assign points for convictions for speeding on rural highways of the state. As used in this section, "rural highway" means that part of a

highway that is located at least two miles outside of the boundaries of an incorporated city, town or village. The two-mile distance shall be measured:

(1) from the point where the highway crosses the boundary, and if there is more than one such intersection, from the intersection most distant from the geographic center of the city, town or village; or

(2) if there are milepost markers on the highway, to the first milepost marker indicating two or more miles.

B. The provisions of this section do not apply to:

(1) rural highways in Bernalillo county;

(2) a conviction for speeding if the citation out of which the conviction arises indicated that excessive speed of the motorist cited was a factor in the accident; or

(3) motor vehicles weighing twelve thousand pounds or more."

HOUSE BILL 95, AS AMENDED

CHAPTER 72

CHAPTER 72, LAWS 2002

AN ACT

RELATING TO WEAPONS; CREATING THE SPORT SHOOTING RANGE ACT; PROVIDING STANDARDS FOR IMMUNITY FROM NUISANCE ACTIONS BASED ON NOISE OR NOISE POLLUTION; SPECIFYING LOCAL AUTHORITY.

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

Section 1. SHORT TITLE.--This act may be cited as the "Sport Shooting Range Act".

Section 2. PURPOSE OF ACT.--The purpose of the Sport Shooting Range Act is to protect the normal operation and use of sport shooting ranges by establishing when a person who owns, operates or uses a sport shooting range is liable for civil penalties.

Section 3. DEFINITION.--As used in the Sport Shooting Range Act, a "sport shooting range" is an area designed and operated for the use of rifles, shotguns or pistols as a means of silhouette, skeet, trap, black powder or other sport shooting or firearms training.

Section 4. IMMUNITY FROM NUISANCE ACTIONS BASED ON NOISE OR NOISE POLLUTION.--

A. The use or operation of a sport shooting range shall not be enjoined as a nuisance on the basis of noise or noise pollution:

(1) if the sport shooting range is in compliance with noise control statutes, rules or ordinances that apply to the range and its operation at the time that the initial operation of the range commenced;

(2) due to changes made to noise control statutes, rules or ordinances that apply to the sport shooting range and its operation, if the changes take effect after the initial operation of the range commenced; or

(3) if noise control statutes, rules or ordinances were not in effect at the time that the original operation of the sport shooting range commenced.

B. The use or operation of a sport shooting range may not be enjoined as a nuisance on the basis of noise or noise pollution by a person who acquires an interest in real property adversely affected by the normal operation and use of a sport shooting range that commenced operation prior to the time the person acquired the interest in real property.

Section 5. LOCAL GOVERNMENT AUTHORITY.--The provisions of the Sport Shooting Range Act shall not prohibit a local government from regulating the location and construction of sport shooting ranges after July 1, 2002.

Section 6. EXEMPTIONS.--The provisions of the Sport Shooting Range Act do not apply:

A. to recovery for an act or omission relating to recklessness, negligence, wanton misconduct or willful misconduct in the operation or use of a sport shooting range;

B. to a nuisance action on the basis of trespass involving the operation or use of a sport shooting range;

C. to the operation or use of a sport shooting range that substantially and adversely affects public health or public safety; or

D. if there has been a substantial change in the primary use of a sport shooting range.

Section 7. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

HOUSE BILL 112

CHAPTER 73

CHAPTER 73, LAWS 2002

AN ACT

CREATING THE TAOS BRANCH COMMUNITY COLLEGE.

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

"Section 1. CREATION OF THE TAOS BRANCH COMMUNITY COLLEGE OF THE UNIVERSITY OF NEW MEXICO.--On July 1, 2003, the "Taos branch community college" of the university of New Mexico is created."

HOUSE BILL 171, AS AMENDED

CHAPTER 74

CHAPTER 74, LAWS 2002

AN ACT

RELATING TO THREATENING COMMUNICABLE DISEASES; PROVIDING FOR THE REPRESENTATION BY COUNSEL OF THE DETAINEE; CLARIFYING BURDEN OF PROOF REQUIREMENTS; REQUIRING THE SEALING OF RECORDS OF THE PROCEEDINGS; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 24-1-15 NMSA 1978 (being Laws 1973, Chapter 359, Section 15, as amended) is amended to read:

"24-1-15. REPORTING OF CONTAGIOUS DISEASES.--

A. When a physician or other person knows that a person is infected with a threatening communicable disease, he shall promptly notify a public health official or his authorized agent.

B. A public health official who has knowledge that a person is infected with a threatening communicable disease and has refused voluntary treatment, detention or observation shall petition the court for an order to detain the person who is infected with the threatening communicable disease until the person is no longer a contagious threat to the public or the person voluntarily complies with the appropriate treatment and contagion precautions.

C. The petition shall be made under oath or shall be accompanied by a sworn affidavit setting out specific facts showing that the person is infected with a threatening communicable disease.

D. The petition shall state that the person to be detained:

(1) is actively infectious with a threatening communicable disease or presents a substantial likelihood of having a threatening communicable disease based on credible medical evidence;

(2) poses a substantial likelihood of transmission of the threatening communicable disease to others because of inadequate separation from others; and

(3) after being advised of his condition and the risks posed thereby, has refused voluntary treatment.

E. Upon the filing of a petition the court shall:

(1) immediately grant ex parte a temporary order of protection to isolate the person infected with the threatening communicable disease if there is probable cause from the specific facts shown by the affidavit or by the petition to give the judge reason to believe that the person infected with a threatening communicable disease poses a substantial threat to the public health and safety;

(2) cause the temporary order of protection, notice of hearing and an advisement of the terms of the temporary protective order, including his right to representation and re-petition for termination of any protective order that removes and detains the infected person, to be immediately served on the allegedly infected person; and

(3) within five days after the granting of the temporary order of protection, hold an evidentiary hearing to determine if the court shall continue the order.

F. A person held pursuant to a temporary protective order as set forth in Subsection E of this section shall be:

(1) entitled to representation by counsel at the evidentiary hearing and at all hearings thereafter for the duration of the period of removal and detention; and

(2) permitted to communicate on any matter, including his removal and detention, with persons by telephone, or other reasonably available means, that do not expose other persons to the risk of infection for the duration of the period of removal and detention.

G. Counsel may be retained by the person held or shall be appointed by the court if the court determines that the person held cannot afford legal representation or if the court determines that appointment of counsel is required in the interest of justice.

H. At the evidentiary hearing the court shall review the circumstances surrounding the temporary order and, if the petitioner can show by clear and convincing evidence that the person being held has not voluntarily complied or will not voluntarily comply with appropriate treatment and contagion precautions, the court may continue the detention of the person infected with a threatening communicable disease. The court shall order regular review of the order to detain by providing the person being held with a subsequent hearing within ninety days of the temporary order's issuance and every ninety days thereafter. The detention order shall be terminated and the person shall be released if:

(1) the person being held is certified by a public health official to pose no further risk of infecting others;

(2) at a hearing, the petitioner, whose burden of proof continues under a clear and convincing standard, can no longer show that the person being held is infected with a threatening communicable disease and that he will not comply with appropriate treatment and contagion precautions voluntarily; or

(3) exceptional circumstances exist warranting the termination of the temporary protective order.

I. The provisions of this section do not permit the forcible administration of medications.

J. The proceedings shall be recorded stenographically, electronically, mechanically or by other appropriate means. The proceedings shall be closed to the general public and the records shall be sealed from public inspection.

K. A person who in good faith reports another person infected with a threatening communicable disease shall not be held liable for civil damages as a result of the report; provided that the person reported as being infected with a threatening communicable disease shall have the right to sue for damages sustained as a result of negligent or intentional reporting of inaccurate information or the disclosure of information to an unauthorized person.

L. For purposes of this section:

(1) "court" means the district court of the judicial district where the person who is alleged to be infected with a threatening communicable disease resides or is found;

(2) "public health official" means a district health officer, the director of the public health division of the department of health, a chief medical officer or a person designated by the secretary of health to carry out the duties provided in this section; and

(3) "threatening communicable disease" means a disease that causes death or great bodily harm, passes from one person to another and for which there is no means by which the public reasonably can avoid the risk of contracting the disease."

HOUSE BILL 195

CHAPTER 75

CHAPTER 75, LAWS 2002

AN ACT

RELATING TO PRESCRIPTION DRUGS; PROVIDING A PRESCRIPTION DRUG BENEFIT TO NEW MEXICO SENIORS; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. Section 10-7C-5 NMSA 1978 (being Laws 1990, Chapter 6, Section 5) is amended to read:

"10-7C-5. AUTHORITY CREATED.--

A. There is created the "retiree health care authority", which is established to provide for comprehensive group health insurance programs under the Retiree Health Care Act. The authority shall be administratively attached to the public school insurance authority until December 31, 1993. The director of the public school insurance authority shall be the executive director of the retiree health care authority until December 31, 1993. The board created by Section 10-7C-6 NMSA 1978 shall remain fully independent of the board of the public school insurance authority.

B. The authority shall also administer the senior prescription drug program in conjunction with or through the consolidated purchasing process pursuant to the Health Care Purchasing Act."

Section 2. A new section of the Retiree Health Care Act is enacted to read:

"CREATION OF SENIOR PRESCRIPTION DRUG PROGRAM.--

A. The "senior prescription drug program" is created in the authority.

B. To be eligible for the senior prescription drug program, a person shall:

(1) be a resident of the state;

(2) be sixty-five years of age or older; and (3) not have any other prescription drug benefit.

C. Upon a determination that the person qualifies for the senior prescription drug program, the authority shall collect an enrollment fee not to exceed sixty dollars (\$60.00) per year. The authority shall collect the enrollment fees, and the enrollment fees shall be used by the authority to cover the cost of administering the program.

D. The amount a qualified person pays for a prescription drug shall not exceed the total cost of the dispensing fee plus the contracted discounted price made available to the authority for this group of seniors.

E. The authority shall enroll and provide participants with membership cards and require the cards to be presented to pharmacies for each transaction.

F. The authority shall actively promote membership and benefit information on the senior prescription drug program to seniors and the general public throughout the state."

Section 3. A new section of the Retiree Health Care Act is enacted to read:

"FUND CREATED.--The "senior prescription drug program fund" is created in the state treasury. All fees collected pursuant to Subsection C of Section 2 of this act and all rebates received from drug manufacturers shall be deposited in the fund and shall be used for the purposes of the senior prescription drug program. Money appropriated to the fund or accruing to it through rebates, gifts, grants, fees or bequests shall be deposited in the fund. Earnings from investment of the fund shall be credited to the fund. Money in the fund is appropriated to the authority for the purpose of administering the senior prescription drug program. Money in the fund shall not revert at the end of any fiscal year. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the director of the authority or his authorized representative. The authority shall annually adjust the enrollment fee to permit necessary administration of the program but shall not exceed the amount established in Subsection C of Section 2 of this act."

Section 4. A new section of the Retiree Health Care Act is enacted to read:

"AUDIT--FEE RECOMMENDATION.--Annually the legislative finance committee shall conduct a fiscal audit of the senior prescription drug program fund and the administration of the program, including rebates negotiated for the prescription drugs purchased by participants, and shall recommend if and how much of an annual fee is necessary for participants in the program."

Section 5. PHARMACY FREEDOM OF CHOICE.--A contract, agreement or arrangement between a pharmacy and a wholesaler, distributor or pharmacy benefit manager for the provision of prescription drugs for resale shall not include a provision requiring the pharmacy to enter into any other contract, agreement or arrangement with the contracting wholesaler, distributor or pharmacy benefit manager to purchase prescription drugs on different terms.

HOUSE BILL 200, AS AMENDED

CHAPTER 76

CHAPTER 76, LAWS 2002

AN ACT

RELATING TO EMERGENCY PREPAREDNESS; REQUIRING CERTAIN DEPARTMENTS TO UPDATE THE ALL-HAZARDS EMERGENCY OPERATIONS PLAN AND CONDUCT TESTS OF THE PLAN; DECLARING AN EMERGENCY.

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

Section 1. TEMPORARY PROVISION--ALL-HAZARDS EMERGENCY OPERATIONS PLAN.--The department of public safety, in conjunction with the department of health, shall:

A. review the current all-hazards emergency operations plan and revise the plan to ensure that the state has in place the procedures necessary to respond to an emergency or disaster that causes or threatens widespread physical or economic harm and that requires the resources of the state;

B. conduct two statewide emergency tests, the first by July 31, 2002 and the second by October 31, 2002, to ensure that chain-of-command procedures, communications systems, transportation systems, technology, facilities and other mechanisms of emergency response are in working order and that each component has a contingency plan;

C. provide progress reports on plan updates and testing status at least once every sixty days to the legislative health and human services committee or the legislative finance committee; and

D. provide the legislative health and human services committee or the legislative finance committee with its findings and recommendations for legislative initiatives and funding proposals by November 30, 2002.

Section 2. TEMPORARY PROVISION.--The department of public safety shall complete the activities pursuant to this act and provide its final report to the governor and the legislature by December 31, 2002.

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HOUSE BILL 261, AS AMENDED

WITH EMERGENCY CLAUSE

SIGNED MARCH 5, 2002

CHAPTER 77

CHAPTER 77, LAWS 2002

AN ACT

RELATING TO WATER; PROVIDING FOR A LOWER PECOS RIVER BASIN BELOW SUMNER LAKE WATER BANK TO FACILITATE COMPLIANCE WITH THE INTERSTATE COMPACT; PROVIDING FOR ACEQUIA AND COMMUNITY DITCH WATER BANKS.

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

Section 1. LOWER PECOS RIVER BASIN BELOW SUMNER LAKE WATER BANK--ACEQUIA AND COMMUNITY DITCH WATER BANKS--INTERSTATE STREAM COMMISSION.--

A. The interstate stream commission may recognize a water bank established by an irrigation district, a conservancy district, an artesian conservancy district, a community ditch, an acequia or water user's association in the lower Pecos river basin below Sumner lake for purposes of compliance with the Pecos River Compact.

B. The interstate stream commission shall propose and recommend to the state engineer for adoption rules for recognition of a water bank that include:

(1) criteria, terms and conditions for deposit of a water right in the bank;

(2) terms and conditions for the accrual, pooling, exchange, assignment and conditions of the deposit of a water right;

(3) the procedures for recording and annual reporting of all transactions to the interstate stream commission and the state engineer; and

(4) procedures for the water bank to temporarily transfer deposited water to new purposes and places of use and points of diversion without formal proceedings before the state engineer.

C. An acequia or community ditch may establish a water bank for the purpose of temporarily reallocating water without change of purpose of use or point of diversion to augment the water supplies available for the places of use served by the acequia or community ditch. The acequia or community ditch water bank may make

temporary transfers of place of use without formal proceedings before the state engineer, and water rights placed in the acequia or community ditch water bank shall not be subject to loss for non-use during the period the rights are placed in the water bank. Acequia or community ditch water banks established pursuant to this subsection are not subject to recognition or approval by the interstate stream commission or the state engineer, and are not subject to the rules established pursuant to the provisions of Subsection B of this section for lower Pecos river basin below Sumner lake water banks.

D. A lower Pecos river basin below Sumner lake water bank may contract with a person to accrue, pool, exchange, assign or lease water rights to facilitate compliance with the Pecos River Compact. A transaction and transfer of water by a water bank in the Pecos river basin shall:

(1) not impair other water rights;

(2) not deplete water in the system above that level that would have occurred in the absence of the transaction;

(3) comply with state law; and

(4) be within the same stream system or underground water source.

E. All authorities provided by this act shall terminate on December 31, 2005.

Section 2. Section 72-5-28 NMSA 1978 (being Laws 1907, Chapter 49, Section 42, as amended) is amended to read:

"72-5-28. FAILURE TO USE WATER--FORFEITURE.--

A. When the party entitled to the use of water fails to beneficially use all or any part of the water claimed by him, for which a right of use has vested for the purpose for which it was appropriated or adjudicated, except the waters for storage reservoirs, for a period of four years, such unused water shall, if the failure to beneficially use the water persists one year after notice and declaration of nonuser given by the state engineer, revert to the public and shall be regarded as unappropriated public water; provided, however, that forfeiture shall not necessarily occur if circumstances beyond the control of the owner have caused nonuse, such that the water could not be placed to beneficial use by diligent efforts of the owner; and provided that periods of nonuse when irrigated farm lands are placed under the acreage reserve program or conservation reserve program provided by the federal Food Security Act of 1985, P.L. 99-198 shall not be computed as part of the four-year forfeiture period; and provided, further, that the condition of notice and declaration of nonuser shall not apply to water that has reverted to the public by operation of law prior to June 1, 1965.

B. Upon application to the state engineer at any time and a proper showing of reasonable cause for delay or for nonuse or upon the state engineer finding that it is in the public interest, the state engineer may grant extensions of time, for a period not to exceed three years for each extension, in which to apply to beneficial use the water for which a permit to appropriate has been issued or a water right has vested, was appropriated or has been adjudicated.

C. Periods of nonuse when water rights are acquired by incorporated municipalities or counties for implementation of their water development plans or for preservation of municipal or county water supplies shall not be computed as part of the four-year forfeiture statute.

D. A lawful exemption from the requirements of beneficial use, either by an extension of time or other statutory exemption, stops the running of the four-year period for the period of the exemption, and the period of exemption shall not be included in computing the four-year period.

E. Periods of nonuse when the nonuser of acquired water rights is on active duty as a member of the armed forces of this country shall not be included in computing the four-year period.

F. The owner or holder of a valid water right or permit to appropriate waters for agricultural purposes appurtenant to designated or specified lands may apply the full amount of water covered by or included in the water right or permit to any part of the designated or specified tract without penalty or forfeiture.

G. Periods of nonuse when water rights are acquired and placed in a state engineer-approved water conservation program, by an individual or entity that owns water rights, a conservancy district organized pursuant to Chapter 73, Articles 14 through 19 NMSA 1978, a soil and water conservation district organized pursuant to Chapter 73, Article 20 NMSA 1978, an acequia or community ditch association organized pursuant to Chapter 73, Article 2 or 3 NMSA 1978, an irrigation district organized pursuant to Chapter 73, Articles 9 through 13 NMSA 1978 or the interstate stream commission shall not be computed as part of the four-year forfeiture period.

H. Water deposited in a lower Pecos river basin below Sumner lake water bank approved by the interstate stream commission or an acequia or community ditch water bank shall not be computed as part of the four-year forfeiture period."

Section 3. Section 72-12-8 NMSA 1978 (being Laws 1931, Chapter 131, Section 8, as amended) is amended to read:

"72-12-8. WATER RIGHT FORFEITURE.--

A. When for a period of four years the owner of a water right in any of the waters described in Sections 72-12-1 through 72-12-28 NMSA 1978 or the holder of a

permit from the state engineer to appropriate any such waters has failed to apply them to the use for which the permit was granted or the right has vested, was appropriated or has been adjudicated, the water rights shall be, if the failure to beneficially use the water persists one year after notice and declaration of nonuser given by the state engineer, forfeited and the water so unused shall revert to the public and be subject to further appropriation; provided that the condition of notice and declaration of nonuser shall not apply to water that has reverted to the public by operation of law prior to June 1, 1965.

B. Upon application to the state engineer at any time and a proper showing of reasonable cause for delay or for nonuse or upon the state engineer finding that it is in the public interest, the state engineer may grant extensions of time, for a period not to exceed three years for each extension, in which to apply to beneficial use the water for which a permit to appropriate has been issued or a water right has vested, was appropriated or has been adjudicated.

C. Periods of nonuse when irrigated farm lands are placed under the acreage reserve program or conservation reserve program provided by the federal Food Security Act of 1985, P.L. 99-198, shall not be computed as part of the four-year forfeiture period.

D. Periods of nonuse when water rights are acquired and placed in a state engineer-approved water conservation program by an individual or entity that owns water rights, an artesian conservancy district, a conservancy district, a soil and water conservation district organized pursuant to Chapter 73, Article 20 NMSA 1978, an acequia or community ditch association organized pursuant to Chapter 73, Article 2 or 3 NMSA 1978, an irrigation district organized pursuant to Chapter 73, Articles 9 through 13 NMSA 1978 or the interstate stream commission shall not be computed as part of the four-year forfeiture statute.

E. A lawful exemption from the requirements of beneficial use, either by an extension of time or other statutory exemption, stops the running of the four-year period for the period of the exemption, and the period of exemption shall not be included in computing the four-year period.

F. Periods of nonuse when water rights are acquired by incorporated municipalities or counties for implementation of their water development plans or for preservation of municipal or county water supplies shall not be computed as part of the four-year forfeiture statute.

G. Periods of nonuse when the nonuser of acquired water rights is on active duty as a member of the armed forces of this country shall not be included in computing the four-year period.

H. The owner or holder of a valid water right or permit to appropriate waters for agricultural purposes appurtenant to designated or specified lands may apply

the full amount of water covered by or included in that water right or permit to any part of the designated or specified tract without penalty or forfeiture.

I. Water deposited in a lower Pecos river basin below Sumner lake water bank approved by the interstate stream commission or an acequia or community ditch water bank shall not be computed as part of the four-year forfeiture period."

HOUSE BILL 421, AS AMENDED

CHAPTER 78

CHAPTER 78, LAWS 2002

AN ACT

RELATING TO PEACE OFFICERS; INCLUDING PARENTS AS A PARTY ELIGIBLE TO RECEIVE SURVIVORS BENEFITS FOR PEACE OFFICERS SLAIN IN THE LINE OF DUTY; REGULATING MAINTENANCE OF THE PEACE OFFICERS' SURVIVORS FUND; AMENDING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. Section 29-4A-1 NMSA 1978 (being Laws 1995, Chapter 59, Section 1) is amended to read:

"29-4A-1. SHORT TITLE.-- Chapter 29, Article 4A NMSA 1978 may be cited as the "Peace Officers' Survivors Supplemental Benefits Act".

Section 2. Section 29-4A-2 NMSA 1978 (being Laws 1995, Chapter 59, Section 2) is amended to read:

"29-4A-2. FINDINGS--PURPOSE.--The legislature finds that peace officers throughout the state risk their lives daily to protect the citizens of New Mexico. The legislature further finds that when peace officers are killed in the line of duty, their immediate families can suffer grievously, both emotionally and economically. To recognize the substantial public safety benefits conferred by peace officers and in consideration of the sacrifices undertaken by these officers and their families for the citizens of New Mexico, it is the purpose of the Peace Officers' Survivors Supplemental Benefits Act to ensure that certain supplemental death benefits accrue to the spouse and surviving children, or parents if there are no surviving children or spouse, of a peace officer killed in the line of duty."

Section 3. Section 29-4A-5 NMSA 1978 (being Laws 1995, Chapter 59, Section 5) is amended to read:

"29-4A-5. PEACE OFFICERS' SURVIVORS SUPPLEMENTAL BENEFITS--REVIEW COMMITTEE--DETERMINATION--PAYMENT.--

A. There is created the "peace officers' survivors supplemental death benefits review committee". The committee shall consist of the attorney general, the chief of the New Mexico state police and the state president of the fraternal order of police or their designees.

B. The peace officers' survivors supplemental death benefits review committee shall determine whether a peace officer has been killed in the line of duty and advise the secretary of that determination. In addition to any other death benefits provided by law, the surviving spouse, children or parents shall be paid fifty thousand dollars (\$50,000) as supplemental death benefits whenever a peace officer is killed in the line of duty. The benefits shall be paid from the fund.

C. The benefits shall be paid first to the surviving spouse. If there is no surviving spouse, the benefits shall be distributed in pro rata shares to all surviving children. If there are no surviving children or spouse, benefits shall be distributed to the surviving parents of the peace officer."

Section 4. Section 29-13-2 NMSA 1978 (being Laws 1983, Chapter 289, Section 2, as amended) is amended to read:

"29-13-2. PURPOSE OF ACT.--The purpose of the Law Enforcement Protection Fund Act is to provide for the equitable distribution of money to municipal police, university police, tribal police and county sheriff's departments for use in the maintenance and improvement of those departments in order to enhance the efficiency and effectiveness of law enforcement services and to sustain at a reasonable level the payments available to the surviving eligible family members of a peace officer killed in the line of duty."

Section 5. Section 29-13-4 NMSA 1978 (being Laws 1993, Chapter 179, Section 6, as amended) is amended to read:

"29-13-4. DETERMINATION OF NEEDS AND RATE OF DISTRIBUTION.--

A. Annually on or before April 15, the division shall:

(1) consider and determine the relative needs as requested by municipal and university police and county sheriff's departments for money in the fund pursuant to the provisions of Subsection C of this section; and

(2) calculate the amount of consideration due a tribal police department pursuant to the provisions of Paragraph (10) of Subsection C of Section 29-1-11 NMSA 1978.

B. As necessary during the year, the division shall transfer an amount from the law enforcement protection fund that enables the balance of the peace officers' survivors fund to be maintained at a minimum balance of three hundred fifty thousand dollars (\$350,000).

C. The division shall determine the rate of distribution of money remaining in the fund to each municipal and university police and county sheriff's department as follows:

(1) all municipal police and county sheriff's departments shall be rated by class pursuant to this paragraph in accordance with populations established by the most recently completed decennial census; provided that the population of any county shall not include the population of any municipality within that county that has a municipal police department. The rate of distribution to which a municipal police or county sheriff's department is entitled is the following:

| CLASS | POPULATION | AMOUNT |
|-------|----------------------|----------|
| 1 | 0 to 20,000 | \$20,000 |
| 2 | 20,001 to 160,000 | 30,000 |
| 3 | 160,001 to 1,280,000 | 40,000; |

(2) university police departments shall be entitled to a rate of distribution of seventeen thousand dollars (\$17,000); and

(3) municipal and university police and county sheriff's departments shall be entitled, unless allocations are adjusted pursuant to the provisions of Subsection D of this section, to six hundred dollars (\$600) for each police officer or sheriff's deputy employed full time by his department who has been certified by the New Mexico law enforcement academy as a police officer or has been authorized to act as a New Mexico peace officer pursuant to the provisions of Section 29-1-11 NMSA 1978.

D. After distributions are determined in accordance with Paragraph (2) of Subsection A, Subsection B and Paragraphs (1) and (2) of Subsection C of this section, if the balance in the fund is insufficient to permit the total allocations provided by Paragraph (3) of Subsection C of this section, the division shall reduce that allocation to the maximum amount permitted by available money."

Section 6. Section 29-13-6 NMSA 1978 (being Laws 1983, Chapter 289, Section 6, as amended) is amended to read:

"29-13-6. DISTRIBUTION OF LAW ENFORCEMENT PROTECTION FUND.--

A. Annually on or before July 31, the state treasurer shall distribute from the fund the amounts certified by the division to be distributed to municipalities, universities and counties, and the transfer shall distribute money from the law enforcement protection fund to the peace officers' survivors fund as required in Section 29-13-4 NMSA 1978. Payments shall be made to the treasurer of the appropriate governmental entity or fund.

B. The state treasurer is authorized to redirect a distribution to the New Mexico finance authority in an amount certified by the division, pursuant to an ordinance or a resolution passed by the municipality or county and a written agreement of the municipality or county and the New Mexico finance authority.

C. Annually on or before July 31, the state treasurer shall distribute from the excess money remaining in the fund after distributions pursuant to Subsection A of this section are made, money certified by the division to be distributed to tribes and pueblos. Payment shall be made to the chief financial officer of the tribe or pueblo. If necessary, the fund may be decreased below the level of one hundred thousand dollars (\$100,000) to enable payment to the tribes and pueblos. If insufficient money remains in the fund to fully compensate the tribes and pueblos, a report shall be made to the New Mexico office of Indian affairs and to an appropriate interim committee of the legislature that reviews issues having impact on tribes and pueblos in New Mexico by September 1 of the year of the shortfall."

Section 7. Section 29-13-7 NMSA 1978 (being Laws 1983, Chapter 289, Section 7, as amended) is amended to read:

"29-13-7. EXPENDITURE LIMITATION--CONTROL.--

A. Amounts distributed from the fund shall be expended only for the following:

(1) the repair and purchase of law enforcement apparatus and equipment, including the financing and refinancing thereof, that meet minimum nationally recognized standards;

(2) expenses associated with advanced law enforcement planning and training;

(3) maintaining the balance of the peace officers' survivors fund at a minimum amount of three hundred fifty thousand dollars (\$350,000);

(4) complying with match or contribution requirements for the receipt of federal funds relating to criminal justice programs; and

(5) no more than fifty percent of the replacement salaries of municipal and county law enforcement personnel of municipalities or counties rated as Class 1 in Paragraph (1) of Subsection C of Section 29-13-4 NMSA 1978 participating in basic law enforcement training.

B. Amounts distributed from the fund shall be expended only pursuant to approved budgets and upon duly executed vouchers approved as required by law."

Section 8. Section 29-13-9 NMSA 1978 (being Laws 1983, Chapter 289, Section 9, as amended) is amended to read:

"29-13-9. EXPENDITURES OF MONEY DISTRIBUTED FROM THE LAW ENFORCEMENT PROTECTION FUND--WRONGFUL EXPENDITURE.--

A. Amounts distributed from the fund shall be expended only for the specific purposes for which they are distributed and shall not be distributed for accumulation, except as provided for the peace officers' survivors fund.

B. Any person who expends or directs or permits the expenditure of any money distributed from the fund for purposes other than those expressly authorized by the Law Enforcement Protection Fund Act shall be personally liable to the state for the amount of money wrongfully expended and interest and costs. An action to recover the amount of any wrongful expenditure may be commenced by the attorney general or the district attorney upon the filing with that officer of a verified statement describing the wrongful expenditure."

Section 9. APPLICABILITY.--The provisions of this 2002 act regarding benefits provided to the spouses, children and parents of peace officers killed in the line of duty apply to peace officers killed in the line of duty since January 1, 2001.

SENATE BILL 39, AS AMENDED

CHAPTER 79

CHAPTER 79, LAWS 2002

AN ACT

RELATING TO COUNTIES; INCREASING SALARIES OF ELECTED COUNTY OFFICERS.

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

Section 1. Section 4-44-4 NMSA 1978 (being Laws 1957, Chapter 196, Section 2, as amended) is amended to read:

"4-44-4. CLASS A COUNTIES--SALARIES.--The annual salaries of elected officers of class A counties shall not exceed:

- A. county commissioners, twenty-five thousand seven hundred twelve dollars (\$25,712) each;
- B. treasurer, fifty-six thousand nine hundred fifty-seven dollars (\$56,957);
- C. assessor, fifty-six thousand nine hundred fifty-seven dollars (\$56,957);
- D. sheriff, fifty-nine thousand three hundred ninety-eight dollars (\$59,398);
- E. county clerk, fifty-six thousand nine hundred fifty-seven dollars (\$56,957);
- F. probate judge, twenty-five thousand sixty-one dollars (\$25,061); and
- G. county surveyor, nineteen thousand four hundred forty-two dollars (\$19,442)."

Section 2. Section 4-44-4.1 NMSA 1978 (being Laws 1986, Chapter 67, Section 2, as amended) is amended to read:

"4-44-4.1. CLASS B COUNTIES--OVER THREE HUNDRED MILLION DOLLARS VALUATION--SALARIES.--The annual salaries of elected officers of class B counties with an assessed valuation of over three hundred million dollars (\$300,000,000) shall not exceed:

- A. county commissioners, nineteen thousand eight hundred fifty-four dollars (\$19,854) each;
- B. treasurer, forty-nine thousand seven hundred ninety-six dollars (\$49,796);
- C. assessor, forty-nine thousand seven hundred ninety-six dollars (\$49,796);
- D. sheriff, fifty-one thousand nine hundred twelve dollars (\$51,912);
- E. county clerk, forty-nine thousand seven hundred ninety-six dollars (\$49,796);

F. probate judge, seventeen thousand four hundred twelve dollars (\$17,412); and

G. county surveyor, a reasonable rate of compensation as determined by the board of county commissioners."

Section 3. Section 4-44-5 NMSA 1978 (being Laws 1957, Chapter 196, Section 3, as amended) is amended to read:

"4-44-5. CLASS B COUNTIES--SALARIES.--The annual salaries of elected officers of class B counties with an assessed valuation of over seventy-five million dollars (\$75,000,000) but under three hundred million dollars (\$300,000,000) shall not exceed:

A. county commissioners, fourteen thousand one hundred fifty-eight dollars (\$14,158) each;

B. treasurer, forty-two thousand six hundred thirty-six dollars (\$42,636);

C. county assessor, forty-two thousand six hundred thirty-six dollars (\$42,636);

D. county sheriff, forty-four thousand five hundred eighty-nine dollars (\$44,589);

E. county clerk, forty-two thousand six hundred thirty-six dollars (\$42,636);

F. probate judge, nine thousand nine hundred twenty-seven dollars (\$9,927); and

G. county surveyor, a reasonable rate of compensation as determined by the board of county commissioners."

Section 4. Section 4-44-6 NMSA 1978 (being Laws 1957, Chapter 196, Section 4, as amended) is amended to read:

"4-44-6. CLASS C COUNTIES--SALARIES.--The annual salaries of elected officers of class C counties shall not exceed:

A. county commissioners, fourteen thousand one hundred fifty-eight dollars (\$14,158) each;

B. county treasurer, forty-two thousand six hundred thirty-six dollars (\$42,636);

- C. county assessor, forty-two thousand six hundred thirty-six dollars (\$42,636);
- D. county sheriff, forty-four thousand five hundred eighty-nine dollars (\$44,589);
- E. county clerk, forty-two thousand six hundred thirty-six dollars (\$42,636);
- F. probate judge, nine thousand nine hundred twenty-seven dollars (\$9,927); and
- G. county surveyor, a reasonable rate of compensation as determined by the board of county commissioners."

Section 5. Section 4-44-7 NMSA 1978 (being Laws 1957, Chapter 196, Section 5, as amended) is amended to read:

"4-44-7. FIRST CLASS COUNTIES--OVER TWENTY-SEVEN MILLION DOLLARS VALUATION--SALARIES.--The annual salaries of elected officers of counties of the first class with an assessed valuation of over twenty-seven million dollars (\$27,000,000) but under forty-five million dollars (\$45,000,000) shall not exceed:

- A. county commissioners, twelve thousand eight hundred fifty-six dollars (\$12,856) each;
- B. treasurer, thirty-one thousand two hundred forty-six dollars (\$31,246);
- C. assessor, thirty-one thousand two hundred forty-six dollars (\$31,246);
- D. sheriff, thirty-three thousand six hundred eighty-six dollars (\$33,686);
- E. county clerk, thirty-one thousand two hundred forty-six dollars (\$31,246);
- F. probate judge, eight thousand three hundred dollars (\$8,300); and
- G. county surveyor, a reasonable rate of compensation as determined by the board of county commissioners."

Section 6. Section 4-44-8 NMSA 1978 (being Laws 1957, Chapter 196, Section 6, as amended) is amended to read:

"4-44-8. FIRST CLASS COUNTIES--UNDER TWENTY-SEVEN MILLION DOLLARS VALUATION--SALARIES.--The annual salaries of elected officers of

counties of the first class with an assessed valuation of over fourteen million dollars (\$14,000,000) but under twenty-seven million dollars (\$27,000,000) shall not exceed:

A. county commissioners, eight thousand six hundred twenty-five dollars (\$8,625) each;

B. treasurer, twenty-six thousand five hundred twenty-six dollars (\$26,526);

C. assessor, twenty-six thousand five hundred twenty-six dollars (\$26,526);

D. sheriff, thirty-three thousand six hundred eighty-six dollars (\$33,686);

E. county clerk, twenty-six thousand five hundred twenty-six dollars (\$26,526);

F. probate judge, seven thousand six hundred forty-eight dollars (\$7,648);
and

G. county surveyor, a reasonable rate of compensation as determined by the board of county commissioners."

Section 7. Section 4-44-14 NMSA 1978 (being Laws 1955, Chapter 4, Section 2, as amended) is amended to read:

"4-44-14. H CLASS COUNTIES--SALARIES AND EXPENSES.--

A. Officers elected or appointed in an unincorporated county of the H class shall receive the following annual salaries:

(1) county commissioners, one dollar (\$1.00);

(2) treasurer, one dollar (\$1.00);

(3) assessor, one dollar (\$1.00);

(4) sheriff, one dollar (\$1.00);

(5) county clerk, one dollar (\$1.00);

(6) probate judge, three thousand forty-eight dollars (\$3,048); and

(7) county surveyor, not to exceed ten dollars (\$10.00) per day for each day actually employed under orders by the board of county commissioners, such employment not to exceed fifty days in any one year.

B. The elected H class county officials listed in Subsection A of this section, except probate judge, in addition to the salaries prescribed shall be entitled to receive as per diem expense the sum of not more than fifteen dollars (\$15.00) while in actual attendance at county commission meetings or while engaged in the performance of their official duties for the county. However, the total per diem expense allowance for each elected H class county official listed in Subsection A of this section shall not exceed three hundred fifty dollars (\$350) in any fiscal year. Such per diem expense shall be in addition to any allowance for sheriff's mileage or for other out-of-county expenses allowed for all officials by law and shall be budgeted, paid and audited as provided by laws governing expenditures of county funds."

Section 8. EFFECTIVE DATE.--The effective date of the

provisions of this act is January 1, 2003.

SENATE BILL 41, AS AMENDED

CHAPTER 80

CHAPTER 80, LAWS 2002

AN ACT

RELATING TO PRESCRIPTION DRUGS; PROVIDING A PRESCRIPTION DRUG BENEFIT TO NEW MEXICO SENIORS; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. Section 10-7C-5 NMSA 1978 (being Laws 1990, Chapter 6, Section 5) is amended to read:

"10-7C-5. AUTHORITY CREATED.--

A. There is created the "retiree health care authority", which is established to provide for comprehensive group health insurance programs under the Retiree Health Care Act. The authority shall be administratively attached to the public school insurance authority until December 31, 1993. The director of the public school insurance authority shall be the executive director of the retiree health care authority until December 31, 1993. The board created by Section 10-7C-6 NMSA 1978 shall remain fully independent of the board of the public school insurance authority.

B. The authority shall also administer the senior prescription drug program in conjunction with or through the consolidated purchasing process pursuant to the Health Care Purchasing Act."

Section 2. A new section of the Retiree Health Care Act is enacted to read:

"CREATION OF SENIOR PRESCRIPTION DRUG PROGRAM.--

A. The "senior prescription drug program" is created in the authority.

B. To be eligible for the senior prescription drug program, a person shall:

(1) be a resident of the state;

(2) be sixty-five years of age or older; and

(3) not have any other prescription drug benefit.

C. Upon a determination that the person qualifies for the senior prescription drug program, the authority shall collect an enrollment fee not to exceed sixty dollars (\$60.00) per year. The authority shall collect the enrollment fees, and the enrollment fees shall be used by the authority to cover the cost of administering the program.

D. The amount a qualified person pays for a prescription drug shall not exceed the total cost of the dispensing fee plus the contracted discounted price made available to the authority for this group of seniors.

E. The authority shall enroll and provide participants with membership cards and require the cards to be presented to pharmacies for each transaction.

F. The authority shall actively promote membership and benefit information on the senior prescription drug program to seniors and the general public throughout the state."

Section 3. A new section of the Retiree Health Care Act is enacted to read:

"FUND CREATED.--The "senior prescription drug program fund" is created in the state treasury. All fees collected pursuant to Subsection C of Section 2 of this act and all rebates received from drug manufacturers shall be deposited in the fund and shall be used for the purposes of the senior prescription drug program. Money appropriated to the fund or accruing to it through rebates, gifts, grants, fees or bequests shall be deposited in the fund. Earnings from investment of the fund shall be credited to the

fund. Money in the fund is appropriated to the authority for the purpose of administering the senior prescription drug program. Money in the fund shall not revert at the end of any fiscal year. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the director of the authority or his authorized representative. The authority shall annually adjust the enrollment fee to permit necessary administration of the program but shall not exceed the amount established in Subsection C of Section 2 of this act."

Section 4. A new section of the Retiree Health Care Act is enacted to read:

"AUDIT--FEE RECOMMENDATION.--Annually the legislative finance committee shall conduct a fiscal audit of the senior prescription drug program fund and the administration of the program, including rebates negotiated for the prescription drugs purchased by participants, and shall recommend if and how much of an annual fee is necessary for participants in the program."

Section 5. PHARMACY FREEDOM OF CHOICE.--A contract, agreement or arrangement between a pharmacy and a wholesaler, distributor or pharmacy benefit manager for the provision of prescription drugs for resale shall not include a provision requiring the pharmacy to enter into any other contract, agreement or arrangement with the contracting wholesaler, distributor or pharmacy benefit manager to purchase prescription drugs on different terms.

SENATE BILL 91, AS AMENDED

CHAPTER 81

CHAPTER 81, LAWS 2002

AN ACT

RELATING TO EDUCATION; PROVIDING LIMITED LICENSES FOR TEACHERS OF NATIVE AMERICAN LANGUAGE AND CULTURE.

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

Section 1. Section 22-10-3 NMSA 1978 (being Laws 1975, Chapter 306, Section 3, as amended) is amended to read:

"22-10-3. CERTIFICATE REQUIREMENT--TYPES OF

CERTIFICATES--FORFEITURE OF CLAIM--EXCEPTION--ADMINISTRATOR APPRENTICESHIP.--

A. Any person teaching, supervising an instructional program, counseling or providing special instructional services in a public school or state agency, any person administering in a public school and any person providing health care and administering medication or performing medical procedures in a public school shall hold a valid certificate authorizing the person to perform that function.

B. All certificates issued by the state board shall be standard certificates except that the state board may issue alternative, substandard, substitute and Native American language and culture certificates under certain circumstances.

C. If a person applies for and is qualified to receive an alternative certificate, the state board shall issue an alternative certificate to a person not meeting the requirements for a standard certificate.

D. If a local school board or the governing authority of a state agency certifies to the state board that an emergency exists in the hiring of a qualified person, the state board may issue a substandard certificate to a person not meeting the requirements for a standard certificate.

E. The state board may issue a substitute certificate to a person not meeting the requirements for a standard certificate to enable the person to perform the functions of a substitute teacher pursuant to the rules of the state board.

F. The state board may issue a Native American language and culture certificate to a person proficient in a Native American language and culture of a New Mexico tribe or pueblo who meets criteria established by the state board. A baccalaureate degree is not required for the person applying for this certificate. The Native American language and culture certificate shall be issued and renewable in accordance with procedures established by the state board.

G. All substandard certificates issued shall be effective for only one school year. An alternative certificate may be effective for up to three years, provided that after a person has satisfactorily completed a minimum of one year up to three years of teaching under the supervision of a mentor or clinical supervisor, the state board shall issue a standard certificate to that person. No person under the age of eighteen years shall hold a valid certificate, whether a standard, alternative or substandard.

H. Any person teaching, supervising an instructional program, counseling or providing special instructional services in a public school or state agency and any person administering in a public school without a valid certificate after the first three

months of the school year shall thereafter forfeit all claim to compensation for services rendered.

I. This section shall not apply to a person performing the functions of a practice teacher as defined in the rules of the state board.

J. Any school nurse certified by the department of education shall also be licensed by the board of nursing.

K. Notwithstanding any existing requirements, any person seeking certification as an administrator shall be required to serve a one-year apprenticeship. The state board shall develop criteria and rules to implement the provisions of this subsection."

SENATE BILL 126

CHAPTER 82

CHAPTER 82, LAWS 2002

AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; PROVIDING FOR THE INSTALLATION OF AN IGNITION INTERLOCK DEVICE ON MOTOR VEHICLES DRIVEN BY A FIRST-TIME OFFENDER; PROVIDING FOR PLACEMENT OF AN IGNITION INTERLOCK DEVICE ON MOTOR VEHICLES DRIVEN BY SUBSEQUENT OFFENDERS; IMPOSING A FEE; CREATING A FUND; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 66-8-102 NMSA 1978 (being Laws 1953, Chapter 139, Section 54, as amended) is amended to read:

"66-8-102. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS--AGGRAVATED DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS--PENALTY.--

A. It is unlawful for a person who is under the influence of intoxicating liquor to drive a vehicle within this state.

B. It is unlawful for a person who is under the influence of any drug to a degree that renders him incapable of safely driving a vehicle to drive a vehicle within this state.

C. It is unlawful for a person who has an alcohol concentration of eight one-hundredths or more in his blood or breath to drive a vehicle within this state.

D. Aggravated driving while under the influence of intoxicating liquor or drugs consists of a person who:

(1) has an alcohol concentration of sixteen one-hundredths or more in his blood or breath while driving a vehicle within this state;

(2) has caused bodily injury to a human being as a result of the unlawful operation of a motor vehicle while driving under the influence of intoxicating liquor or drugs; or

(3) refused to submit to chemical testing, as provided for in the Implied Consent Act, and in the judgment of the court, based upon evidence of intoxication presented to the court, was under the influence of intoxicating liquor or drugs.

E. Every person under first conviction pursuant to this section shall be punished, notwithstanding the provisions of Section 31-18-13 NMSA 1978, by imprisonment for not more than ninety days or by a fine of not more than five hundred dollars (\$500), or both; provided that if the sentence is suspended in whole or in part or deferred, the period of probation may extend beyond ninety days but shall not exceed one year. Upon a first conviction pursuant to this section, an offender may be sentenced to not less than forty-eight hours of community service or a fine of three hundred dollars (\$300). The offender shall be ordered by the court to participate in and complete a screening program described in Subsection H of this section and to attend a driver rehabilitation program for alcohol or drugs, also known as a "DWI school", approved by the bureau and also may be required to participate in other rehabilitative services as the court shall determine to be necessary. In addition to those penalties, when an offender commits aggravated driving while under the influence of intoxicating liquor or drugs, the offender shall be sentenced to not less than forty-eight consecutive hours in jail. If an offender fails to complete, within a time specified by the court, any community service, screening program, treatment program or DWI school ordered by the court, the offender shall be sentenced to not less than an additional forty-eight consecutive hours in jail. Any jail sentence imposed pursuant to this subsection for failure to complete, within a time specified by the court, any community service, screening program, treatment program or DWI school ordered by the court or for aggravated driving while under the influence of intoxicating liquor or drugs shall not be suspended, deferred or taken under advisement. On a first conviction pursuant to this section, any time spent in jail for the offense prior to the conviction for that offense shall be credited to any term of

imprisonment fixed by the court. A deferred sentence pursuant to this subsection shall be considered a first conviction for the purpose of determining subsequent convictions.

F. A second or third conviction pursuant to this section shall be punished, notwithstanding the provisions of Section 31-18-13 NMSA 1978, by imprisonment for not more than three hundred sixty-four days or by a fine of not more than one thousand dollars (\$1,000), or both; provided that if the sentence is suspended in whole or in part, the period of probation may extend beyond one year but shall not exceed five years. Notwithstanding any provision of law to the contrary for suspension or deferment of execution of a sentence:

(1) upon a second conviction, each offender shall be sentenced to a jail term of not less than seventy-two consecutive hours, forty-eight hours of community service and a fine of five hundred dollars (\$500). In addition to those penalties, when an offender commits aggravated driving while under the influence of intoxicating liquor or drugs, the offender shall be sentenced to a jail term of not less than ninety-six consecutive hours. If an offender fails to complete, within a time specified by the court, any community service, screening program or treatment program ordered by the court, the offender shall be sentenced to not less than an additional seven consecutive days in jail. A penalty imposed pursuant to this paragraph shall not be suspended or deferred or taken under advisement; and

(2) upon a third conviction, an offender shall be sentenced to a jail term of not less than thirty consecutive days and a fine of seven hundred fifty dollars (\$750). In addition to those penalties, when an offender commits aggravated driving while under the influence of intoxicating liquor or drugs, the offender shall be sentenced to a jail term of not less than sixty consecutive days. If an offender fails to complete, within a time specified by the court, any screening program or treatment program ordered by the court, the offender shall be sentenced to not less than an additional sixty consecutive days in jail. A penalty imposed pursuant to this paragraph shall not be suspended or deferred or taken under advisement.

G. Upon a fourth or subsequent conviction pursuant to this section, an offender is guilty of a fourth degree felony, as provided in Section 31-18-15 NMSA 1978, and shall be sentenced to a jail term of not less than six months, which shall not be suspended or deferred or taken under advisement.

H. Upon any conviction pursuant to this section, an offender shall be required to participate in and complete, within a time specified by the court, an alcohol or drug abuse screening program and, if necessary, a treatment program approved by the court. The requirement imposed pursuant to this subsection shall not be suspended, deferred or taken under advisement.

I. Upon a first conviction for aggravated driving while under the influence of intoxicating liquor or drugs pursuant to the provisions of Subsection D of this section, as a condition of probation, an offender shall be required to have an ignition interlock

device installed and operating for a period of one year on all motor vehicles driven by the offender, pursuant to rules adopted by the bureau. Unless determined by the sentencing court to be indigent, the offender shall pay all costs associated with having an ignition interlock device installed on the appropriate motor vehicles. If an offender drives a motor vehicle that does not have an ignition interlock device installed on the motor vehicle, the offender may be in violation of the terms and conditions of his probation.

J. Upon a first conviction for driving while under the influence of intoxicating liquor or drugs pursuant to the provisions of Subsection A, B or C of this section, as a condition of probation, an offender may be required to have an ignition interlock device installed and operating for a period of one year on all motor vehicles driven by the offender, pursuant to rules adopted by the bureau. Unless determined by the sentencing court to be indigent, the offender shall pay all costs associated with having an ignition interlock device installed on the appropriate motor vehicles. If an offender drives a motor vehicle that does not have an ignition interlock device installed on the motor vehicle, the offender may be in violation of the terms and conditions of his probation.

K. Upon any subsequent conviction pursuant to this section, as a condition of probation, a subsequent offender shall be required to have an ignition interlock device installed and operating for a period of at least one year on all motor vehicles driven by the subsequent offender, pursuant to rules adopted by the bureau. Unless determined by the sentencing court to be indigent, the subsequent offender shall pay all costs associated with having an ignition interlock device installed on the appropriate motor vehicles. If a subsequent offender drives a motor vehicle that does not have an ignition interlock device installed on the motor vehicle, the subsequent offender may be in violation of the terms and conditions of his probation.

L. In the case of a first, second or third offense under this section, the magistrate court has concurrent jurisdiction with district courts to try the offender.

M. A conviction pursuant to a municipal or county ordinance in New Mexico or a law of any other jurisdiction, territory or possession of the United States that is equivalent to New Mexico law for driving while under the influence of intoxicating liquor or drugs, and that prescribes penalties for driving while under the influence of intoxicating liquor or drugs, shall be deemed to be a conviction pursuant to this section for purposes of determining whether a conviction is a second or subsequent conviction.

N. In addition to any other fine or fee which may be imposed pursuant to the conviction or other disposition of the offense under this section, the court may order the offender to pay the costs of any court-ordered screening and treatment programs.

O. As used in this section:

(1) "bodily injury" means an injury to a person that is not likely to cause death or great bodily harm to the person, but does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the person's body; and

(2) "conviction" means an adjudication of guilt and does not include imposition of a sentence."

Section 2. IMPOSING A FEE--CREATING A FUND.--

A. A fee is imposed on all persons who provide ignition interlock devices to persons convicted of driving while under the influence of intoxicating liquor or drugs pursuant to Section 66-8-102 NMSA 1978 in the amount of ten percent of the amount charged to lease each ignition interlock device to a person convicted pursuant to that section and shall be paid monthly to the local government division of the department of finance and administration.

B. The "interlock device fund" is created in the state treasury. The fee imposed pursuant to Subsection A of this section shall be distributed to the fund by the local government division of the department of finance and administration.

C. All money in the interlock device fund is appropriated to the local government division of the department of finance and administration to cover the costs of installing and leasing ignition interlock devices to indigent people who are required, pursuant to convictions under Section 66-8-102 NMSA 1978, to install those devices in their vehicles. Indigency shall be determined by the sentencing court.

D. Any balance remaining in the interlock device fund shall not revert to the general fund at the end of any fiscal year.

E. The interlock device fund shall be administered by the local government division of the department of finance and administration.

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2003.

SENATE JUDICIARY COMMITTEE SUBSTITUTE

FOR SENATE BILL 133

CHAPTER 83

CHAPTER 83, LAWS 2002

AN ACT

RELATING TO EMERGENCIES; PROVIDING FOR THE TEMPORARY LICENSURE OF CERTAIN PERSONS DURING AN EMERGENCY; DECLARING AN EMERGENCY.

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

Section 1. Section 61-1-2 NMSA 1978 (being Laws 1957, Chapter 247, Section 2, as amended by Laws 1993, Chapter 49, Section 31 and by Laws 1993, Chapter 171, Section 25 and also by Laws 1993, Chapter 295, Section 1) is amended to read:

"61-1-2. DEFINITIONS.--As used in the Uniform Licensing Act:

A. "board" means:

(1) the construction industries commission, the construction industries division and the electrical bureau, mechanical bureau and general construction bureau of the construction industries division of the regulation and licensing department;

(2) the manufactured housing committee and manufactured housing division of the regulation and licensing department;

(3) a board, commission or agency that administers a profession or occupation licensed pursuant to Chapter 61 NMSA 1978; and

(4) any other state agency to which the Uniform Licensing Act is applied by law;

B. "applicant" means a person who has applied for a license;

C. "license" means a certificate, permit or other authorization to engage in each of the professions and occupations regulated by the boards enumerated in Subsection A of this section;

D. "revoke a license" means to prohibit the conduct authorized by the license;

E. "suspend a license" means to prohibit, for a stated period of time, the conduct authorized by the license. "Suspend a license" also means to allow, for a stated period of time, the conduct authorized by the license, subject to conditions that are reasonably related to the grounds for suspension; and

F. "emergency" includes any man-made or natural disaster causing or threatening widespread physical or economic harm that is beyond local control and requires the resources of the state."

Section 2. A new section of the Uniform Licensing Act is enacted to read:

"OUT-OF-STATE LICENSE HOLDERS--POWERS--DUTIES.--During an emergency, a person who holds a license, certificate or other permit that is issued by a state or territory of the United States and that evidences the meeting of qualifications for professional, mechanical or other skills may be credentialed, if appropriate and approved by the department of health or the department of public safety, to render aid involving those skills to meet an emergency, subject to such limitations and conditions as the governor may prescribe by executive order or otherwise. Such a person shall be considered a public employee for the purposes of the Tort Claims Act when approved to perform such duties."

Section 3. A new section of the Uniform Licensing Act is enacted to read:

"APPLICATION.--The provisions of Section 2 of this act apply to a person from any state or territory whether or not a party to the Emergency Management Assistance Compact."

Section 4. A new section of the Uniform Licensing Act is enacted to read:

"IN-STATE LICENSE HOLDERS--POWERS--DUTIES.--During an emergency, a person who holds a license, certificate or other permit that is issued by the state of New Mexico and that evidences the meeting of qualifications for professional, mechanical or other skills may be credentialed, if appropriate and approved by the department of health or the department of public safety, to render aid involving those skills to meet a declared emergency, and shall be considered a public employee for the purposes of the Tort Claims Act when approved to perform such duties."

Section 5. EMERGENCY.--It is necessary for the public

peace, health and safety that this act take effect

immediately.

WITH EMERGENCY CLAUSE

SIGNED MARCH 5, 2002

CHAPTER 84

CHAPTER 84, LAWS 2002

AN ACT

RELATING TO EMERGENCY PROCUREMENT; EXPANDING THE DEFINITION OF EMERGENCY CONDITION; PROVIDING AN EXEMPTION FOR PLANNING AND PREPARING FOR AN EMERGENCY RESPONSE; AMENDING A SECTION OF THE NMSA 1978; DECLARING AN EMERGENCY.

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

Section 1. Section 13-1-127 NMSA 1978 (being Laws 1984, Chapter 65, Section 100, as amended) is amended to read:

"13-1-127. EMERGENCY PROCUREMENTS.--

A. The state purchasing agent, a central purchasing office or a designee of either may make or authorize others to make emergency procurements when there exists a threat to public health, welfare, safety or property requiring procurement under emergency conditions; provided that emergency procurements shall be made with competition as is practicable under the circumstances. A written determination of the basis for the emergency procurement and for the selection of the particular contractor or vendor shall be included in the procurement file. Emergency procurements shall not include the purchase or lease purchase of heavy road equipment.

B. An emergency condition is a situation which creates a threat to public health, welfare or safety such as may arise by reason of floods, fires, epidemics, riots, acts of terrorism, equipment failures or similar events and includes the planning and preparing for an emergency response. The existence of the emergency condition creates an immediate and serious need for services, construction or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten:

- (1) the functioning of government;
- (2) the preservation or protection of property; or
- (3) the health or safety of any person.

C. Money expended for planning and preparing for an emergency response shall be accounted for and reported to the legislative finance committee and the department of finance and administration within sixty days after the end of each fiscal year."

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

SENATE BILL 149

WITH EMERGENCY CLAUSE

SIGNED MARCH 5, 2002

CHAPTER 85

CHAPTER 85, LAWS 2002

AN ACT

RELATING TO PUBLIC ACCOUNTANCY; PERMITTING INCREASED FEES TO BE CHARGED FOR EXAMINATIONS.

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

Section 1. Section 61-28B-27 NMSA 1978 (being Laws 1999, Chapter 179, Section 27) is amended to read:

"61-28B-27. FEES.--The board may collect from certificate holders, permit holders, applicants and others the following fees:

A. for examination, a fee not to exceed two hundred twenty-five dollars (\$225) per examination section;

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

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

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

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

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

G. for certificate reinstatement, a fee not to exceed one hundred seventy-five dollars (\$175), plus past due fees and penalties;

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

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

Section 2. EFFECTIVE DATE.--The effective date of the

provisions of this act is July 1, 2002.

SENATE BILL 266

CHAPTER 86

CHAPTER 86, LAWS 2002

AN ACT

RELATING TO INSURANCE; ASSIGNING PRIMARY LIABILITY AMONG MOTOR VEHICLE INSURERS AND SELF-INSURERS FOR USE OF VEHICLES OWNED BY A LICENSED AUTOMOBILE DEALER.

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

Section 1. Section 59A-32-23 NMSA 1978 (being Laws 2001, Chapter 88, Section 1) is amended to read:

"59A-32-23. VEHICLE INSURANCE--PRIMARY LIABILITY--ASSIGNMENT--NOTICE.--

A. When a vehicle owned by a licensed automobile dealer is loaned without a fee to a person for demonstration purposes, as a temporary substitute for that person's vehicle while it is being serviced or repaired, as a promotional courtesy vehicle or as a courtesy vehicle, primary insurance or self-insurance coverage shall be provided by the motor vehicle insurer providing coverage to the person using the demonstration vehicle, temporary substitute vehicle, promotional courtesy vehicle or a courtesy vehicle, and coverage provided by the dealer or the dealer's insurer applies only as excess coverage.

B. A person proposing to operate a motor vehicle for the purposes identified in Subsection A of this section may assume primary responsibility for the operator's vehicle insurance by signing the following statement:

"PRIMARY LIABILITY ASSIGNMENT

In consideration of the vehicle owner entrusting the motor vehicle elsewhere described to me, I agree that my vehicle insurance or self-insurance coverage shall be primarily responsible for any loss or damage caused by or to the motor vehicle."

C. The agreement set forth in Subsection B of this section shall be binding on all insurers and self-insurers transacting insurance in the state as a condition of doing the business of transacting insurance."

SENATE BILL 395

CHAPTER 87

CHAPTER 87, LAWS 2002

AN ACT

RELATING TO INSURANCE; PROVIDING FOR LIMITED LICENSES FOR REPRESENTATIVES OF VENDORS OR LESSORS OF COMMUNICATION EQUIPMENT OR SERVICES.

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

Section 1. Section 59A-12-18 NMSA 1978 (being Laws 1984, Chapter 127, Section 219) is amended to read:

"59A-12-18. LIMITED LICENSE.--

A. The superintendent may issue a limited agent's license to individual applicants qualified therefor under Chapter 59A, Article 12 NMSA 1978 and employed as transportation ticket-sellers by public carriers, who in course of such employment solicit or sell insurance incidental to transportation of persons or storage or transportation of baggage, and limited to insurance so transacted; or to individual applicants employed full-time by a vendor of merchandise or other property or by a financial institution making consumer loans, on terms with respect to which credit life and health insurances, or either, under individual policies is customarily required of or offered to the purchaser or borrower, covering only such credit life and health insurance.

B. The superintendent may issue a limited agent's license to applicants who are employees, agents or authorized representatives of retail vendors or lessors of communication equipment or services. The license shall authorize the licensee, in connection with the lease, retail sale or provision of communication equipment or communication services for communication equipment, to sell insurance covering the loss, theft, mechanical failure or malfunction of or damage to the communication equipment. Licensees pursuant to this subsection shall receive initial training from, and shall be under the oversight of, a general lines agent licensed pursuant to Chapter 59A, Article 12 NMSA 1978. As used in this subsection, "communication equipment" means handsets, pagers, personal digital assistants, portable computers, automatic answering devices, batteries and other devices or their accessories used to originate or receive communication signals or service, and includes services related to the use of such devices such as access to a network.

C. No holder of a limited license issued pursuant to this section shall concurrently be otherwise licensed

under the Insurance Code."

SENATE BILL 486

CHAPTER 88

CHAPTER 88, LAWS 2002

AN ACT

MAKING AN APPROPRIATION TO THE LOCAL GOVERNMENT DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION FOR IMPLEMENTING A MODEL WATER RIGHTS PROTECTION PROJECT AT ACEQUIA DE ALCALDE.

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

Section 1. APPROPRIATION.--Twenty-five thousand dollars (\$25,000) is appropriated from the New Mexico irrigation works construction fund to the local government division of the department of finance and administration for expenditure in fiscal years 2003 and 2004 to fund a model water rights protection project, including the identification and acquisition of available water rights, at acequia de Alcalde. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the irrigation works fund. A report on the benefits and results of this appropriation will be provided to the 2005 legislature.

HOUSE BILL 173, AS AMENDED

CHAPTER 89

CHAPTER 89, LAWS 2002

AN ACT

RELATING TO ELECTIONS; AMENDING THE CAMPAIGN REPORTING ACT; REQUIRING DISCLOSURE OF SPONSOR IN CERTAIN TELEPHONE COMMUNICATIONS PAID FOR BY POLITICAL OR CAMPAIGN COMMITTEES; CHANGING THE REPORTING THRESHOLD FOR POLITICAL COMMITTEES.

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

Section 1. A new section of the Campaign Reporting Act is enacted to read:

"CAMPAIGN COMMITTEE AND POLITICAL COMMITTEE EXPENDITURES--DISCLOSURE--TELEPHONE CALLS--RECORDS.--

A. A campaign committee or political committee that is required to register pursuant to the Campaign Reporting Act shall not expend campaign or political committee funds to directly or indirectly pay for a telephone call without disclosing to the recipient the name of the organization that authorized or paid for the call if the call:

(1) is one of five hundred or more calls that are similar in nature made during an election cycle by an individual or individuals, or by electronic means; and

(2) advocates support for, or opposition to, a candidate for public office or ballot measure.

B. The campaign committee or political committee that pays for a call referred to in Subsection A of this section shall be disclosed in the call unless the organization that authorized the call and in whose name it is placed has filing obligations pursuant to the Campaign Reporting Act and the name announced in the call is either:

(1) the full name by which the organization or individual is identified in any statement or report required to be filed pursuant to the Campaign Reporting Act; or

(2) the name by which the organization or individual is commonly known.

C. A campaign committee or political committee that pays directly or indirectly for telephone calls as described in Subsection A of this section shall maintain a record of the script of the calls for at least ninety days following election day. If any of the calls qualifying pursuant to Subsection A of this section are recorded messages, a copy of the recording shall also be maintained for that period.

D. A campaign committee or political committee may not contract with a phone bank vendor that does not disclose the information required to be disclosed by Subsection A or B of this section."

Section 2. Section 1-19-26.1 NMSA 1978 (being Laws 1993, Chapter 46, Section 2, as amended) is amended to read:

"1-19-26.1. POLITICAL COMMITTEES--REGISTRATION--DISCLOSURES.--

A. It is unlawful for any political committee that receives, contributes or expends in excess of five hundred dollars (\$500) in any calendar year to continue to receive or make any contribution or expenditure for a political purpose unless that political committee appoints and maintains a treasurer and registers with the secretary of state.

B. A political committee shall register with the secretary of state within ten days of receiving, contributing or expending in excess of five hundred dollars (\$500) by paying a filing fee of fifty dollars (\$50.00) and filing a statement of organization under oath on a prescribed form showing:

(1) the full name of the political committee, which shall fairly and accurately reflect the identity of the committee, including any sponsoring organization, and its address;

(2) a statement of the purpose for which the political committee was organized;

(3) the name, address and relationship of any connected or associated organization or entity;

(4) the names and addresses of the officers of the committee; and

(5) an identification of the bank used by the committee for all expenditures or contributions made or received.

C. The provisions of this section do not apply to a political committee that is located in another state and is registered with the federal election commission if the political committee reports on federal reporting forms filed with the federal election commission all expenditures for and contributions made to reporting individuals in New Mexico and files with the secretary of state, according to the schedule required for the filing of forms with the federal election commission, a copy of either the full report or the cover sheet and the portions of the federal reporting forms that contain the information on expenditures for and contributions made to reporting individuals in New Mexico."

HOUSE BILL 268, AS AMENDED

CHAPTER 90

CHAPTER 90, LAWS 2002

AN ACT

RELATING TO RADIO COMMUNICATIONS; PROVIDING FOR LIMITS ON REGULATION OF AMATEUR RADIO ANTENNAS.

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

Section 1. AMATEUR RADIO ANTENNAS--LIMIT ON REGULATIONS.--

A. Amateur radio antenna towers constructed prior to the effective date of this section are exempted from subsequent changes in zoning regulations by the municipality or county and may be repaired as required.

B. A municipality or county should reasonably accommodate amateur radio service communications by allowing antenna structures to be erected at heights and dimensions sufficient to accommodate amateur radio service communications, but

a municipality or county may regulate amateur radio antennas by requiring amateur radio antennas or support structures to meet screening, setback and placement, construction and health and safety standards. However, the regulation should constitute the minimum practicable regulation to accomplish the local municipality's or county's purpose.

C. As used in this section, "amateur radio antenna" means an antenna structure operated by a federally licensed amateur radio operator for amateur radio activities and does not mean citizens band or commercial antennas.

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

HOUSE GOVERNMENT AND URBAN AFFAIRS

COMMITTEE SUBSTITUTE FORHOUSE BILL 314

CHAPTER 91

CHAPTER 91, LAWS 2002

AN ACT

RELATING TO TAXATION; PROVIDING FOR INCOME TAX AND CORPORATE INCOME TAX CREDITS FOR INVESTMENTS IN CLEANING WATER PRODUCED FROM OIL AND GAS DRILLING AND PRODUCTION, CRUDE OIL REFINING AND NATURAL GAS PROCESSING.

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

Section 1. A new section of the Income Tax Act is enacted to read:

"CREDIT FOR PRODUCED WATER.--

A. An operator who files an individual New Mexico income tax return who is not a dependent of another taxpayer may take a tax credit in an amount equal to one thousand dollars (\$1,000) per acre-foot of produced water not to exceed four hundred thousand dollars (\$400,000) per year if the following conditions are met:

(1) the operator delivers the water to the interstate stream commission at the Pecos river in compliance with the applicable requirements of New Mexico's Water Quality Act, New Mexico's water quality control commission regulations and federal clean water acts;

(2) the operator delivers the water solely in a manner approved by the interstate stream commission to contribute to delivery obligations pursuant to the Pecos River Compact; and

(3) upon delivery to the interstate stream commission at the Pecos river, title is transferred to the interstate stream commission, which shall indemnify the operator from future liability.

B. A husband and wife who file separate returns for a taxable year in which they could have filed a joint return may each claim only one-half of the credit that would have been allowed on a joint return.

C. The tax credit provided in this section may only be deducted from the operator's personal income tax liability. Any portion of the tax credit provided in this section that remains unused at the end of the operator's taxable year may be carried forward for three consecutive taxable years.

D. As used in this section, "produced water" means water produced from oil or gas drilling and production from a depth of two thousand five hundred feet or more below the surface or refining crude oil or processing natural gas.

E. As used in this section, "operator" means a refinery, a natural gas processor or a person who operates an oil or gas well.

F. The interstate stream commission shall provide legal confirmation of receipt of the water from the operator, and the operator shall provide documentation to the department to prove eligibility for the tax credit provided in this section."

Section 2. A new section of the Corporate Income and Franchise Tax Act is enacted to read:

"CREDIT FOR PRODUCED WATER.--

A. An operator that files a New Mexico corporate income tax return may take a tax credit in an amount equal to one thousand dollars (\$1,000) per acre-foot of produced water not to exceed four hundred thousand dollars (\$400,000) per year if the following conditions are met:

(1) the operator delivers the water to the interstate stream commission at the Pecos river in compliance with the applicable requirements of New Mexico's Water Quality Act, New Mexico's water quality control commission regulations and federal clean water acts;

(2) the operator delivers the water solely in a manner approved by the interstate stream commission to contribute to delivery obligations pursuant to the Pecos River Compact; and

(3) upon delivery to the interstate stream commission at the Pecos river, title is transferred to the interstate stream commission, which shall indemnify the operator from future liability.

B. The tax credit provided in this section may only be deducted from the operator's corporate income tax liability. Any portion of the tax credit provided in this section that remains unused at the end of the operator's taxable year may be carried forward for three consecutive taxable years.

C. As used in this section, "produced water" means water produced from oil or gas drilling and production from a depth of two thousand five hundred feet or more below the surface or refining crude oil or processing natural gas.

D. As used in this section, "operator" means a refinery, a natural gas processor or a person who operates an oil or gas well.

E. The interstate stream commission shall provide legal confirmation of receipt of the water from the operator, and the operator shall provide documentation to the department to prove eligibility for the tax credit provided in this section."

Section 3. DELAYED REPEAL.--Sections 1 and 2 of this act are repealed effective January 1, 2006.

Section 4. APPLICABILITY.--The provisions of this act apply to taxable years beginning on or after January 1, 2002.

HOUSE BUSINESS AND INDUSTRY COMMITTEE

SUBSTITUTE FOR HOUSE BILL 388, AS AMENDED

CHAPTER 92

CHAPTER 92, LAWS 2002

AN ACT

RELATING TO LAW ENFORCEMENT; INCREASING THE RATE OF DISTRIBUTION FOR TRIBAL POLICE DEPARTMENTS FROM THE LAW ENFORCEMENT PROTECTION FUND; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 29-1-11 NMSA 1978 (being Laws 1972, Chapter 8, Section 1, as amended) is amended to read:

"29-1-11. AUTHORIZATION OF TRIBAL AND PUEBLO POLICE OFFICERS AND CERTAIN FEDERAL OFFICERS TO ACT AS NEW MEXICO PEACE OFFICERS--AUTHORITY AND PROCEDURE FOR COMMISSIONED PEACE OFFICERS.--

A. All persons who are duly commissioned officers of the police or sheriff's department of any New Mexico Indian tribe or pueblo or who are law enforcement officers employed by the bureau of Indian affairs and are assigned in New Mexico are, when commissioned under Subsection B of this section, recognized and authorized to act as New Mexico peace officers. These officers have all the powers of New Mexico peace officers to enforce state laws in New Mexico, including the power to make arrests for violation of state laws.

B. The chief of the state police is granted authority to issue commissions as New Mexico peace officers to members of the police or sheriff's department of any New Mexico Indian tribe or pueblo or a law enforcement officer employed by the bureau of Indian affairs to implement the provisions of this section. The procedures to be followed in the issuance and revocation of commissions and the respective rights and responsibilities of the departments shall be set forth in a written agreement to be executed between the chief of the state police and the tribe or pueblo or the appropriate federal official.

C. The agreement referred to in Subsection B of this section shall contain the following conditions:

(1) the tribe or pueblo, but not the bureau of Indian affairs, shall submit proof of adequate public liability and property damage insurance for vehicles operated by the peace officers and police professional liability insurance from a company licensed to sell insurance in the state;

(2) each applicant for a commission shall successfully complete four hundred hours of basic police training that is approved by the director of the New Mexico law enforcement academy;

(3) the chief of the state police shall have the authority to suspend any commission granted pursuant to Subsection B of this section for reasons solely within his discretion;

(4) if any provision of the agreement is violated by the tribe or pueblo or any of its agents, the chief of the state police shall suspend the agreement on five days' notice, which suspension shall last until the chief is satisfied that the violation has been corrected and will not recur;

(5) the goldenrod-colored officer's second copy of any citation issued pursuant to a commission authorized by this section shall be submitted within five days to the chief of the state police;

(6) any citation issued pursuant to a commission authorized by this section shall be to a magistrate court of New Mexico; except that any citations issued to Indians within the exterior boundaries of an Indian reservation shall be cited into tribal court;

(7) the agreement or any commission issued pursuant to it shall not confer any authority on a tribal court or other tribal authority which that court or authority would not otherwise have;

(8) the authority conferred by any agreement entered into pursuant to the provisions of this section shall be coextensive with the exterior boundaries of the reservation; except that an officer commissioned under this section may proceed in hot pursuit of an offender beyond the exterior boundaries of the reservation, and the authority conferred in any written agreement between the chief of the state police and the Navajo tribe may extend beyond the exterior boundaries of the Navajo reservation to and including the area enclosed by the following description:

Beginning at a point where the southern boundary line of the Navajo Indian reservation intersects the western right-of-way line of U.S. 666, and running thence; southerly along the western right-of-way line of U.S. 666 to the northerly city limits of Gallup; thence, easterly along the northerly city limits of Gallup to the northern side of the right of way of I-40; thence, in an easterly direction along the northerly side of the right of way of I-40 to the northerly limits of the village of Prewitt; thence, in a straight line between the northerly boundary of the village of Prewitt to the southerly boundary of Ambrosia Lake; thence in a straight line between the southerly boundary of Ambrosia Lake to the southerly boundary of Hospah; thence, east along a straight line from the southerly boundary of Hospah to the southern boundary of Torreon; thence along the easterly side of the right of way of state road 197 to the westerly city limits of Cuba; thence, north along the westerly side of the right of way of state road 44 to the southerly boundary of the Jicarilla Apache Indian reservation; thence, westerly along the southerly boundary of the Jicarilla Apache Indian reservation to the southwest corner of that reservation; thence, northerly along the westerly boundary of the Jicarilla Apache Indian reservation to a point where the westerly boundary of the reservation intersects the southerly side of the right of way of state road 44; thence, northerly along the southerly side of the right of way of state road 44 to its intersection with the northerly side of the right of way of Navajo road 3003; thence, along the northerly side of the right of way of Navajo road 3003 to a point where the northerly side of the right of way of Navajo road 3003 intersects the westerly side of the right-of-way line of state road 371; thence, northerly along the west side of the right of way of state road 371 to the southerly side of the right of way of Navajo road 36; thence, westerly along the southerly side of the right of way of Navajo road 36 to the eastern border of the Navajo Indian reservation;

thence, along the eastern and southerly borders of the Navajo Indian reservation to the point of beginning.

The municipalities of Cuba and Gallup and the villages of Thoreau and Prewitt are excluded from the grant of authority that may be conferred in any written agreement entered into pursuant to provisions of this section; provided, however, any written agreement may include under such grant of authority the communities of Ambrosia Lake, Hospah, Torreon, Lybrook, Nageezi, Counselors and Blanco Trading Post and those communities commonly known as the Wingate community; the Navajo Tribe blue water ranch area of the Thoreau community; the Prewitt community, exclusive of the village of Prewitt; the Haystack community; the Desidero community; the Sand Springs community; the Rincon Marquis community; the Charley Jesus Arviso and the Castillo community; and state road 264 beginning at the point where it intersects U.S. 666 and ending where state road 264 intersects the Arizona-New Mexico state line; and

(9) the chief of the state police or his designee and the tribe or pueblo or the appropriate federal official shall be required to meet at least quarterly or more frequently at the call of the chief of the state police to discuss the status of the agreement and invite other law enforcement or other officials to attend as necessary.

D. Nothing in this section impairs or affects the existing status and sovereignty of tribes and pueblos of Indians as established under the laws of the United States.

E. All persons who are duly commissioned federal law enforcement officers employed by the federal bureau of investigation; drug enforcement administration; bureau of alcohol, tobacco and firearms; United States secret service; United States customs service; immigration and naturalization service; United States marshals service; postal inspection service; United States probation department; United States pretrial services agency; and other appropriate federal officers whose primary duty is law enforcement related, who are assigned in New Mexico and who are required to be designated by the county sheriff on a case-by-case basis in the county in which they are working, are recognized and authorized to act as New Mexico peace officers and have all the powers of New Mexico peace officers to enforce state laws in New Mexico, including the power to make arrests for violation of state laws. The department of public safety shall maintain a registry that lists the name and affiliated federal agency of every federal law enforcement officer recognized and authorized to act as a New Mexico peace officer pursuant to the provisions of this subsection. This subsection shall not be construed to impose liability upon or to require indemnification by the state for any act performed by a federal law enforcement officer pursuant to this subsection.

F. The provisions of Subsection E of this section regarding designation of federal law enforcement officers by a county sheriff do not apply to federal law enforcement officers who are duly commissioned officers of a police or sheriff's department for an Indian tribe or pueblo in New Mexico or who are federal law enforcement officers employed by the bureau of Indian affairs."

Section 2. Section 29-13-2.1 NMSA 1978 (being Laws 1993, Chapter 179, Section 4, as amended) is amended to read:

"29-13-2.1. DEFINITIONS.--As used in the Law Enforcement Protection Fund Act:

A. "division" means the local government division of the department of finance and administration;

B. "fund" means the law enforcement protection fund;

C. "governmental entity" means a municipality, university, tribe or a county;

D. "tribal police department" means the police department of a tribe that has entered into an agreement with the department of public safety pursuant to Section 29-1-11 NMSA 1978;

E. "tribe" means an Indian nation, tribe or pueblo located wholly or partly in New Mexico; and

F. "university" means a four-year post-secondary educational institution listed in Article 12, Section 11 of the constitution of New Mexico."

Section 3. Section 29-13-4 NMSA 1978 (being Laws 1993, Chapter 179, Section 6, as amended) is amended to read:

"29-13-4. DETERMINATION OF NEEDS AND RATE OF DISTRIBUTION.--

A. Annually on or before April 15, the division shall consider and determine the relative needs as requested by tribal, municipal and university police and county sheriff's departments for money in the fund pursuant to the provisions of Subsection B of this section.

B. The division shall determine the rate of distribution of money in the fund to each tribal, municipal and university police and county sheriff's department as follows:

(1) all municipal police and county sheriff's departments shall be rated by class pursuant to this paragraph in accordance with populations established by the most recently completed decennial census; provided that the population of any county shall not include the population of any municipality within that county that has a municipal police department. The rate of distribution to which a municipal police or county sheriff's department is entitled is the following:

CLASS

POPULATION

AMOUNT

| | | |
|---|----------------------|----------|
| 1 | 0 to 20,000 | \$20,000 |
| 2 | 20,001 to 160,000 | 30,000 |
| 3 | 160,001 to 1,280,000 | 40,000; |

(2) university police departments shall be entitled to a rate of distribution of seventeen thousand dollars (\$17,000);

(3) tribal police departments shall be entitled, unless allocations are adjusted pursuant to the provisions of Subsection C of this section, to six hundred dollars (\$600) for each commissioned peace officer in the tribe. To be counted as a commissioned peace officer for the purposes of this paragraph, a commissioned peace officer shall have been assigned to duty and have worked in New Mexico for no fewer than two hundred days in the calendar year immediately prior to the date of payment. Payments shall be made for only those divisions of the tribal police departments that perform services in New Mexico. No tribal police department shall be eligible for any disbursement under the fund if commissioned peace officers cite non-Indians into the tribal court for civil or criminal citations; and

(4) municipal and university police and county sheriff's departments shall be entitled, unless allocations are adjusted pursuant to the provisions of Subsection C of this section, to six hundred dollars (\$600) for each police officer or sheriff's deputy employed full time by his department who has been certified by the New Mexico law enforcement academy as a police officer or has been authorized to act as a New Mexico peace officer pursuant to the provisions of Section 29-1-11 NMSA 1978.

C. After distributions are determined in accordance with Subsection A and Paragraphs (1) and (2) of Subsection B of this section, if the balance in the fund is insufficient to permit the total allocations provided by Paragraphs (3) and (4) of Subsection B of this section, the division shall reduce that allocation to the maximum amount permitted by available money."

Section 4. Section 29-13-6 NMSA 1978 (being Laws 1983, Chapter 289, Section 6, as amended) is amended to read:

"29-13-6. DISTRIBUTION OF LAW ENFORCEMENT PROTECTION FUND.--

A. Annually on or before July 31, the state treasurer shall distribute from the fund the amounts certified by the division to be distributed to governmental entities. Payments shall be made to the treasurer of the appropriate governmental entity unless otherwise specified in Subsection C of this section.

B. The state treasurer is authorized to redirect a distribution to the New Mexico finance authority in an amount certified by the division, pursuant to an ordinance

or a resolution passed by the municipality or county and a written agreement of the municipality or county and the New Mexico finance authority.

C. Annually on or before July 31, the state treasurer shall distribute from the money in the fund money certified by the division to be distributed to tribes. Payment shall be made to the chief financial officer of the tribe. If necessary, the fund may be decreased below the level of one hundred thousand dollars (\$100,000) to enable payment to the tribes. If insufficient money remains in the fund to fully compensate the tribes, a report shall be made to the New Mexico office of Indian affairs and to an appropriate interim committee of the legislature that reviews issues having impact on tribes by September 1 of the year of the shortfall."

HOUSE BILL 239, AS AMENDED

CHAPTER 93

CHAPTER 93, LAWS 2002

AN ACT

AUTHORIZING THE ISSUANCE AND SALE OF CAPITAL PROJECTS GENERAL OBLIGATION BONDS TO MAKE CAPITAL EXPENDITURES FOR SENIOR CITIZEN FACILITY IMPROVEMENTS AND ACQUISITIONS, FOR PUBLIC EDUCATIONAL CAPITAL IMPROVEMENTS AND ACQUISITIONS, FOR PUBLIC LIBRARY ACQUISITIONS AND FOR OTHER CAPITAL EXPENDITURES; PROVIDING FOR A TAX LEVY FOR PAYMENT OF PRINCIPAL OF, INTEREST ON AND CERTAIN COSTS RELATED TO THE BONDS; REQUIRING APPROVAL OF THE REGISTERED VOTERS AT THE 2002 GENERAL ELECTION OF THE STATE; DECLARING AN EMERGENCY.

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

Section 1. SHORT TITLE.--This act may be cited as the "2002 Capital Projects General Obligation Bond Act".

Section 2. PURPOSE.--For the purpose of providing funds for capital expenditures as authorized in the 2002 Capital Projects General Obligation Bond Act, general obligation indebtedness of the state is authorized for the purposes and in the amounts set forth in Section 10 of that act.

Section 3. BOND TERMS.--

A. The state board of finance, except as limited by the 2002 Capital Projects General Obligation Bond Act, shall determine the terms, covenants and conditions of bonds issued pursuant to that act, including but not limited to:

(1) date or dates of issue, denominations and maturities;

(2) principal amounts;

(3) rate or rates of interest; and

(4) provisions for redemption, including premiums, registration and refundability, whether the bonds are issued in one or more series and other covenants relating to the bonds and the issuance thereof.

B. The bonds shall be in such form as the state board of finance determines with an appropriate series designation and shall bear interest payable as set forth in the resolution of the state board of finance.

C. Payment of the principal of the bonds shall begin not more than two years after the date of their issuance, and the bonds shall mature not later than ten years after the date of their issuance. Both principal and interest shall be payable in lawful money of the United States at the office of the paying agent within or without the state as the state board of finance may direct.

D. The bonds shall be executed with the manual or facsimile signature of the governor or the state treasurer, and the seal or a facsimile of the seal of the state shall be placed on each bond, except for any series of bonds issued in book entry or similar form without the delivery of physical securities.

E. The bonds shall be issued in accordance with the provisions of the 2002 Capital Projects General Obligation Bond Act, the Supplemental Public Securities Act and the Uniform Facsimile Signature of Public Officials Act and may be issued in accordance with the Public Securities Short-Term Interest Rate Act.

F. The full faith and credit of the state is pledged for the prompt payment when due of the principal of and interest on all bonds issued and sold pursuant to the 2002 Capital Projects General Obligation Bond Act.

Section 4. EXPENDITURES.--The proceeds from the sale of the bonds shall be expended solely for providing money to be distributed for the purposes and in amounts not to exceed the amounts set forth in Section 10 of the 2002 Capital Projects General Obligation Bond Act and to pay expenses incurred under Section 6 of that act. Any proceeds from the sale of the bonds that are not required for the purposes set forth in Sections 6 and 10 of that act

shall be used for the purpose of paying the principal of and interest on the bonds.

Section 5. SALE.--The bonds authorized under the 2002 Capital Projects General Obligation Bond Act shall be sold by the state board of finance at such time and in such manner and amounts as the board may elect. The bonds may be sold at private sale or at public sale, in either case at not less than par plus accrued interest to the date of delivery. If sold at public sale, the state board of finance shall publish a notice of the time and place of sale in a newspaper of general circulation in the state and may also publish the notice in a recognized financial journal outside the state. The required publications shall be made once each week for two consecutive weeks prior to the date fixed for the sale, the last publication thereof to be at least five days prior to the date of the sale. The notice shall specify the amount, denomination, maturity and description of the bonds to be offered for sale and the place, date and hour at which the sealed bids shall be received. At the time and place specified in the notice, the state board of finance shall open the bids in public and shall award the bonds to the bidder or bidders offering the best price for the bonds. The state board of finance may reject any or all bids and readvertise and may waive any irregularity in a bid. All bids, except that of the state, shall be accompanied by a deposit of two percent of the principal amount of the bonds in a form acceptable to the state board of finance. The deposit of an unsuccessful bidder shall be returned upon rejection of the bid. The state board of finance may also sell the bonds or any part of the bonds to the state treasurer or state investment officer. The state treasurer or state investment officer is authorized to purchase any of the bonds for investment. The bonds are legal investments for any person or board charged with the investment of any public funds and may be accepted as security for any deposit of public money.

Section 6. EXPENSES.--The expenses incurred by the state board of finance in or relating to the preparation and sale of the bonds shall be paid out of the proceeds from the sale of the bonds, and all rebate, penalty, interest and other obligations of the state relating to the bonds and bond proceeds under the Internal Revenue Code

of 1986, as amended, shall be paid from earnings on bond proceeds or other money of the state, legally available for such payments.

Section 7. TAX LEVY.--To provide for the payment of the principal of and interest on the bonds issued and sold pursuant to the provisions of the 2002 Capital Projects General Obligation Bond Act, there shall be and there is hereby imposed and levied during each year in which any of the bonds are outstanding an ad valorem tax on all property in the state subject to property taxation for state purposes sufficient to pay the interest as it becomes due on the bonds, together with an amount sufficient to provide a sinking fund to pay the principal of the bonds as it becomes due and, if permitted by law, ad valorem taxes may be collected to pay administrative costs incident to the collection of such taxes. The taxes shall be imposed, levied, assessed and collected at the times and in the manner that other property taxes for state purposes are imposed, levied, assessed and collected. It is the duty of all tax officials and authorities to cause these taxes to be imposed, levied, assessed and collected.

Section 8. TREASURER--DUTIES.--The state treasurer shall keep separate accounts of all money collected pursuant to the taxes imposed and levied pursuant to the provisions of the 2002 Capital Projects General Obligation Bond Act and shall use this money only for the purposes of paying the principal of and interest on the bonds as they become due and any expenses relating thereto.

Section 9. IRREPEALABLE CONTRACT--AUTHORITY FOR ISSUANCE.--An owner of bonds issued pursuant to the provisions of the 2002 Capital Projects General Obligation Bond Act may, either at law or in equity, by suit, action or mandamus, enforce and compel the performance of the duties required by that act of any officer or entity mentioned in that act. The provisions of that act constitute an irrevocable contract with the owners of any of the bonds issued pursuant to that act for the faithful performance of which the full faith and credit of the state is pledged. Without reference to any other act of the legislature, the 2002 Capital Projects General Obligation Bond Act is full authority for the

issuance and sale of the bonds authorized in that act, and such bonds shall have all the qualities of investment securities under the Uniform Commercial Code, shall not be invalid for any irregularity or defect in the proceedings for the issuance and sale of the bonds and shall be incontestable in the hands of bona fide purchasers or holders thereof for value. All bonds issued under the provisions of that act, and the interest thereon, are exempt from taxation by the state and any subdivision or public body thereof.

Section 10. PROJECTS.--

A. The proceeds from the sale of bonds issued under the provisions of the 2002 Capital Projects General Obligation Bond Act shall be distributed as provided in this section for the purposes and in the amounts specified.

B. For senior citizen facility improvements and acquisitions, to the state agency on aging:

(1) eight hundred twenty-four thousand dollars (\$824,000) to purchase vehicles for senior centers countywide in Bernalillo county;

(2) ten thousand five hundred dollars (\$10,500) to make improvements to the John Marshall senior center in Albuquerque in Bernalillo county;

(3) seventy-five thousand dollars (\$75,000) to make security and safety improvements to the Rio Bravo senior center in Bernalillo county;

(4) five thousand dollars (\$5,000) to make improvements to the Barelas senior center in Albuquerque in Bernalillo county;

(5) twenty-nine thousand seven hundred eighty-six dollars (\$29,786) to make improvements to the Highland senior center in Albuquerque in Bernalillo county;

(6) fifty-nine thousand eighty-seven dollars (\$59,087) to make improvements to the Bear Canyon senior center in Albuquerque in Bernalillo county;

(7) one hundred seventy-five thousand dollars (\$175,000) to make improvements to the Armijo senior meal site in Bernalillo county;

(8) fifty-one thousand six hundred dollars (\$51,600) to purchase furniture and equipment for senior centers in Bernalillo county;

(9) four thousand eight hundred dollars (\$4,800) to make improvements to and purchase appliances for the pueblo of Isleta elderly center in Bernalillo county;

(10) twenty-seven thousand five hundred dollars (\$27,500) to purchase equipment for senior centers in Albuquerque in Bernalillo county;

(11) one hundred thousand two hundred eighty dollars (\$100,280) to purchase meals equipment for senior centers in Albuquerque in Bernalillo county;

(12) one hundred thousand dollars (\$100,000) for improvements to the Chilili Escabosa senior center in Albuquerque in Bernalillo county;

(13) two hundred sixteen thousand dollars (\$216,000) to purchase vehicles for senior centers countywide in Chaves county;

(14) fifty-two thousand sixty dollars (\$52,060) to make improvements to the Midway Joy center in Chaves county;

(15) twenty-seven thousand five hundred dollars (\$27,500) to purchase a vehicle and utility trailer for the New Mexico senior citizen olympics in Chaves county;

(16) seventy-three thousand dollars (\$73,000) to purchase vehicles for the Blue Water senior center in Cibola county;

(17) five thousand three hundred dollars (\$5,300) to purchase furniture and equipment for the senior center in Grants in Cibola county;

(18) six hundred dollars (\$600) to purchase meals equipment for the Blue Water senior center in Cibola county;

(19) seventy-three thousand dollars (\$73,000) to purchase vehicles for the senior center at the pueblo of Laguna in Cibola county;

(20) two thousand dollars (\$2,000) to make improvements to the senior center in Grants in Cibola county;

(21) sixteen thousand eight hundred forty-two dollars (\$16,842) to purchase furniture and equipment for the senior center at the pueblo of Acoma in Cibola county;

(22) seventy thousand dollars (\$70,000) to purchase vehicles for senior centers at the pueblo of Acoma in Cibola county;

(23) twelve thousand four hundred dollars (\$12,400) to purchase meals equipment and appliances for the senior center at the pueblo of Acoma in Cibola county;

(24) sixty-five thousand dollars (\$65,000) to make improvements to the senior center at the pueblo of Acoma in Cibola county;

(25) thirty-four thousand dollars (\$34,000) to purchase a vehicle for senior programs in Colfax county;

(26) one hundred thirty-four thousand dollars (\$134,000) to purchase vehicles for senior centers in Colfax county;

(27) three thousand dollars (\$3,000) to purchase meals equipment and appliances for senior centers countywide in Colfax county;

(28) one thousand five hundred dollars (\$1,500) to make improvements to the senior center in Maxwell in Colfax county;

(29) forty-five thousand dollars (\$45,000) to make improvements to the Springer senior center in Colfax county;

(30) two hundred thousand dollars (\$200,000) to plan, design and construct a senior center in Cimarron in Colfax county

(31) sixteen thousand two hundred forty-five dollars (\$16,245) to purchase meals equipment for the senior center in Curry county;

(32) six thousand six hundred fifty dollars (\$6,650) to make improvements to the senior center in Grady in Curry county;

(33) seventy-nine thousand eight hundred seventy-five dollars (\$79,875) to make improvements to the administrative office of the senior center in Clovis in Curry county;

(34) one thousand six hundred dollars (\$1,600) to purchase meals equipment for the senior center in Grady in Curry county;

(35) fifteen thousand thirty-seven dollars (\$15,037) to make improvements to the senior center in Fort Sumner in De Baca county;

(36) six thousand ninety-nine dollars (\$6,099) to purchase meals equipment for the senior center in Fort Sumner in De Baca county;

(37) eight hundred ninety-nine dollars (\$899) to purchase equipment and furniture for the senior center in Fort Sumner in De Baca county;

(38) six thousand dollars (\$6,000) to purchase furniture and equipment for senior centers in Doña Ana county;

(39) one hundred fifty-eight thousand dollars (\$158,000) to make improvements to senior centers in Dona Ana county;

(40) sixty-one thousand nine hundred dollars (\$61,900) to purchase meals equipment and appliances for senior centers in Las Cruces in Dona Ana county;

(41) one hundred seventy-six thousand dollars (\$176,000) to purchase vehicles for senior centers in Las Cruces in Dona Ana county;

(42) three hundred sixty-six thousand dollars (\$366,000) to purchase vehicles for senior centers in Dona Ana county;

(43) thirty-two thousand dollars (\$32,000) to purchase a vehicle for the senior program in Dona Ana county;

(44) one hundred twenty thousand dollars (\$120,000) to make improvements to the senior center in Mesilla in Dona Ana county;

(45) twenty-seven thousand dollars (\$27,000) to purchase a vehicle for the Carlsbad North Mesa recreation center in Eddy county;

(46) fifty-one thousand dollars (\$51,000) to purchase vehicles for the senior center in Artesia in Eddy county;

(47) twenty-five thousand dollars (\$25,000) for improvements to the senior center in Loving in Eddy county;

(48) eleven thousand two hundred fifty-two dollars (\$11,252) to purchase meals equipment and appliances for senior centers in Grant county;

(49) ninety-two thousand dollars (\$92,000) to purchase vehicles for senior centers in Grant county;

(50) thirty-four thousand dollars (\$34,000) to purchase a vehicle for the senior center in Vaughn in Guadalupe county;

(51) ten thousand one hundred fifty dollars (\$10,150) to purchase meals equipment for the senior center in Vaughn in Guadalupe county;

(52) eleven thousand dollars (\$11,000) to purchase equipment and appliances for the senior center in Vaughn in Guadalupe county;

(53) thirty-three thousand eighty-eight dollars (\$33,088) to make improvements to the senior center in Vaughn in Guadalupe county;

(54) twenty-eight thousand five hundred thirty-four dollars (\$28,534) to purchase vehicles for the Ena Mitchell senior center in Hidalgo county;

(55) seven thousand fifty-six dollars (\$7,056) to make improvements to the Ena Mitchell senior center in Hidalgo county;

(56) four thousand seven hundred eighty-five dollars (\$4,785) to purchase meals equipment for the Ena Mitchell senior center in Hidalgo county;

(57) forty-five thousand dollars (\$45,000) to purchase a vehicle for the senior program in Jal in Lea county;

(58) twenty-five thousand dollars (\$25,000) to purchase a vehicle for the senior center in Tatum in Lea county;

(59) forty-eight thousand dollars (\$48,000) to purchase a vehicle for the senior center in Lovington in Lea county;

(60) three thousand dollars (\$3,000) to purchase meals equipment and appliances for the senior center in Hobbs in Lea county;

(61) twenty-eight thousand dollars (\$28,000) to make improvements to the senior center in Ruidoso in Lincoln county;

(62) seventy thousand dollars (\$70,000) to purchase vehicles for senior centers in Lincoln county;

(63) three thousand two hundred dollars (\$3,200) to purchase equipment and furniture for the senior center in Ruidoso in Lincoln county;

(64) nine thousand five hundred dollars (\$9,500) to purchase meals equipment for senior centers in Lincoln county;

(65) twenty-five thousand dollars (\$25,000) to purchase a vehicle for the Los Alamos senior center in Los Alamos county;

(66) fifty-four thousand dollars (\$54,000) to make improvements to the Deming-Luna senior center in Luna county;

(67) six thousand seven hundred dollars (\$6,700) to purchase meals equipment for the Deming-Luna senior center in Luna county;

(68) thirty thousand six hundred seventy-five dollars (\$30,675) to purchase equipment and furniture for the Deming-Luna senior center in Luna county;

(69) five thousand dollars (\$5,000) to make improvements to the Baca center and Crownpoint senior center in McKinley county;

(70) two thousand dollars (\$2,000) to purchase equipment and furniture for the senior center at the pueblo of Zuni in McKinley county;

(71) two thousand dollars (\$2,000) to purchase equipment and furniture for the senior center in Twin Lakes in McKinley county;

(72) sixty-nine thousand dollars (\$69,000) to purchase meals equipment for the senior center at the pueblo of Zuni in McKinley county;

(73) one hundred thirty thousand dollars (\$130,000) to make improvements to the Ford Canyon senior center in McKinley county;

(74) one hundred forty thousand dollars (\$140,000) to make improvements to the Northside and Ford Canyon senior centers in McKinley county;

(75) one hundred twenty-seven thousand dollars (\$127,000) to purchase vehicles for the senior center at the pueblo of Zuni in McKinley county;

(76) one hundred seventy-five thousand dollars (\$175,000) to pave parking lots at senior centers in McKinley county;

(77) thirty thousand dollars (\$30,000) to make improvements to senior centers for the eight northern Indian pueblos in Santa Fe, Rio Arriba and Taos counties;

(78) sixty-six thousand six hundred ninety-five dollars (\$66,695) to make improvements to the Mora-San Miguel senior center in Mora and San Miguel counties;

(79) twenty-five thousand dollars (\$25,000) to purchase a vehicle for the senior programs in Mora and San Miguel counties;

(80) ninety thousand seven hundred sixty-six dollars (\$90,766) to purchase meals equipment and appliances for senior centers on the Navajo Nation;

(81) eight hundred seventy-three thousand dollars (\$873,000) to purchase vehicles for senior centers on the Navajo Nation;

(82) one hundred forty-one thousand eight hundred twenty-four dollars (\$141,824) to purchase equipment and furniture for senior centers on the Navajo Nation;

(83) ten thousand five hundred dollars (\$10,500) to purchase meals equipment and appliances for the Mescalero Apache elderly center in Otero county;

(84) one thousand five hundred dollars (\$1,500) to purchase meals equipment and appliances for the senior program in Tularosa in Otero county;

(85) fourteen thousand dollars (\$14,000) to make improvements to the senior center in Tularosa in Otero county;

(86) twenty-five thousand dollars (\$25,000) to construct a senior center in Tularosa in Otero county;

(87) sixteen thousand three hundred dollars (\$16,300) to purchase meals equipment and appliances for senior centers in Alamogordo in Otero county;

(88) thirty-two thousand dollars (\$32,000) to purchase a vehicle for the senior center in Alamogordo in Otero county;

(89) forty-nine thousand dollars (\$49,000) to purchase a vehicle for the Cloudcroft Sacramento senior center in Otero county;

(90) fifty-six thousand dollars (\$56,000) to purchase vehicles for the senior program for the Mescalero Apache tribe in Otero county;

(91) one thousand five hundred fifty dollars (\$1,550) to purchase equipment and furniture for the Mescalero Apache elderly center in Otero county;

(92) six thousand nine hundred fifty-six dollars (\$6,956) to make improvements to the Eastern Plains senior center in Quay county;

(93) seventeen thousand dollars (\$17,000) to purchase appliances and meals equipment for the senior center in Logan in Quay county;

(94) four thousand nine hundred dollars (\$4,900) to purchase appliances and meals equipment for the Eastern Plains senior center in Quay county;

(95) three thousand seven hundred dollars (\$3,700) to purchase a vehicle for the senior programs in Alamogordo in Otero county;

(96) three thousand seven hundred dollars (\$3,700) to make improvements to the senior center in Logan in Quay county;

(97) eight thousand five hundred dollars (\$8,500) to make improvements to the senior center at the pueblo of San Juan in Rio Arriba county;

(98) forty-eight thousand dollars (\$48,000) to purchase a vehicle for the senior center in Espanola in Rio Arriba county;

(99) forty-eight thousand dollars (\$48,000) to purchase a vehicle for the senior center at the pueblo of San Juan in Rio Arriba county;

(100) seventy-three thousand dollars (\$73,000) to purchase vehicles for the senior center at the pueblo of Santa Clara in Rio Arriba county;

(101) ten thousand seventy dollars (\$10,070) to purchase furniture and meals equipment for senior centers in Rio Arriba county;

(102) two thousand seven hundred dollars (\$2,700) to purchase furniture and appliances for the senior center at the pueblo of Santa Clara in Rio Arriba county;

(103) fifteen thousand dollars (\$15,000) to make improvements to the senior center in Tierra Amarilla in Rio Arriba county;

(104) three hundred fifty thousand dollars (\$350,000) to design, construct and equip an adult daycare addition to the Espanola senior center in Rio Arriba county;

(105) twenty-seven thousand dollars (\$27,000) to purchase a vehicle for the Jicarilla Apache senior center in Rio Arriba county;

(106) eighty-four thousand dollars (\$84,000) to purchase vehicles for senior centers in Rio Arriba county;

(107) twenty-five thousand dollars (\$25,000) to make improvements to the Elida senior center in Roosevelt county;

(108) six thousand two hundred fifty dollars (\$6,250) to purchase meals equipment for the Portales senior center in Roosevelt county;

(109) ninety-six thousand dollars (\$96,000) to purchase vehicles for the Portales senior center in Roosevelt county;

(110) thirty-four thousand dollars (\$34,000) to purchase a vehicle for the senior center in Portales in Roosevelt county;

(111) eight thousand dollars (\$8,000) to purchase meals equipment and appliances for the senior centers in San Juan county;

(112) seventy thousand eight hundred sixty dollars (\$70,860) to make improvements to the Naschitti and Sheep Springs senior centers in San Juan county;

(113) thirty-four thousand four hundred thirty-two dollars (\$34,432) to make improvements to the Bonnie Dallas senior center in San Juan county;

(114) five thousand three hundred ten dollars (\$5,310) to purchase equipment and appliances for the northwest New Mexico senior centers in San Juan county;

(115) forty-five thousand dollars (\$45,000) to make improvements to the Crystal chapter senior center in San Juan county;

(116) one hundred thirteen thousand dollars (\$113,000) to purchase vehicles for the northwest New Mexico senior centers in San Juan county;

(117) two hundred thousand dollars (\$200,000) to pave parking lots at senior centers in San Juan county;

(118) forty-eight thousand dollars (\$48,000) to purchase a vehicle for the senior center at the pueblo of San Felipe in Sandoval county;

(119) one hundred fifty-four thousand dollars (\$154,000) to purchase vehicles for the five Sandoval senior centers in Sandoval county;

(120) eighty-three thousand dollars (\$83,000) to purchase vehicles for the senior center at the pueblo of Santo Domingo in Sandoval county;

(121) twenty-eight thousand one hundred dollars (\$28,100) to purchase appliances and meals equipment for the five Sandoval senior centers in Sandoval county;

(122) six thousand dollars (\$6,000) to make improvements to the five Sandoval senior centers in Sandoval county;

(123) nineteen thousand four hundred twenty-three dollars (\$19,423) to purchase appliances and meals equipment for the senior center at the pueblo of Jemez in Sandoval county;

(124) ninety-two thousand dollars (\$92,000) to purchase vehicles for the senior center at the pueblo of Jemez in Sandoval county;

(125) twenty-nine thousand eight hundred fifty dollars (\$29,850) to purchase appliances and meals equipment for the senior centers in Sandoval county;

(126) three hundred five thousand dollars (\$305,000) to purchase vehicles for senior centers in Sandoval county;

(127) sixteen thousand one hundred dollars (\$16,100) to purchase furniture and equipment for the five Sandoval senior centers in Sandoval county;

(128) twenty-seven thousand dollars (\$27,000) to purchase a vehicle for the senior center at the pueblo of Cochiti in Sandoval county;

(129) forty-seven thousand six hundred dollars (\$47,600) to purchase equipment and furniture for senior centers in Sandoval county;

(130) one hundred fifteen thousand nine hundred dollars (\$115,900) to make improvements to the Meadowlark senior center in Sandoval county;

(131) fifteen thousand dollars (\$15,000) to purchase appliances and meals equipment for the senior center at the pueblo of San Felipe in Sandoval county;

(132) forty-eight thousand dollars (\$48,000) to purchase a vehicle for the pueblo of Nambe senior center in Santa Fe county;

(133) eight thousand dollars (\$8,000) to make improvements to the pueblo of Nambe senior center in Santa Fe county;

(134) forty-eight thousand dollars (\$48,000) to purchase a vehicle for the senior center at the pueblo of San Ildefonso in Santa Fe county;

(135) two hundred fifty thousand dollars (\$250,000) to make improvements to the Mary Esther Gonzales senior center in Santa Fe county;

(136) eleven thousand five hundred thirty-six dollars (\$11,536) to make improvements to the pueblo of Pojoaque senior center in Santa Fe county;

(137) seven thousand dollars (\$7,000) to make improvements to the pueblo of San Ildefonso senior center in Santa Fe county;

(138) fifty-five thousand five hundred dollars (\$55,500) to purchase meals equipment and appliances for senior centers in Santa Fe in Santa Fe county;

(139) seventeen thousand four hundred ninety-two dollars (\$17,492) to purchase meals equipment and appliances for the senior center at the pueblo of Nambe in Santa Fe county;

(140) twenty-four thousand dollars (\$24,000) to purchase a vehicle for the senior center in Tesuque in Santa Fe county;

(141) six thousand dollars (\$6,000) to purchase equipment for a Santa Fe senior program in Santa Fe county;

(142) seven thousand one hundred sixty-three dollars (\$7,163) to purchase equipment and appliances for the senior center in Nambe in Santa Fe county;

(143) three hundred sixty-one thousand dollars (\$361,000) to purchase vehicles for the senior centers in Santa Fe in Santa Fe county;

(144) sixty-five thousand dollars (\$65,000) to purchase vehicles for a Santa Fe senior program in Santa Fe county;

(145) twenty-eight thousand dollars (\$28,000) to purchase a vehicle for the senior center in Pojoaque in Santa Fe county;

(146) ten thousand six hundred eighty-two dollars (\$10,682) to purchase meals equipment and appliances for the senior center at the pueblo of San Ildefonso in Santa Fe county;

(147) nine thousand dollars (\$9,000) to make improvements to the senior center in Truth or Consequences in Sierra county;

(148) twenty-one thousand one hundred one dollars (\$21,101) to purchase meals equipment and appliances for the senior center in Socorro in Socorro county;

(149) one hundred fifty thousand dollars (\$150,000) to purchase vehicles for senior centers in Socorro county;

(150) two hundred seventy-five thousand dollars (\$275,000) to purchase defibrillators for the aging network statewide;

(151) seventeen thousand four hundred ninety-two dollars (\$17,492) to purchase meals equipment and appliances for the senior center in the pueblo of Picuris in Taos county;

(152) twenty-six thousand nine hundred forty-seven dollars (\$26,947) to purchase meals equipment and appliances for senior centers in Taos county;

(153) one hundred thirty-three thousand dollars (\$133,000) to purchase vehicles for senior centers in Taos county;

(154) one thousand five hundred dollars (\$1,500) to purchase equipment and furniture for senior centers in Taos county;

(155) eight thousand one hundred sixty-three dollars (\$8,163) to purchase furniture and appliances for the senior center at the pueblo of Picuris in Taos county;

(156) forty-eight thousand dollars (\$48,000) to purchase a vehicle for the senior center at the pueblo of Taos in Taos county;

(157) fifty-five thousand dollars (\$55,000) to make improvements to the senior center in the pueblo of Picuris in Taos county;

(158) twenty-eight thousand dollars (\$28,000) to purchase a vehicle for the senior center at the pueblo of Picuris in Taos county;

(159) eighty-two thousand dollars (\$82,000) to make improvements to the senior center in Chamisal in Taos county;

(160) forty thousand dollars (\$40,000) to purchase a vehicle for the senior center in Torrance county;

(161) twenty-eight thousand three hundred sixty-five dollars (\$28,365) to purchase meals equipment and appliances for the senior center in Clayton in Union county;

(162) seventy-six thousand dollars (\$76,000) to construct, equip and furnish the senior center in Des Moines in Union county;

(163) forty-eight thousand dollars (\$48,000) to purchase a vehicle for the senior center in Clayton in Union county;

(164) fourteen thousand two hundred fifty-one dollars (\$14,251) to purchase meals equipment and appliances for the El Cerro Mission senior center in Valencia county;

(165) seventy-three thousand dollars (\$73,000) to purchase vehicles for senior centers in Valencia county; and

(166) ten thousand dollars (\$10,000) to purchase equipment and furniture for the senior centers in Valencia county.

C. For state public educational capital improvements and acquisitions:

(1) to the state department of public education, five million dollars (\$5,000,000) to purchase portable classrooms or to build classrooms for full-day kindergarten throughout the state;

(2) to the governing board of the Albuquerque technical-vocational institute in Bernalillo county, four million seven hundred eighty-six thousand dollars (\$4,786,000) for deferred maintenance and electrical distribution and upgrades and for a pedestrian overpass across University boulevard;

(3) to the governing board of Clovis community college, three hundred thousand dollars (\$300,000) for infrastructure renovation and expansion at the campus in Curry county;

(4) to the board of regents of eastern New Mexico university:

(a) one million two hundred fifty thousand dollars (\$1,250,000) for deferred maintenance and infrastructure modernization at the main campus in Portales in Roosevelt county;

(b) four million dollars (\$4,000,000) to construct a communications center at the main campus in Portales in Roosevelt county;

(c) four hundred fifty thousand dollars (\$450,000) for infrastructure renovation and improvements at the Roswell campus in Chaves county; and

(d) one hundred thirty-five thousand dollars (\$135,000) to replace the roof at the Ruidoso center in Lincoln county;

(5) to the board of regents of New Mexico highlands university:

(a) two million seven hundred thousand dollars (\$2,700,000) for infrastructure renovation and expansion at the campus in Las Vegas in San Miguel county; and

(b) four million six hundred thousand dollars (\$4,600,000) to construct a new science and technology building and to remodel the Lora Mangum Shields science building at the campus in Las Vegas in San Miguel county;

(6) to the governing board of New Mexico junior college:

(a) nine hundred eighty-nine thousand three hundred eighty-five dollars (\$989,385) for infrastructure improvements at the campus in Hobbs in Lea county; and

(b) three million dollars (\$3,000,000) for the Ben Alexander learning center addition at the campus in Hobbs in Lea county;

(7) to the governing board of Luna vocational-technical institute:

(a) one million dollars (\$1,000,000) for infrastructure improvements for the underground electrical distribution and energy management system at the campus in Las Vegas in San Miguel county; and

(b) six hundred thirty thousand dollars (\$630,000) for phase 3 construction of the health care training facility at the campus in Las Vegas in San Miguel county;

(8) to the governing board of Mesa technical college, eight hundred thousand dollars (\$800,000) for phase 1 construction of the facilities master plan at the campus in Tucumcari in Quay county;

(9) to the board of regents of New Mexico institute of mining and technology:

(a) three million dollars (\$3,000,000) for infrastructure renovation and expansion at the campus in Socorro in Socorro county;

(b) four million three hundred thousand dollars (\$4,300,000) to plan and construct a student services center at the campus in Socorro in Socorro county; and

(c) seven hundred eighty-five thousand three hundred twenty-two dollars (\$785,322) to renovate Kelly and Jones halls at the campus in Socorro county;

(10) to the board of regents of New Mexico military institute, three million dollars (\$3,000,000) for campus renovations in Roswell in Chaves county;

(11) to the board of regents of New Mexico state university:

(a) five hundred thousand dollars (\$500,000) for infrastructure renovation and expansion at the Grants campus in Cibola county;

(b) nine million dollars (\$9,000,000) for infrastructure renewal and expansion at the main campus in Dona Ana county;

(c) seven hundred thousand dollars (\$700,000) for infrastructure renovation and expansion at the Dona Ana branch in Dona Ana county;

(d) three million dollars (\$3,000,000) for phase 2 construction of the East Mesa center at the Dona Ana branch in Dona Ana county;

(e) one million two hundred fifty thousand dollars (\$1,250,000) for phase 2 construction of the border area satellite in Las Cruces in Dona Ana county;

(f) one million two hundred thousand dollars (\$1,200,000) for infrastructure renovation and expansion at the Carlsbad branch in Eddy county; and

(g) seven hundred twenty-seven thousand dollars (\$727,000) for infrastructure renovation and expansion at the Alamogordo branch in Otero county;

(12) to the board of regents of northern New Mexico state school:

(a) seven hundred eighty-five thousand dollars (\$785,000) for infrastructure renovation and site improvements at the Espanola campus in Rio Arriba county;

(b) nine hundred thousand dollars (\$900,000) for phase 2 construction of an addition to the high technology manufacturing and training facility at the Espanola campus in Rio Arriba county; and

(c) one hundred ninety thousand dollars (\$190,000) to renovate a 1936 adobe building on the El Rito campus in Rio Arriba county;

(13) to the governing board of San Juan college:

(a) one million two hundred thousand dollars (\$1,200,000) for infrastructure upgrades and site improvements at the campus in Farmington in San Juan county; and

(b) three million five hundred thousand dollars (\$3,500,000) to renovate and expand the library and student center at the campus in Farmington in San Juan county;

(14) to the community college board of Santa Fe community college, nine hundred thousand dollars (\$900,000) to replace the roof and make infrastructure improvements at the campus in Santa Fe county;

(15) to the board of regents of the university of New Mexico:

(a) six million dollars (\$6,000,000) for core building renewal and renovation of existing facilities at the main campus in Albuquerque in Bernalillo county;

(b) one million five hundred ten thousand dollars (\$1,510,000) for the manufacturing training and technology center clean room installation at the main campus in Albuquerque in Bernalillo county;

(c) two million dollars (\$2,000,000) for patient care equipment at the health sciences center at the north campus in Albuquerque in Bernalillo county;

(d) seven hundred fifty thousand dollars (\$750,000) for infrastructure improvements at the Gallup branch in McKinley county;

(e) two million dollars (\$2,000,000) for phase 3 construction of the education center at the Taos branch in Taos county;

(f) two hundred thousand dollars (\$200,000) for infrastructure improvements at the Valencia campus in Valencia county; and

(g) one million dollars (\$1,000,000) for phase 1 construction of the instructional facility at the Valencia campus in Valencia county;

(16) to the board of regents of western New Mexico university:

(a) three million two hundred thousand dollars (\$3,200,000) for infrastructure renovation and expansion at the campus in Silver City in Grant county; and

(b) one million six hundred thousand dollars (\$1,600,000) to renovate the Martinez-Phelps Dodge building at the school of education at the campus in Silver City in Grant county;

(17) to the board of regents of New Mexico school for the deaf, five million dollars (\$5,000,000) for health, safety and accessibility improvements at the campus in Santa Fe in Santa Fe county;

(18) to the board of regents of New Mexico school for the visually handicapped, one million dollars (\$1,000,000) for health, safety and accessibility improvements at the campus in Alamogordo in Otero county; and

(19) to the commission on higher education:

(a) two million dollars (\$2,000,000) to make improvements to increase handicapped accessibility and meet safety requirements, as well as the requirements of the Americans with Disabilities Act of 1990, at higher education facilities and constitutional special schools statewide; and

(b) two million three hundred forty thousand dollars (\$2,340,000) for statewide technology infrastructure projects and needs at institutions of higher learning throughout the state.

D. For public library acquisitions, to the office of cultural affairs, fifteen million nine hundred eighty thousand dollars (\$15,980,000) to acquire library books, equipment and library resources for public school, academic and local libraries statewide as follows:

(1) four million eight hundred fifty-two thousand dollars (\$4,852,000) for public libraries;

(2) seven million seven hundred four thousand dollars (\$7,704,000) for public school libraries; and

(3) three million four hundred twenty-four thousand dollars (\$3,424,000) to purchase library materials and books for academic libraries statewide.

E. For state facilities improvement and equipment:

(1) to the state armory board:

(a) one million dollars (\$1,000,000) for site improvements, including drainage and erosion control, access modifications and upgrades to existing roads, at the Onate complex in Santa Fe county; and

(b) one million dollars (\$1,000,000) for the statewide armory renovation and rehabilitation project;

(2) to the capital program fund, five hundred thousand dollars (\$500,000) to plan, design, furnish, equip, renovate and make improvements, including site preparation and limited removals, to the Villagra building in Santa Fe in Santa Fe county; and

(3) to the state fair commission, four million dollars (\$4,000,000) for renovating or replacing horse stalls, including associated site and infrastructure improvements, for ongoing renovations to the various facilities and infrastructure and for correcting code deficiencies throughout the New Mexico state fairgrounds in Albuquerque in Bernalillo county.

F. For water projects, to the office of the state engineer:

(1) ten million dollars (\$10,000,000) to purchase water rights to meet the state's obligation under the Pecos River Compact;

(2) four hundred seventy thousand dollars (\$470,000) for renovations to Ute dam in Quay county;

(3) one million dollars (\$1,000,000) for capital improvements on the San Juan river for endangered fish species recovery in San Juan county;

(4) five hundred one thousand dollars (\$501,000) for well-metering equipment and constructing monitoring wells in the Nambe-Pojoaque-Tesuque basin in Santa Fe county; and

(5) one million forty thousand dollars (\$1,040,000) for dam rehabilitation projects statewide.

Section 11. ELECTION.--

A. Bonds issued pursuant to the 2002 Capital Projects General Obligation Bond Act shall be submitted to the registered voters of the state at the general election to be held in November 2002, and, if they receive a majority of all the votes cast thereon at such election, shall take effect upon certification of the state canvassing board announcing the results of such election. No bonds shall be issued or sold under the 2002 Capital Projects General Obligation Bond Act until the registered voters of this state have voted upon and approved the bonds and property tax as provided in this section. Any bonds issued under that act shall be issued within thirty months from the date of such election.

B. The ballots used at the 2002 general election shall contain substantially the following language:

(1) "The 2002 Capital Projects General Obligation Bond Act authorizes the issuance and sale of senior citizen facility improvements and acquisitions bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed ten million eight hundred seventeen thousand six hundred seventy-eight dollars (\$10,817,678) to make capital expenditures for certain senior citizen facility improvements and acquisitions projects and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For _____ Against _____";

(2) "The 2002 Capital Projects General Obligation Bond Act authorizes the issuance and sale of state public educational capital improvements and acquisitions bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed ninety-three million four hundred twenty-nine thousand seven hundred seven dollars (\$93,429,707) to make capital expenditures for certain public education, higher education and other educational institutions capital improvements and acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For _____ Against _____";

(3) "The 2002 Capital Projects General Obligation Bond Act authorizes the issuance and sale of public library acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed sixteen million eighty thousand dollars (\$16,080,000) to make capital expenditures for public school, higher education and public library acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For _____ Against _____";

(4) "The 2002 Capital Projects General Obligation Bond Act authorizes the issuance and sale of state facilities improvement and equipment bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed six million five hundred ninety-two thousand dollars (\$6,592,000) to make capital expenditures for state facilities and equipment and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For _____ Against _____"; and

(5) "The 2002 Capital Projects General Obligation Bond Act authorizes the issuance and sale of water project bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed thirteen million one hundred three thousand dollars (\$13,103,000) to make capital expenditures for water rights purchases and water projects and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For _____ Against _____".

C. Each question set forth in this section includes a specific work or object to be financed by the bonds. If any such question is not approved by a majority vote of the electorate at the state's 2002 general election, the issuance of bonds for the work or object specified by the question shall be excluded from and shall not be part of the 2002 Capital Projects General Obligation Bond Act. The failure of a question to be approved by the electorate at the 2002 general election shall not affect those questions that are approved at the election.

D. The secretary of state shall include the submission of the capital projects general obligation bonds to the people at the 2002 general election, and it shall be included in the general election proclamation of each of the county clerks. The secretary of state shall cause the 2002 Capital Projects General Obligation Bond Act to be published in full in at least one newspaper in each county of the state if one be

published therein, once each week, for four successive weeks next preceding the general election as required by the constitution of New Mexico.

Section 12. CERTIFICATION AND REVERSION.--

A. The agencies named in the 2002 Capital Projects General Obligation Bond Act shall certify to the state board of finance when the money from the proceeds of the general obligation bonds authorized in this section is needed for the purposes specified in Section 10 of that act. If an agency has not certified the need for the issuance of the bonds for a particular project by the end of fiscal year 2004, the authorization for that project is void.

B. Before an agency may certify for the issuance of general obligation bonds, the project must be developed sufficiently so that the agency reasonably expects to:

(1) incur within six months after the bonds have been issued a substantial binding obligation to a third party to expend at least five percent of the bond proceeds for the project; and

(2) spend at least eighty-five percent of the bond proceeds within three years after the bonds have been issued.

C. Except as otherwise provided in this section, the unexpended balance from the proceeds of general obligation bonds issued for a project shall revert to the debt service fund as follows:

(1) for projects for which general obligation bonds were issued to purchase vehicles, heavy equipment, educational technology or other equipment or furniture that is not related to a more inclusive construction or renovation project, at the end of the fiscal year following the fiscal year in which the general obligation bonds were issued for the purchase after reserving for unpaid costs and expenses covered by binding written obligations to third parties; and

(2) for all other projects for which general obligation bonds were issued, within six months of completion of the project, but no later than the end of fiscal year 2007.

D. Except for appropriations to the capital program fund, money from general obligation bond proceeds provided pursuant to this act shall not be used to pay indirect project costs.

E. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after costs and expenses recognized in accordance with generally accepted accounting principles have been paid.

Section 13. ART IN PUBLIC PLACES.--Pursuant to Section

13-4A-4 NMSA 1978 and where applicable, the appropriations authorized in the 2002 Capital Projects General Obligation Bond Act include money for the art in public places fund.

Section 14. PROJECT SCOPE--EXPENDITURES--REVERSION.--

A. If an appropriation for a project authorized in the 2002 Capital Projects General Obligation Bond Act is not sufficient to complete all the purposes specified, the appropriation may be expended for any portion of the purposes specified in the appropriation. Expenditures shall not be made for purposes other than those specified in the appropriation.

B. The state agencies and state institutions to which money has been appropriated in the 2002 Capital Projects General Obligation Bond Act shall be responsible for monitoring the projects funded in that act to ensure compliance with the constitution and laws of New Mexico, and shall cause to be reverted any unexpended or unencumbered balance remaining at the earlier of the third full fiscal year after issuance of the bonds or the termination or completion of the specific project. Reverted funds shall be deposited in the debt service fund established by the state treasurer for the purpose of paying the principal of and interest on the state's general obligation bonds.

Section 15. SEVERABILITY.--If any part or application of the 2002 Capital Projects General Obligation Bond Act is held invalid, the remainder or its application to other situations or persons shall not be affected.

Section 16. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HOUSE TAXATION AND REVENUE COMMITTEE

SUBSTITUTE FOR HOUSE BILL 89, AS AMENDED

CHAPTER 94

CHAPTER 94, LAWS 2002

AN ACT

RELATING TO WATER; CHANGING THE PURPOSE OF AND EXTENDING THE EXPENDITURE PERIOD FOR CERTAIN APPROPRIATIONS FROM THE NEW MEXICO IRRIGATION WORKS CONSTRUCTION FUND TO PURCHASE WATER RIGHTS IN THE PECOS RIVER BASIN FOR COMPLIANCE WITH THE PECOS RIVER COMPACT; PROVIDING CONDITIONS FOR EXPENDITURES.

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

Section 1. PECOS RIVER WATER RIGHTS--CHANGE IN PURPOSE AND EXTENSION OF EXPENDITURE PERIOD.--

A. The period of time for expending the balances in the following appropriations from the New Mexico irrigation works construction fund to the interstate stream commission may be extended through fiscal year 2005 for the purpose of retiring water rights along the Pecos river basin and taking other appropriate actions that would effectively aid New Mexico in compliance with the United States supreme court amended decree in *Texas v. New Mexico*, No. 65 original:

(1) Laws 1998, Chapter 81, Section 2 for retiring water rights along the Pecos river basin and taking other appropriate actions that would effectively aid New Mexico in compliance with the United States supreme court amended decree in *Texas v. New Mexico*, No. 65 original;

(2) Laws 1998, Chapter 81, Section 3 for the purchase of water rights along the Pecos river basin;

(3) Laws 1999 (1st S.S.), Chapter 2, Section 84 for the purchase of water rights along the Pecos river;

(4) Laws 1998, Chapter 81, Section 4 for preparing a long-term strategy for the state's compliance with the Pecos River Compact and other matters; and

(5) Laws 2000 (2nd S.S.), Chapter 23, Section 95.

B. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the New Mexico irrigation works construction fund.

C. The interstate stream commission shall, before any purchase of water rights is made using the money appropriated, obtain professionally prepared market or economic valuations or appraisals. The valuations or appraisals along with other relevant considerations shall be the basis for any purchase.

Section 2. A new section of Chapter 72, Article 1 NMSA 1978 is enacted to read:

"PECOS RIVER--PURPOSE--CONDITIONS FOR EXPENDITURES.--

A. The purpose of this section is to achieve compliance with the Pecos River Compact, establish a base flow of the Pecos river of fifty cubic feet per second at the Artesia bridge and provide a reliable annual irrigation supply of ninety thousand acre feet of water for delivery of three acre-feet per acre of irrigated land in the Carlsbad irrigation district and for adequate water to fulfill delivery requirements to the Texas state line pursuant to the Pecos River Compact.

B. The interstate stream commission shall determine the need for projects to be funded with the appropriations for compliance with the Pecos River Compact and may expend funds for the purchase of land with appurtenant water rights or rights to the delivery of water and to take other appropriate actions that would effectively aid New Mexico in compliance with the United States supreme court amended decree in *Texas v. New Mexico*, No. 65 original.

C. The interstate stream commission shall not expend any funds for the purchase of land with appurtenant water rights or rights to the delivery of water unless the commission has entered into contracts with the governing bodies of the Carlsbad irrigation district, the Pecos valley artesian conservancy district and the Fort Sumner irrigation district that specify the actions the parties agree will be taken or avoided to ensure that the expenditures will be effective toward permanent compliance with New Mexico's obligations under the Pecos River Compact and amended decree.

D. Expenditures for the purchase of land with valid appurtenant water rights or rights to the delivery of water shall be made only from willing sellers within the lower Pecos river basin downstream from Sumner reservoir for projects that comply with the following criteria:

(1) land with appurtenant water rights or with rights to the delivery of water shall be purchased in each of the following areas of the lower Pecos river basin:

(a) from Sumner reservoir to Acme, to the extent that willing sellers elect to participate and any affected irrigation district agrees to change its operations, as necessary, so the acquired rights effectively increase downstream flows of the Pecos river;

(b) from Acme to Brantley dam; and

(c) with first priority placed in the area from Brantley dam to the state line contingent upon the adjudication or settlement of the surface water claims by or within the Carlsbad irrigation district;

(2) the interstate stream commission shall purchase with the first available funding six thousand acres of land having rights to the delivery of water by the

district or valid appurtenant water rights in approximately equal purchase increments from:

(a) assessed land within the Carlsbad irrigation district; and
(b) irrigated land located between Brantley dam and Sumner reservoir; and

(3) subsequent to the purchase of the first six thousand acres of land, the interstate stream commission shall use all future appropriations that are available for the purchase of land with appurtenant water rights or rights to the delivery of water such that no more than one acre of land within the Carlsbad irrigation district may be purchased for every three acres of land purchased between Brantley Dam and Sumner reservoir.

E. The interstate stream commission shall prepare a comprehensive request for bids from owners of land with appurtenant water rights or rights to the delivery of water, shall evaluate and compare the bids and shall make offers to contract in response to the bids. The request for bids shall:

(1) provide for competition among the owners of land from whom bids are requested to sell their land with appurtenant water rights or rights to the delivery of water;

(2) contain criteria to address the priority of the purchases based on the effectiveness of the purchased land with appurtenant water rights or rights to the delivery of water in increasing the flows of the Pecos river and to address the different value of water rights associated with the degree of seniority of the water rights;

(3) provide for the purchase of up to six thousand acres of land assessed by the Carlsbad irrigation district having rights for the delivery of water; and

(4) provide for the purchase of land upstream from the Carlsbad irrigation district in amounts necessary to comply with the requirements of this section.

F. The interstate stream commission shall evaluate all bids and shall offer to contract with all sellers whose offers to sell comply with the criteria required by this section, comply with the bid conditions and are determined by the interstate stream commission to be most advantageous to increase the flows of the Pecos river and comply with the Pecos River Compact and amended decree.

G. Contracts shall be contingent upon the interstate stream commission receiving sufficient appropriations to close the purchases.

H. In the event the interstate stream commission determines that the total Pecos river rights it has purchased with appropriations made by the legislature for that purpose

are in excess of those rights permanently needed for compliance with New Mexico's obligations under the Pecos River Compact, then the commission shall offer the excess land with appurtenant water rights or rights to the delivery of water first to the original owner at the original point of diversion and for the original place and purpose of use. Lands shall be offered for sale in the order in which they were acquired by:

(1) sending a written offer to sell to the last known address of the owner by certified mail, which offer shall remain open for at least sixty days from the date of the mailing;

(2) including in the offer to sell a notice that if the offer is not accepted by the original owner within a stated time pursuant to this subsection, the offer will be deemed rejected and automatically withdrawn and made available for purchase at the current market price; and

(3) depositing the revenue from sales into the New Mexico irrigation works construction fund."

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE
SUBSTITUTE FOR HOUSE BILLS 417 & 225, AS AMENDED
WITH CERTIFICATE OF CORRECTIONS

CHAPTER 95

CHAPTER 95, LAWS 2002

AN ACT

RELATING TO EXECUTIVE SALARIES; INCREASING SALARIES FOR ELECTED STATE OFFICERS; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 8-1-1 NMSA 1978 (being Laws 1971, Chapter 260, Section 1, as amended) is amended to read:

"8-1-1. COMPENSATION OF ELECTIVE STATE OFFICERS.--

A. Annual compensation of elective state officers shall be paid as follows:

governor \$110,000

secretary of state 85,000
state auditor 85,000
state treasurer 85,000
attorney general 95,000
commissioner of public lands 90,000
public regulation commissioner 90,000.

B. Any person succeeding to the office of governor as provided in Article 5, Section 7 of the constitution of New Mexico shall receive the salary of the office. Every person serving as acting governor during the incapacity or absence of the governor from the state, other than the secretary of state, shall receive two hundred fifty dollars (\$250) as compensation for each day's service as acting governor.

C. All compensation under this section shall be paid from the general fund, except that the amount paid to the commissioner of public lands shall be paid from the state lands maintenance fund."

Section 2. Section 8-3-3 NMSA 1978 (being Laws 1971, Chapter 138, Section 3, as amended) is amended to read:

"8-3-3. COMPENSATION.--For the performance of the duties established in Section 8-3-1 NMSA 1978, the lieutenant governor shall receive an annual compensation of eighty-five thousand dollars (\$85,000)."

Section 3. APPLICABILITY.--The provisions of this act

apply to elected state officers beginning January 1, 2003.

SENATE BILL 64, AS AMENDED

CHAPTER 96

CHAPTER 96, LAWS 2002

AN ACT

RELATING TO MEDICAID; CREATING A JOINT INTERIM LEGISLATIVE MEDICAID REFORM COMMITTEE; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. TEMPORARY PROVISION--MEDICAID REFORM COMMITTEE CREATED.--There is created a joint interim legislative committee that shall be known as the "medicaid reform committee". The committee shall function from the date of its appointment until the first day of December prior to the first session of the forty-sixth legislature.

Section 2. TEMPORARY PROVISION--MEMBERSHIP--ADVISORY MEMBERS--APPOINTMENT--VACANCIES.--

A. The medicaid reform committee shall be composed of twelve members. Six members of the house of representatives shall be appointed by the speaker of the house of representatives and six members of the senate shall be appointed by the committees' committee of the senate or, if the appointments are made in the interim, by the president pro tempore of the senate after consultation with and agreement of a majority of the members of the committees' committee.

B. Members of the medicaid reform committee shall be appointed from each house so as to give the two major political parties in each house the same proportional representation on the committee as prevails in each house; however, in no event shall either party have less than one member from each house on the committee. Vacancies on the committee shall be filled by appointment in the same manner as the original appointments. The chairman and vice chairman of the committee shall be elected by the committee.

C. An eighteen-member medicaid advisory group comprised of experts in medicaid or health care shall assist and advise the medicaid reform committee. The governor, the speaker of the house of representatives and the president pro tempore of the senate shall each appoint six members to the medicaid advisory group. The governor, the speaker and the president pro tempore shall coordinate their appointments to ensure representation from the following groups: health care and legal consumer advocates; community-based providers; mental and behavioral health providers; health care information management organizations; health care financial management organizations; health care payers and insurers; hospitals and other institutional providers; and physicians, nurses and other health care professionals.

D. No action shall be taken by the committee if a majority of the total membership from either house on the committee rejects such action.

Section 3. TEMPORARY PROVISION--DUTIES.--

A. After its appointment, the medicaid reform committee shall hold one organizational meeting to develop a work plan and budget for the ensuing interim.

B. In developing the work plan, the medicaid reform committee shall take into consideration current resources and projected needs for the state medicaid program's services, delivery, funding and policy, including:

(1) the current operating structure of the medicaid programs in New Mexico;

(2) the level of oversight authority necessary for the medicaid-related divisions of the human services department and health care payer and provider contractors under the medicaid program;

(3) the operational structure of the state medicaid program, with respect to how policy and fiscal determinations are made;

(4) the concerns and recommendations regarding the operation of the medicaid program made by other interim legislative committees, consumer advocates, health care providers, health care payers or their respective organizations;

(5) the allocation of health care costs and funding sources to avoid or eliminate unnecessary cost-shifting;

(6) the geographic distribution of health care professionals, resources and programs in the state medicaid program and of public-private partnerships to address health care access, delivery and funding issues that are problematic for both employers and employees; and

(7) the available federal, state and local sources of funding for the state medicaid program.

C. The medicaid reform committee shall solicit public input.

D. The work plan and budget shall be submitted to the New Mexico legislative council for approval. Upon approval of the work plan and budget by the council, the medicaid reform committee shall examine the statutes, constitutional provisions, regulations and court decisions governing the state medicaid program and related health care programs and services and recommend legislation or changes.

Section 4. TEMPORARY PROVISION--SUBCOMMITTEES.--

Subcommittees shall be created only by majority vote of all members appointed to the medicaid reform committee and with the

prior approval of the New Mexico legislative council. A subcommittee shall be composed of at least one member from the senate and one member from the house of representatives, and at least one member of the minority party shall be a member of the subcommittee. All meetings and expenditures of a subcommittee shall be approved by the full committee in advance of such meeting or expenditure, and the approval shall be shown in the minutes of the committee.

Section 5. TEMPORARY PROVISION--REPORT.--The medicaid reform committee shall make a report of its findings and recommendations for the consideration of the legislature. The report and suggested legislation shall be made available to the New Mexico legislative council by December 15 preceding the first session of the forty-sixth legislature.

Section 6. TEMPORARY PROVISION--STAFF.--The staff for the medicaid reform committee shall be provided by the legislative council service.

Section 7. APPROPRIATION.--Two hundred fifty thousand dollars (\$250,000) is appropriated from legislative council service cash balances to the legislative council service for expenditure in fiscal years 2002 and 2003 to pay for technical and legal assistance and for necessary equipment and supplies used in carrying out the provisions of this act and for reimbursing the per diem and mileage expenses of the committee. Any unexpended or unencumbered balance remaining at the end of fiscal year 2003 shall revert to the legislative council service cash balances. Payments from the appropriation shall be made upon vouchers signed by the director of the legislative council service or his authorized representative.

Section 8. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

SENATE BILL 379, AS AMENDED

WITH EMERGENCY CLAUSE

SIGNED MARCH 5, 2002

CHAPTER 97

CHAPTER 97, LAWS 2002

AN ACT

RELATING TO RECORDING FEES; CHANGING THE AMOUNT OF THE EQUIPMENT RECORDING FEE THAT A COUNTY CLERK MAY CHARGE.

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

Section 1. Section 14-8-12.2 NMSA 1978 (being Laws 1985, Chapter 122, Section 2, as amended) is amended to read:

"14-8-12.2. RECORDING FEES--WHEN INSTRUMENT IS PHOTOCOPIED.--

A. For each instrument recorded that is photocopied, the county clerk shall charge a recording fee of five dollars (\$5.00) for the first page and two dollars (\$2.00) for each additional page or portion thereof of the same instrument.

B. For each instrument recorded that is photocopied, the county clerk may charge, in addition to any other fees authorized by law, including the fee provided in Subsection A of this section, an equipment recording fee. The equipment recording fee shall not exceed four dollars (\$4.00) for each instrument recorded.

C. Amounts collected from the equipment recording fee shall be deposited into a county clerk recording and filing fund, which shall be established by the county. Money in the county clerk recording and filing fund shall be expended only to rent, purchase, lease or lease-purchase equipment associated with recording, filing, maintaining or reproducing documents in the county clerk's office and for staff training on office procedures and equipment.

D. The equipment recording fee and expenditures from the county clerk recording and filing fund shall be determined annually by the county clerk and approved by the board of county commissioners."

Section 2. Section 14-8-16 NMSA 1978 (being Laws 1973, Chapter 258, Section 150, as amended) is amended to read:

"14-8-16. FILINGS OF LEGAL DESCRIPTIONS AND PLATS OF REAL PROPERTY AUTHORIZED--RECORDING--FEES.--

A. Any person owning real property that is subject to property taxation under the Property Tax Code may file for record in the office of the county clerk of the county where the real property is located a legal description or a plat of the real property. To be eligible for recording, the legal description or plat shall be certified by a professional surveyor licensed in the state.

B. The United States, the state or its political subdivisions and any agency, department or instrumentality of the United States, the state or its political subdivisions may file for record in the office of the county clerk of the county where the real property is located a legal description or a plat of real property. To be eligible for recording, the legal description or plat shall be certified by a professional surveyor licensed in the state and shall show the governmental agency, department or political subdivision under whose supervision and direction the description or plat was prepared.

C. The county clerk shall number descriptions filed under this section consecutively and shall number plats filed under this section consecutively. Immediately upon receiving a description or plat for filing, the county clerk shall note on the instrument the filing number and the time of filing and shall make proper entries in his reception book and in his index to general real estate records.

D. The county clerk shall record descriptions and plats filed under this section in the same manner as other similar instruments affecting real property are recorded. The county clerk shall charge a fee of two dollars fifty cents (\$2.50) for filing and recording each description or plat. If the county clerk uses a post binder with transparent protective pages for the protection of the plats, he shall charge a fee of five dollars (\$5.00) for filing and recording each unit of a plat that is eighteen inches by twenty-four inches or part thereof.

E. For filing legal descriptions or plats of real property, the county clerk may charge, in addition to any other fees authorized by law, including the fee provided for in Subsection D of this section, an equipment recording fee. The equipment recording fee shall not exceed four dollars (\$4.00) for each instrument or plat recorded.

F. Amounts collected from the equipment recording fee shall be deposited into a county clerk recording and filing fund, which shall be established by the county. Money in the county clerk recording and filing fund shall be expended only to rent, purchase, lease or lease-purchase equipment associated with recording, filing, maintaining or reproducing documents in the county clerk's office and for staff training on office procedures and equipment.

G. The equipment recording fee and expenditures from the county clerk recording and filing fund shall be determined annually by the county clerk and approved by the board of county commissioners.

H. All plats to be recorded pursuant to the provisions of this section shall be filed in duplicate with the county clerk. One copy shall be recorded by the county clerk, and one copy shall be delivered by the county clerk to the county assessor."

SENATE BILL 234

CHAPTER 98

CHAPTER 98, LAWS 2002

AN ACT

RELATING TO THE REDISTRICTING OF THE SENATE; ESTABLISHING SENATORIAL DISTRICTS; PROVIDING THE METHOD FOR ELECTING SENATORS; PROVIDING FOR THE FILLING OF VACANCIES; FIXING THE NUMBER, RESIDENCE AND TERMS OF SENATORS; REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. SHORT TITLE.--This act may be cited as the "2002 Senate Redistricting Act".

Section 2. MEMBERSHIP.--The senate is composed of forty-two members to be elected from districts that are contiguous and that are as compact as is practical.

Section 3. RESIDENCE.--At the time of filing a declaration of candidacy for the office of state senator, the candidate shall reside in the district for which he files. Thereafter, if a senator permanently removes his residence from or maintains no residence in the district from which he was elected, he shall be deemed to have resigned and his successor shall be selected as provided in Section 4 of the 2002 Senate Redistricting Act.

Section 4. ELECTIONS--VACANCIES.--

A. Members of the senate shall be elected for terms of four years.

B. If a vacancy occurs in the office of senator for any reason, the vacancy shall be filled as follows:

(1) for a senate district that is situated wholly within the exterior boundaries of a single county, the board of county commissioners of that county shall appoint the senator to fill the vacancy; and

(2) for a senate district situated within two or more counties:

(a) the board of county commissioners of each county in the senate district shall submit one name to the governor; and

(b) the governor shall appoint the senator to fill the vacancy from the list of names so submitted.

C. An appointment to fill a vacancy in the senate shall be for a term ending on December 31 after the next general election.

D. An appointment to fill a vacancy made before the general election of 2004 shall be made from the district as it was described in Laws 1991 (1st S.S.), Chapter 3, Sections 7 through 48. After the general election of 2004, a vacancy shall be filled by appointment from the district set out in the 2002 Senate Redistricting Act.

Section 5. PRECINCTS.--

A. Precinct designations and boundaries used in the 2002 Senate Redistricting Act are those precinct designations and boundaries established pursuant to the Precinct Boundary Adjustment Act and revised and approved pursuant to that act by the secretary of state as of August 31, 2001.

B. A board of county commissioners shall not create any precinct that lies in more than one senate district and shall not divide any precinct so that the divided parts of the precinct are situated in two or more senate districts. Votes cast in a statewide election from precincts created or divided in violation of this subsection are invalid and shall not be counted or canvassed.

Section 6. DISTRICTS.--The districts of the senate shall be as set out in Sections 7 through 48 of the 2002 Senate Redistricting Act.

Section 7. SENATE DISTRICT ONE.--Senate district one is composed of San Juan county precincts 20 through 29, 31, 40, 41, 43 through 45, 49, 51 through 59 and 81.

Section 8. SENATE DISTRICT TWO.--Senate district two is composed of San Juan county precincts 11 through 13, 18, 19, 30, 42, 46, 47, 60 through 76 and 79.

Section 9. SENATE DISTRICT THREE.--Senate district three is composed of McKinley county precincts 1, 4 through 6, 20, 21, 31, 34 through 37 and 41; and San Juan county precincts 1 through 10, 14 through 16 and 82 through 86.

Section 10. SENATE DISTRICT FOUR.--Senate district four is composed of Cibola county precincts 5 and 6; and McKinley county precincts 3, 7, 18, 19, 22 through 30, 32, 33, 38 through 40 and 42 through 50.

Section 11. SENATE DISTRICT FIVE.--Senate district five is composed of Los Alamos county precincts 12 through 17; Rio Arriba county precincts 1 through 15, 18 through 20, 22, 23 and 31 through 41; and Santa Fe county precinct 58.

Section 12. SENATE DISTRICT SIX.--Senate district six is composed of Los Alamos county precincts 2 through 6; Rio Arriba county precincts 16 and 17; Santa Fe county precincts 1 through 7, 23, 40, 59 through 61 and 79; and Taos county precincts 1, 5 through 17, 19, 20, 22 through 25, 27, 28 and 30 through 35.

Section 13. SENATE DISTRICT SEVEN.--Senate district seven is composed of Colfax county; Curry county precincts 1 through 3, 10, 16 through 19, 24, 34, 35 and 37; Harding county; Quay county; San Miguel county precinct 15; Taos county precincts 2 through 4; and Union county.

Section 14. SENATE DISTRICT EIGHT.--Senate district eight is composed of Guadalupe county; Mora county precincts 9 and 11; San Miguel county precincts 1 through 8, 14, 17 and 25 through 28; Santa Fe county precincts 16, 18, 19 and 85; and Torrance county precincts 1 through 4 and 6 through 13.

Section 15. SENATE DISTRICT NINE.--Senate district nine is composed of Sandoval county precincts 2, 3, 11, 13, 36 through 47, 49, 53, 54, 59 through 61, 64 and 67.

Section 16. SENATE DISTRICT TEN.--Senate district ten is composed of Bernalillo county precincts 3, 4, 6 through 10, 13, 16

through 18, 86, 89, 410, 422 through 424 and 601; and Sandoval county precincts 12, 32 through 35, 48 and 62.

Section 17. SENATE DISTRICT ELEVEN.--Senate district eleven is composed of Bernalillo county precincts 41 through 44, 49, 50, 52 through 54, 73, 74, 88, 90 through 92 and 97.

Section 18. SENATE DISTRICT TWELVE.--Senate district twelve is composed of Bernalillo county precincts 45, 47, 61, 62, 64, 65, 101, 103 through 105, 121 through 125, 131 through 133, 165, 166, 196, 197, 211, 212, 214 through 217, 221, 223 through 226, 341, 344 through 347, 431, 437 and 442.

Section 19. SENATE DISTRICT THIRTEEN.--Senate district thirteen is composed of Bernalillo county precincts 5, 11, 12, 14, 15, 30, 83, 150 through 154, 161 through 164, 180 through 187, 191 through 195, 400, 406, 408 and 438 through 440.

Section 20. SENATE DISTRICT FOURTEEN.--Senate district fourteen is composed of Bernalillo county precincts 63, 66, 67, 71, 72, 75 through 77, 93 through 96, 98, 99, 102, 106, 107, 135, 246, 256, 551 and 552; and Valencia county precincts 4, 9, 11, 13, 18 and 28.

Section 21. SENATE DISTRICT FIFTEEN.--Senate district fifteen is composed of Bernalillo county precincts 373, 375, 401 through 405, 407, 409, 411, 413, 414, 418 through 421, 432 through 436, 441, 443 through 446, 466, 481, 488 through 494, 496 through 500 and 510.

Section 22. SENATE DISTRICT SIXTEEN.--Senate district sixteen is composed of Bernalillo county precincts 241 through 245, 251 through 255, 257, 258, 271 through 275, 278, 281, 311, 313 through 317, 342, 343, 351 through 358, 371, 372, 374, 381 through 387 and 412.

Section 23. SENATE DISTRICT SEVENTEEN.--Senate district seventeen is composed of Bernalillo county precincts 282 through 287, 291 through 293, 312, 318, 321 through 323, 326 through 331, 477 and 478.

Section 24. SENATE DISTRICT EIGHTEEN.--Senate district eighteen is composed of Bernalillo county precincts 415 through 417, 450, 453, 461 through 465, 471 through 476, 482, 484, 487, 495, 502 through 504, 506 through 509, 511 through 515, 523, 528, 529, 531 through 533, 538, 562 and 563.

Section 25. SENATE DISTRICT NINETEEN.--Senate district nineteen is composed of Bernalillo county precincts 289, 290, 294 through 299, 301 through 303, 332, 333, 553 through 559, 571 and 573; Sandoval county precincts 6, 28 and 56; Santa Fe county precincts 15, 73 and 84; and Torrance county precinct 5.

Section 26. SENATE DISTRICT TWENTY.--Senate district twenty is composed of Bernalillo county precincts 300, 304 through 308, 454, 480, 505, 516 through 519, 521, 522, 524 through 527, 530, 534 through 536, 540, 542 through 550, 561 and 564 through 566.

Section 27. SENATE DISTRICT TWENTY-ONE.--Senate district twenty-one is composed of Bernalillo county precincts 425 through 430, 447, 449, 451, 452, 483, 485, 486, 520, 537, 539, 541, 560, 567 through 569 and 602; and Sandoval county precincts 1, 4, 5, 29 and 55.

Section 28. SENATE DISTRICT TWENTY-TWO.--Senate district twenty-two is composed of Bernalillo county precinct 31; Cibola county precinct 3; McKinley county precincts 8 through 17; Rio Arriba county precincts 24 through 27, 29 and 30; and Sandoval county precincts 8 through 10, 14 through 27, 50, 58 and 63.

Section 29. SENATE DISTRICT TWENTY-THREE.--Senate district twenty-three is composed of Bernalillo county precincts 1, 2, 20, 24, 29, 80 through 82, 84, 85, 87 and 111 through 114; and Sandoval county precincts 30 and 31.

Section 30. SENATE DISTRICT TWENTY-FOUR.--Senate district twenty-four is composed of Santa Fe county precincts 24, 25, 27, 31 through 35, 38, 39, 41, 49 through 51, 56, 62, 64, 66, 67, 74 through 76 and 86.

Section 31. SENATE DISTRICT TWENTY-FIVE.--Senate district twenty-five is composed of Santa Fe county precincts 8 through 11, 13, 20 through 22, 26, 28 through 30, 36, 37, 42 through 48, 52 through 55, 65, 68, 69, 71, 77, 78, 81 and 83.

Section 32. SENATE DISTRICT TWENTY-SIX.--Senate district twenty-six is composed of Bernalillo county precincts 21 through 23, 25 through 28, 32 through 40, 46, 48, 51, 55 and 120.

Section 33. SENATE DISTRICT TWENTY-SEVEN.--Senate district twenty-seven is composed of Chaves county precinct 1; Curry county precincts 4, 6 through 9, 11 through 15, 20, 21, 29, 31 and 36; De Baca county; and Roosevelt county precincts 1 and 5 through 17.

Section 34. SENATE DISTRICT TWENTY-EIGHT.--Senate district twenty-eight is composed of Catron county; Grant county; and Socorro county precincts 1, 3 through 8, 10, 11, 13, 14 and 17.

Section 35. SENATE DISTRICT TWENTY-NINE.--Senate district twenty-nine is composed of Valencia county precincts 1 through 3, 5 through 8, 10, 12, 14, 17, 19, 21 through 27, 31, 32 and 35 through 38.

Section 36. SENATE DISTRICT THIRTY.--Senate district thirty is composed of Cibola county precincts 1, 2, 4 and 7 through 17; Socorro county precincts 2, 9, 12, 15 and 16; and Valencia county precincts 15, 16, 20, 29, 30, 33 and 34.

Section 37. SENATE DISTRICT THIRTY-ONE.--Senate district thirty-one is composed of Dona Ana county precincts 7, 10 through 15, 74 through 76, 79 through 81, 96 and 97.

Section 38. SENATE DISTRICT THIRTY-TWO.--Senate district thirty-two is composed of Chaves county precincts 13 through 16, 23, 24, 31, 32, 34, 42, 43, 51, 52, 61 through 63, 71 through 73, 81, 90, 91 and 101 through 104; Eddy county precincts 2, 3, 41 and 43; Lincoln county precinct 12; and Otero county precinct 11.

Section 39. SENATE DISTRICT THIRTY-THREE.--Senate district thirty-three is composed of Chaves county precincts 2 through 7, 9 through 12, 21, 22, 25, 33, 35, 36, 82 through 85, 92 and 93; and Lincoln county precincts 1 through 11 and 13.

Section 40. SENATE DISTRICT THIRTY-FOUR.--Senate district thirty-four is composed of Eddy county precincts 4 through 8, 17 through 21, 25 through 30, 34 through 38, 40, 44 and 45; and Otero county precincts 2 through 9, 18, 21, 23, 24 and 36.

Section 41. SENATE DISTRICT THIRTY-FIVE.--Senate district thirty-five is composed of Hidalgo county; Luna county; and Sierra county precincts 1 and 3 through 9.

Section 42. SENATE DISTRICT THIRTY-SIX.--Senate district thirty-six is composed of Dona Ana county precincts 1 through 4, 21, 22, 24, 25, 27 through 30, 32 through 36, 41 through 47, 60, 63, 84, 86 through 88, 91 through 95, 99 and 100.

Section 43. SENATE DISTRICT THIRTY-SEVEN.--Senate district thirty-seven is composed of Dona Ana county precincts 5, 20, 26, 52, 59, 61, 62, 64 through 73, 77, 83, 85, 89 and 102 through 104; and Sierra county precinct 2.

Section 44. SENATE DISTRICT THIRTY-EIGHT.--Senate district thirty-eight is composed of Dona Ana county precincts 8, 9, 16 through 19, 23, 31, 37 through 40, 48 through 51, 53 through 58, 78, 82, 90, 98 and 101.

Section 45. SENATE DISTRICT THIRTY-NINE.--Senate district thirty-nine is composed of Los Alamos county precincts 1 and 7 through 11; Mora county precincts 1 through 8 and 10; San Miguel county precincts 9 through 13, 16 and 18 through 24; Sandoval county precincts 7 and 51; Santa Fe county precincts 12, 14, 17, 57, 63, 70, 72, 80 and 82; and Taos county precincts 18, 21, 26 and 29.

Section 46. SENATE DISTRICT FORTY.--Senate district forty is composed of Dona Ana county precinct 6; and Otero county

precincts 1, 10, 12 through 17, 19, 20, 22, 25 through 35 and 37 through 40.

Section 47. SENATE DISTRICT FORTY-ONE.--Senate district forty-one is composed of Eddy county precincts 9 through 16, 23 and 31 through 33; and Lea county precincts 12, 14 through 17, 25, 31, 32, 34 through 36, 51 through 55, 61, 62 and 71 through 74.

Section 48. SENATE DISTRICT FORTY-TWO.--Senate district forty-two is composed of Chaves county precinct 41; Curry county precincts 5, 22, 23, 25 through 28, 30, 32 and 33; Eddy county precincts 1, 39 and 42; Lea county precincts 2, 3, 10, 11, 13, 18, 20 through 24, 26 through 30, 33 and 41 through 44; and Roosevelt county precincts 2 through 4 and 18.

Section 49. ELECTION OF SENATORS.--Senators shall be elected from the districts described in the 2002 Senate Redistricting Act at the 2004 and subsequent general elections.

Section 50. REPEAL.--Sections 2-8C-1 through 2-8C-49 NMSA 1978 (being Laws 1991 (1st S.S.), Chapter 3, Sections 1 through 49, as amended) are repealed.

SENATE BILL 485

CHAPTER 99

CHAPTER 99, LAWS 2002

AN ACT

RELATING TO CAPITAL EXPENDITURES; REAUTHORIZING PRIOR SEVERANCE TAX BOND AUTHORIZATIONS; CHANGING PURPOSES; CHANGING AGENCIES; EXTENDING REVERSION DATES; MAKING APPROPRIATIONS.

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

Section 1. WORKERS' COMPENSATION ADMINISTRATION BUILDING IN ALBUQUERQUE IN BERNALILLO COUNTY--EXPAND

PURPOSE FOR RENOVATIONS AND IMPROVEMENTS.--The New Mexico finance authority revenue bond appropriation made in Subsection B of Section 1 of Chapter 91 of Laws 1994 to the property control division of the general services department for acquiring land and making site improvements for a state office building for the workers' compensation administration in Albuquerque, and expanded in Laws 1998, Chapter 7, Section 43 to include constructing, equipping and furnishing that building, is expanded to include renovations and improvements to the state office building for the workers' compensation administration in Albuquerque in Bernalillo county.

Section 2. SOUTHERN NEW MEXICO REHABILITATION CENTER IN ROSWELL IN CHAVES COUNTY--EXPAND PURPOSE FOR PIPING, DUCTWORK AND IMPROVEMENTS.--On the effective date of this act, the balance of the unencumbered proceeds from the sale of severance tax bonds appropriated to the capital program fund pursuant to Paragraph (3) of Subsection B of Section 19 of Chapter 23 of Laws 2000 (2nd S.S.) to plan, design, renovate and equip the dietary services and annex areas of the southern New Mexico rehabilitation center in Roswell in Chaves county may also be expended to make improvements to piping and ductwork and to make improvements to comply with the Americans with Disabilities Act of 1990.

Section 3. SOUTHERN NEW MEXICO REHABILITATION CENTER IN ROSWELL IN CHAVES COUNTY--EXPAND PURPOSE FOR PIPING, DUCTWORK AND IMPROVEMENTS.--On the effective date of this act, the balance of the unencumbered proceeds from the sale of severance tax bonds appropriated to the capital program fund pursuant to Paragraph (2) of Subsection B of Section 19 of Chapter 23 of Laws 2000 (2nd S.S.) to plan, design, renovate and make improvements to comply with the Americans with Disabilities Act of 1990 at the southern New Mexico rehabilitation center in Roswell in Chaves county may also be expended to make improvements to piping and ductwork and to renovate and equip the dietary services and annex areas.

Section 4. SOUTHERN NEW MEXICO REHABILITATION CENTER IN ROSWELL IN CHAVES COUNTY--EXPAND PURPOSE TO RENOVATE AND EQUIP DIETARY SERVICES AND ANNEX AREAS AND MAKE IMPROVEMENTS TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT OF 1990.--On the effective date of this act, the balance of the unencumbered proceeds from the sale of severance tax bonds appropriated to the capital program fund pursuant to Paragraph (1) of Subsection B of Section 19 of Chapter 23 of Laws 2000 (2nd S.S.) to plan, design, renovate and make improvements to piping and ductwork at the southern New Mexico rehabilitation center in Roswell in Chaves county may also be expended to make improvements to comply with the Americans with Disabilities Act of 1990 and to renovate and equip the dietary services and annex areas.

Section 5. NEW MEXICO BOYS' SCHOOL ALLEN DAM--EXPAND PURPOSE FOR IRRIGATION SYSTEM.--On the effective date of this act, the balance from the New Mexico irrigation works construction fund appropriation to the capital program fund made pursuant to Laws 1999 (1st S.S.), Chapter 2, Section 30 to renovate and make improvements to Allen dam at the New Mexico boys' school in Colfax county may also be expended to repair and improve the irrigation system associated with the dam.

Section 6. LAS CRUCES WORKFORCE DEVELOPMENT CENTER IN DONA ANA COUNTY--CHANGE PURPOSE FOR ONE-STOP CAREER CENTER.--The balance of the appropriation from the employment security department fund to the capital program fund pursuant to Subsection C of Section 30 of Chapter 23 of Laws 2000 (2nd S.S.) to expand and make improvements to the Las Cruces workforce development center in Dona Ana county shall not be expended for its original purpose, but is appropriated to acquire or renovate an existing building for an office for the one-stop career center in the Las Cruces area in Dona Ana county.

Section 7. IMPROVEMENTS TO VARIOUS STATE BUILDINGS--CHANGE AGENCY AND PURPOSE TO RENOVATE, REPAIR AND IMPROVE STATE BUILDINGS STATEWIDE--EXTEND EXPENDITURE PERIOD.--

A. On the effective date of this act, the balance of the unencumbered proceeds from the sale of severance tax bonds appropriated to the property control division of the general services department pursuant to the following subsections of Section 10 of Chapter 7 of Laws 1998 for the following purposes are reauthorized and appropriated to the capital program fund to renovate, repair and improve state buildings throughout the state:

(1) to renovate or make improvements to Fort Bayard medical center in Fort Bayard located in Grant county pursuant to Subsection A;

(2) to plan, design, renovate, furnish or equip the Maloof building in Albuquerque in Bernalillo county in order for the building to be used by other state agencies pursuant to Subsection B;

(3) to provide security enhancements at the youth diagnostic and development center located in Bernalillo county pursuant to Subsection F; and

(4) for renovations and improvements to Tingley coliseum at the New Mexico state fairgrounds located in Bernalillo county pursuant to Subsection G.

B. The period of time in which the appropriation may be expended shall be extended through fiscal year 2006. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the severance tax bonding fund.

Section 8. NEW MEXICO BOYS' SCHOOL IMPROVEMENTS IN SPRINGER IN COLFAX COUNTY--CHANGE PURPOSE TO IMPROVE STATE BUILDINGS--EXTEND EXPENDITURE PERIOD.--On the effective date of this act, the balance of the unencumbered proceeds from the sale of severance tax bonds appropriated to the general services department pursuant to Subsection D of Section 13 of Chapter 148 of Laws 1994, and reauthorized and appropriated to the capital program fund pursuant to Laws 1998, Chapter 7, Section 42 to repair, renovate and make improvements at the New Mexico boys' school at Springer located in Colfax county, is reauthorized and appropriated to the capital program fund to renovate, repair and improve state buildings throughout the state. The period of time in which the appropriation may be expended shall be extended through fiscal year 2006. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the severance tax bonding fund.

Section 9. LOS RANCHOS COMMUNITY CENTER IN BERNALILLO COUNTY--CHANGE PURPOSE AND AGENCY FOR SEWER

SYSTEM.--The balance of the proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection BBBB BBBB of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) to construct a community center in Los Ranchos in Bernalillo county shall not be expended for the original purpose but is reauthorized and appropriated to the department of environment to plan, design, acquire property for and construct an expansion of the sanitary sewer system to serve Rob Lee meadows and adjacent areas of Los Ranchos de Albuquerque in Bernalillo county.

Section 10. GRANTS WATER RIGHTS--CHANGE PURPOSE AND AGENCY FOR WATER TANKS IN GRANTS IN CIBOLA COUNTY.--
The proceeds from the sale of severance tax bonds appropriated to the office of the state engineer pursuant to Subsection B of Section 9 of Chapter 2 of Laws 1999 (1st S.S.) to acquire four hundred acre-feet of water rights for Grants in Cibola county shall not be expended for the original purpose but are reauthorized and appropriated to the department of environment to purchase or repair water tanks in Grants in Cibola county.

Section 11. LUNA COUNTY LANDFILL--EXPAND PURPOSE FOR SOLID WASTE FACILITIES.--The proceeds from the sale of severance tax bonds appropriated to the department of environment pursuant to Subsection LL of Section 10 of Chapter 2 of Laws 1999 (1st S.S.) to plan, design and construct a city-county landfill in Luna county may also be expended to plan, design and construct solid waste facilities in Luna county.

Section 12. SACATOSA WATER PUMP--CHANGE PURPOSE FOR WATER RIGHTS ACQUISITION AND WATER SYSTEM IMPROVEMENTS FOR THE P.U. GALLEGOS MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION IN SAN MIGUEL COUNTY.--
The proceeds from the sale of severance tax bonds appropriated to the department of environment pursuant to Subsection OO of Section 8 of Chapter 23 of Laws 2000 (2nd S.S.) to upgrade the Sacatosa water pump in San Miguel county shall not be expended for the original purpose but are reauthorized and appropriated for water rights acquisition and for design and construction of water

system improvements for the P.U. Gallegos mutual domestic water consumers association in San Miguel county.

Section 13. WILLIAMSBURG SEWER LIFT STATIONS--CHANGE PURPOSE TO UPDATE AND EXTEND SEWER SYSTEMS IN WILLIAMSBURG IN SIERRA COUNTY.--On the effective date of this act, the proceeds from the sale of severance tax bonds appropriated to the department of environment pursuant to Subsection CC of Section 10 of Chapter 2 of Laws 1999 (1st S.S.) to replace two sewer lift stations in Williamsburg in Sierra county may also be expended to update and extend the sewer systems in Williamsburg in Sierra county.

Section 14. SAN MIGUEL CLINIC--CHANGE PURPOSE FOR A FACILITY FOR LA CLINICA DE FAMILIA IN DONA ANA COUNTY--EXTEND EXPENDITURE PERIOD.--The proceeds from the sale of severance tax bonds appropriated to the department of health pursuant to Subsection C of Section 13 of Chapter 2 of Laws 1999 (1st S.S.) for capital improvements at the San Miguel clinic in Dona Ana county shall not be expended for the original purpose but are reauthorized and appropriated to acquire land for, plan, design, construct, equip and furnish a new facility for la clinica de familia San Miguel in Dona Ana county. The period of time in which this appropriation may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 15. RENOVATING AND REPAIRING STATE BUILDINGS--EXTEND EXPENDITURE PERIOD.--The period of time in which the proceeds from the sale of severance tax bonds appropriated to the property control division of the general services department pursuant to Subsection B of Section 7 of Chapter 4 of Laws 1996 (1st S.S.), and reauthorized and appropriated to the capital program fund pursuant to Laws 2000 (2nd S.S.), Chapter 23, Section 109, to renovate and repair state buildings throughout the state may be expended shall be extended through fiscal year 2006. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the severance tax bonding fund.

Section 16. STATE ROAD 142 RIVER CROSSING--EXPAND PURPOSE TO INCLUDE PLAN AND DESIGN IN SIERRA COUNTY.--

On the effective date of this act, the proceeds from the sale of severance tax bonds appropriated to the state highway and transportation department pursuant to Subsection VVVV of Section 12 of Chapter 23 of Laws 2000 (2nd S.S.) to construct a concrete river crossing on state road 142 in Sierra county may also be expended to plan and design a concrete river crossing on state road 142 in Sierra county.

Section 17. TAOS RELIEF ROUTE--EXTEND EXPENDITURE PERIOD.--The period of time in which the appropriation from the state road fund to the state highway and transportation department made pursuant to Paragraph (3) of Subsection A of Section 38 of Chapter 118 of Laws 1998 for the Taos relief route may be expended shall be extended through fiscal year 2003. Any unexpended or unencumbered balance remaining at the end of fiscal year 2003 shall revert to the state road fund.

Section 18. NEW MEXICO IRRIGATION WORKS CONSTRUCTION FUND--PECOS RIVER BASIN--PECOS RIVER COMPACT--CHANGING PURPOSES TO COMPLY WITH UNITED STATES SUPREME COURT DECREE--EXTENDING THE EXPENDITURE PERIOD--INTERSTATE STREAM COMMISSION REVIEW.--The period of time for expending the appropriation from the New Mexico irrigation works construction fund to the interstate stream commission made pursuant to Laws 1998, Chapter 81, Section 2 for retiring water rights along the Pecos river basin, as amended in Laws 2000 (2nd S.S.), Chapter 23, Section 95; Laws 1998, Chapter 81, Section 3 for the purchase of water rights along the Pecos river basin, as amended in Laws 1999 (1st S.S.), Chapter 2, Section 84, and again as amended in Laws 2000 (2nd S.S.), Chapter 23, Section 95; and Laws 1998, Chapter 81, Section 4 for preparing a long-term strategy for the state's compliance with the Pecos River Compact and other matters, as amended in Laws 2000 (2nd S.S.), Chapter 23, Section 95, is extended through fiscal year 2006, for the purpose of purchasing water rights along the Pecos River basin and taking the appropriate actions that would effectively aid New Mexico in compliance with the United States supreme court amended decree

in *Texas v. New Mexico*, No. 65 original. The interstate stream commission shall, before any purchase of water rights are made using the money appropriated, obtain professionally prepared market or economic valuations or appraisals. The valuations or appraisals along with other relevant considerations shall be the basis for any purchase. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the New Mexico irrigation works construction fund.

Section 19. BALLOON FIESTA PARK ALAMEDA LITTLE LEAGUE COMPLEX--CHANGE PURPOSE FOR LOS RANCHOS-ALAMEDA LITTLE LEAGUE COMPLEX AND PARK INFRASTRUCTURE IN BERNALILLO COUNTY--EXTEND EXPENDITURE PERIOD.--The balance of the proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection D of Section 11 of Chapter 118 of Laws 1998 to design and construct improvements at the Alameda little league complex at the balloon fiesta park in Albuquerque in Bernalillo county shall not be expended for the original purpose but is reauthorized and reappropriated to acquire land for, plan, design and develop the Los Ranchos-Alameda little league complex and park infrastructure in Bernalillo county. The period of time in which the appropriation may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 20. GRANTS CULTURAL AND PERFORMING ARTS FACILITY IN CIBOLA COUNTY--CHANGE PURPOSE.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection QQQQQQQQ of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) for renovation and addition to the cultural and performing arts facility in downtown Grants in Cibola county shall not be expended for the original purpose but are reauthorized and appropriated to purchase, renovate or equip buildings for a cultural and performing arts facility in downtown Grants in Cibola county.

Section 21. WASHINGTON STREET TENNIS COURTS--CHANGE PURPOSE FOR PLAYGROUND EQUIPMENT AT VARIOUS PARKS IN GRANTS IN CIBOLA COUNTY--EXTEND EXPENDITURE PERIOD.-

-The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection JJ of Section 17 of Chapter 2 of Laws 1999 (1st S.S.) to make improvements to the Washington street tennis courts in Grants in Cibola county shall not be expended for the original purpose but are appropriated to purchase and install playground equipment at various public parks in Grants in Cibola county. The period of time in which the appropriation may be expended is extended through fiscal year 2003. Any unexpended or unencumbered balance remaining at the end of fiscal year 2003 shall revert to the severance tax bonding fund.

Section 22. PADDY MARTINEZ PARK TENNIS COURTS--CHANGE PURPOSE FOR PLAYGROUND EQUIPMENT AT VARIOUS PARKS IN GRANTS IN CIBOLA COUNTY--EXTEND EXPENDITURE PERIOD.-

-On the effective date of this act, the balance of the unencumbered proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection QQQQ of Section 9 of Chapter 7 of Laws 1998 to resurface existing tennis courts at Paddy Martinez park in Grants in Cibola county shall not be expended for the original purpose but is appropriated to purchase and install playground equipment at various public parks in Grants in Cibola county. The period of time in which the appropriation may be expended is extended through fiscal year 2003. Any unexpended or unencumbered balance remaining at the end of fiscal year 2003 shall revert to the severance tax bonding fund.

Section 23. GRANTS HEAD START PORTABLE BUILDINGS--CHANGE PURPOSES FOR PORTABLE BUILDINGS FOR CIBOLA COUNTY--EXTEND EXPENDITURE PERIOD.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection OOOOOOOO of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) to purchase a modular office building to be used for the Grants project head start in Cibola county and pursuant to

Subsection RRRR of Section 9 of Chapter 7 of Laws 1998 to purchase, relocate, set up and carpet two portable buildings for the head start program in Grants in Cibola county shall not be expended for the original purposes but are reauthorized and appropriated to purchase, relocate, set up and carpet portable buildings for Cibola county. The period of time in which these appropriations may be expended is extended through fiscal year 2005. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the severance tax bonding fund.

Section 24. ANGEL FIRE VETERANS' CEMETERY LAND--CHANGE GENERAL FUND APPROPRIATION PURPOSE TO IMPROVE CHAPEL AND GROUNDS AT VIETNAM VETERANS' MEMORIAL IN ANGEL FIRE IN COLFAX COUNTY.--The general fund appropriation made to the local government division of the department of finance and administration pursuant to Subsection SSSS of Section 44 of Chapter 23 of Laws 2000 (2nd S.S.) to purchase land for a veterans' cemetery near the Vietnam veterans' memorial in Angel Fire in Colfax county shall not be expended for the original purpose but is appropriated to improve the chapel and grounds at the Vietnam veterans' memorial in Angel Fire in Colfax county.

Section 25. SPRINGER LIBRARY ROOF--CHANGE PURPOSE TO UPGRADE LIBRARY INTERIOR IN SPRINGER IN COLFAX COUNTY.--On the effective date of this act, the balance of the unencumbered proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection QQQQQQQQQQ of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) to re-roof the public library in Springer in Colfax county shall not be expended for the original purpose but is reauthorized and appropriated to upgrade the interior spaces of the library, including replacing ceiling and floor tiles and making improvements to meet the requirements of the Americans with Disabilities Act of 1990, in Springer in Colfax county.

Section 26. RIO GRANDE HISTORIC THEATER IN LAS CRUCES IN DONA ANA COUNTY--CHANGE AGENCY.--The proceeds from the

sale of severance tax bonds appropriated to the office of cultural affairs pursuant to Subsection E of Section 6 of Chapter 23 of Laws 2000 (2nd S.S.) to furnish and equip the Rio Grande historic theater as a performing arts center in Las Cruces in Dona Ana county shall not be expended for the original purpose but are reauthorized and appropriated to the local government division of the department of finance and administration to furnish and equip the Rio Grande historic theater as a performing arts center in Las Cruces in Dona Ana county.

Section 27. HISTORIC RIO GRANDE THEATER IN LAS CRUCES IN DONA ANA COUNTY--CHANGE AGENCY AND EXPAND PURPOSE TO INCLUDE CONSTRUCTION.--The general fund appropriation made to the office of cultural affairs pursuant to Laws 2000 (2nd S.S.), Chapter 23, Section 38 to renovate, furnish and equip the historic Rio Grande theater to be used as a performing arts center in Las Cruces in Dona Ana county is appropriated to the local government division of the department of finance and administration and may also be expended to construct the historic Rio Grande theater as a performing arts center in Las Cruces in Dona Ana county.

Section 28. NEW HORIZONS FACILITY FIRE SPRINKLER SYSTEM--CHANGE PURPOSE FOR SECURITY FENCING AROUND WATER RESOURCES IN LINCOLN COUNTY.--The severance tax bond proceeds appropriated to the local government division of the department of finance and administration pursuant to Subsection ZZZZZZ of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) for a fire sprinkler system at the New Horizons facility in county-owned buildings in Carrizozo in Lincoln county shall not be expended for the original purpose but are reauthorized and appropriated to install security fencing around critical water resources in Lincoln county.

Section 29. NEW HORIZONS FACILITY FIRE SPRINKLER SYSTEM--EXPAND PURPOSE TO REPAIR ROOF IN CARRIZOZO IN LINCOLN COUNTY.--On the effective date of this act, the balance of the unencumbered proceeds from the sale of severance tax bonds appropriated to the local government division of the department of

finance and administration pursuant to Subsection GGGG of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) for a fire sprinkler system at the New Horizons facility located in county-owned buildings in Carrizozo in Lincoln county may also be expended to repair the roof at the New Horizons facility in county-owned buildings in Carrizozo in Lincoln county.

Section 30. LINCOLN COUNTY FAIRGROUNDS RENOVATIONS--EXPAND PURPOSE TO INCLUDE CONSTRUCTION.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection FFFF of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) to renovate facilities, rings and lighting and electrical and water lines at the Lincoln county fairgrounds may also be expended to construct facilities, rings and lighting and electrical and water lines at the Lincoln county fairgrounds.

Section 31. LINCOLN COUNTY FAIRGROUNDS RENOVATIONS--EXPAND PURPOSE OF GENERAL FUND APPROPRIATION TO INCLUDE CONSTRUCTION.--The general fund appropriation made in Subsection LLL of Section 44 of Chapter 23 of Laws 2000 (2nd S.S.) to the local government division of the department of finance and administration to renovate facilities, rings and lighting and electrical and water lines at the Lincoln county fairgrounds may also be expended to construct facilities, rings and lighting and electrical and water lines at the Lincoln county fairgrounds.

Section 32. RUIDOSO MUSEUM OF THE HORSE--CHANGE PURPOSE FOR EXHIBITS AND EQUIPMENT AT THE BILLY THE KID SCENIC BYWAY CENTER IN RUIDOSO IN LINCOLN COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection JJJJJJJ of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) for exhibits and equipment at the museum of the horse in Ruidoso in Lincoln county shall not be expended for the original purpose but are reauthorized and appropriated for exhibits and equipment at the Billy the Kid scenic byway center, owned by the village of Ruidoso and operated by the

Hubbard museum of the American west in Ruidoso in Lincoln county.

Section 33. RIO CHAMA VALLEY GAS DISTRIBUTION SYSTEM--CHANGE PURPOSE TO FURNISH AND EQUIP THE HANDS ACROSS CULTURE TEEN CENTER IN ARROYO SECO IN SANTA FE COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection LLLL of Section 11 of Chapter 118 of Laws 1998 to conduct a study and perform engineering work to extend a gas distribution system for the Rio Chama valley and surrounding communities in Rio Arriba county shall not be expended for the original purpose but are reauthorized and appropriated for the purchase of furniture and equipment for the hands across culture teen center, serving teens in Rio Arriba and Santa Fe counties, in Arroyo Seco in Santa Fe county.

Section 34. TAOS SKI VALLEY ADMINISTRATION BUILDING EXPANSION--CHANGE PURPOSE FOR DESIGN AND CONSTRUCTION OF BUILDING IN TAOS SKI VALLEY IN TAOS COUNTY--EXTEND EXPENDITURE PERIOD.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection IIIII of Section 11 of Chapter 118 of Laws 1998 to expand the administration building in Taos Ski Valley in Taos county shall not be expended for the original purpose but are reauthorized and appropriated to design and construct an administration building at Taos Ski Valley in Taos county. The period of time in which this appropriation may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 35. CLAYTON PUBLIC SWIMMING POOL--CHANGE PURPOSE FOR CLAYTON RECREATIONAL FACILITY IN UNION COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection OOOOOOOOOO of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) to plan, design

and construct a public swimming pool in Clayton in Union county, contingent upon the passage of an eight hundred thousand dollar (\$800,000) bond issue in Union county, shall not be expended for the original purpose but are reauthorized and appropriated to plan, design and construct a recreational facility in Clayton in Union county.

Section 36. CLAYTON PUBLIC SWIMMING POOL--CHANGE PURPOSE OF GENERAL FUND APPROPRIATION FOR A RECREATIONAL FACILITY IN CLAYTON IN UNION COUNTY.--The general fund appropriation made to the local government division of the department of finance and administration pursuant to Subsection CCCC of Section 44 of Chapter 23 of Laws 2000 (2nd S.S.) to plan, design and construct a public swimming pool in Clayton in Union county, contingent upon the passage of an eight hundred thousand dollar (\$800,000) bond issue in Union county, shall not be expended for the original purpose but is appropriated to plan, design and construct a recreational facility in Clayton in Union county.

Section 37. CLAYTON SWIMMING POOL--CHANGE PURPOSE OF GENERAL FUND APPROPRIATION FOR A RECREATIONAL FACILITY IN UNION COUNTY.--The general fund appropriation made to the local government division of the department of finance and administration pursuant to Paragraph (2) of Subsection B of Section 34 of Chapter 23 of Laws 2000 (2nd S.S.) to construct the municipal swimming pool in Clayton in Union county shall not be expended for the original purpose but is appropriated to plan, design and construct a recreational facility in Clayton in Union county.

Section 38. CLYDE TOMBAUGH SPACE THEATER AND PLANETARIUM RE-ROOFING--CHANGE PURPOSE FOR IMPROVEMENTS TO THE NEW MEXICO MUSEUM OF SPACE HISTORY IN ALAMOGORDO IN OTERO COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the office of cultural affairs pursuant to Subsection C of Section 4 of Chapter 7 of Laws 1998 for re-roofing the Clyde Tombaugh space theater and planetarium at the space center in Alamogordo in Otero county

shall not be expended for the original purpose but are reauthorized and appropriated for improvements to the facility, equipment or exhibits of the New Mexico museum of space history in Alamogordo in Otero county. The period of time in which this appropriation may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 39. PUEBLO OF LAGUNA REHABILITATION CENTER-- CHANGE PURPOSE FOR AN INTEGRATED JUVENILE AND ADULT DETENTION CENTER, POLICE HEADQUARTERS AND JUDICIAL COMPLEX IN CIBOLA COUNTY--EXTEND EXPENDITURE PERIOD.-- The proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to Subsection B of Section 13 of Chapter 23 of Laws 2000 (2nd S.S.) to plan, design, construct and equip a rehabilitation center for incarceration, storage and custody control of inmates for the Pueblo of Laguna in Cibola county shall not be expended for the original purpose but are reauthorized and appropriated to plan, design and construct an integrated juvenile and adult detention center, police headquarters and judicial complex in the Pueblo of Laguna in Cibola county. The period of time in which the appropriation may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 40. PUEBLO OF LAGUNA REHABILITATION CENTER-- CHANGE PURPOSE FOR AN INTEGRATED JUVENILE AND ADULT DETENTION CENTER, POLICE HEADQUARTERS AND JUDICIAL COMPLEX IN CIBOLA COUNTY--EXTEND EXPENDITURE PERIOD.-- The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection SSSS of Section 9 of Chapter 7 of Laws 1998 to plan and design a detention facility in the Pueblo of Laguna in Cibola county and reauthorized and appropriated to the New Mexico office of Indian affairs pursuant to Laws 2000 (2nd S.S.), Chapter 23, Section 116 shall not be expended for the original purpose but are reauthorized and

appropriated to plan, design and construct an integrated juvenile and adult detention center, police headquarters and judicial complex in the Pueblo of Laguna in Cibola county. The period of time in which the appropriation may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 41. NAVAJO SEWAGE LAGOON FEASIBILITY STUDY--CHANGE LOCATION TO RAMAH NAVAJO CHAPTER IN CIBOLA COUNTY--EXTEND EXPENDITURE PERIOD.--The proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to Subsection Y of Section 18 of Chapter 118 of Laws 1998 for a feasibility study to plan, design and implement improvements to a sewage lagoon in Navajo in McKinley county shall not be expended for that purpose in Navajo but are reauthorized and appropriated for the same purpose at the Ramah Navajo chapter in Cibola county. The period of time in which the appropriation may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 42. NEW MEXICO OFFICE OF INDIAN AFFAIRS VARIOUS PROJECTS IN SHIPROCK, THE HUERFANO CHAPTER AND THE PUEBLO OF ZIA--EXTEND EXPENDITURE PERIODS.--The period of time in which the proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to the following subsections in Laws 1998, Chapter 7, Section 12 may be expended shall be extended through fiscal year 2006, and any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the severance tax bonding fund:

A. for the purpose of planning, designing or constructing the Shiprock veterans memorial building complex in San Juan county, pursuant to Subsection B;

B. to complete phases one and two of the Huerfano chapter multipurpose complex in San Juan county, pursuant to Subsection J; and

C. to complete phase two of the intergenerational center at the Pueblo of Zia in Sandoval county, pursuant to Subsection K.

Section 43. NEW MEXICO OFFICE OF INDIAN AFFAIRS PROJECTS IN SHIPROCK, NAVAJO AND THE BURNHAM CHAPTER--EXTEND EXPENDITURE PERIODS.--

A. The period of time in which the proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to the following subsections in Laws 1998, Chapter 118, Section 18 may be expended shall be extended through fiscal year 2006:

(1) to plan, design and construct a veterans memorial complex in Shiprock in San Juan county, pursuant to Subsection L;

(2) for a feasibility study to plan, design and implement improvements to a sewage lagoon in Navajo in McKinley county, pursuant to Subsection Y;

(3) for construction of phase four of the powerline extensions at Burnham chapter in San Juan county, pursuant to Subsection BB; and

(4) to plan, design and construct a veterans memorial complex in Shiprock in San Juan county, pursuant to Subsection DD.

B. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the severance tax bonding fund.

Section 44. UPPER FRUITLAND EARLY CHILDHOOD PROGRAM AND POWERLINE EXTENSION--CHANGE PURPOSES TO RENOVATE THE CHAPTER HOUSE AND PURCHASE A TRUCK IN SAN JUAN COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to Subsection P of Section 12 of Chapter 7 of Laws 1998 and reauthorized in Subsection A of Section 127 of Chapter 23 of Laws 2000 (2nd S.S.) to pave the parking lot; purchase and install fencing and playground equipment; and furnish, equip and complete utility extensions and hook-ups for the early childhood program, and in Subsection B of that section to extend a powerline to the Upper Fruitland subdivision, shall not be expended for those purposes but are reauthorized and appropriated as follows:

A. sixty thousand dollars (\$60,000) to renovate the chapter house in Upper Fruitland in San Juan county; and

B. forty thousand dollars (\$40,000) to purchase a truck for chapter use in Upper Fruitland in San Juan county.

Section 45. CLAYTON PUBLIC SCHOOL DISTRICT ALTERNATIVE SCHOOL FACILITY IN UNION COUNTY--CHANGE PURPOSE OF GENERAL FUND APPROPRIATION TO PURCHASE EQUIPMENT.--

The balance of the general fund appropriation made to the state department of public education pursuant to Subsection TT of Section 45 of Chapter 23 of Laws 2000 (2nd S.S.) to construct or renovate a facility to be used as an alternative school for the Clayton public school district in Union county shall not be expended for the original purpose but is appropriated to purchase equipment for the Clayton public school district in Union county.

Section 46. CLAYTON PUBLIC SCHOOL DISTRICT ALTERNATIVE SCHOOL FACILITY IN UNION COUNTY--CHANGE PURPOSE OF GENERAL FUND APPROPRIATION TO PURCHASE EQUIPMENT.--

On the effective date of this act, the balance of the unencumbered proceeds from the sale of severance tax bonds appropriated to the state department of public education pursuant to Subsection TTTT of Section 16 of Chapter 23 of Laws 2000 (2nd S.S.) to construct or renovate a facility to be used as an alternative school for the Clayton public school district in Union county shall not be expended for the original purpose but is reauthorized and appropriated to purchase equipment for the Clayton public school district in Union county.

Section 47. GRANTS MINING MUSEUM IN CIBOLA COUNTY--EXPAND PURPOSE--CHANGE AGENCY--EXTEND EXPENDITURE PERIOD.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection LL of Section 17 of Chapter 2 of Laws 1999 (1st S.S.) to renovate the New Mexico mining museum in Grants in Cibola county are reauthorized and appropriated to the capital program fund and may also be expended to renovate exhibit space, including architectural design, exhibit construction and collection, flooring, lighting and

equipment, at the New Mexico mining museum in Grants in Cibola county. The period of time in which the appropriation may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 48. BACA HEAD START BUILDING--MCKINLEY COUNTY--CHANGE PURPOSE TO COMMUNICATIONS INFRASTRUCTURE IN ROCK SPRINGS CHAPTER IN MCKINLEY COUNTY--EXTEND EXPENDITURE PERIOD.--The proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to Subsection V of Section 12 of Chapter 7 of Laws 1998 for a building for a head start program in Baca in McKinley county shall not be expended for the original purpose but are reauthorized and appropriated to design and install telephone lines and other communications infrastructure at Rock Springs chapter in McKinley county. The period of time in which this appropriation may be expended is extended through fiscal year 2007.

Section 49. CROWNPOINT ASSISTED LIVING AND LITTLE WATER CHAPTER POWER LINE EXTENSIONS--CHANGE PURPOSE TO WHITEHORSE LAKE WATER INFRASTRUCTURE--EXTEND EXPENDITURE PERIOD.--The proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to Subsections J and Q of Section 15 of Chapter 2 of Laws 1999 (1st S.S.) to plan, design and construct an assisted living facility and nursing home to serve the region near Crownpoint in McKinley county and to plan, design and construct power line extensions at Little Water chapter in McKinley county shall not be expended for the original purposes but are reauthorized and appropriated to plan, design, acquire rights of way, complete surveys and assessments and construct domestic water system infrastructure in Whitehorse Lake in McKinley county. The period of time in which this appropriation may be expended is extended through fiscal year 2007.

Section 50. PUEBLO OF LAGUNA JUVENILE AND ADULT DETENTION CENTER--CHANGE PURPOSE FOR INTEGRATED JUVENILE AND ADULT DETENTION CENTER, POLICE

HEADQUARTERS AND JUDICIAL COMPLEX.--The proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to Subsection F of Section 12 of Chapter 7 of Laws 1998 to plan or design a juvenile and adult detention center in the pueblo of Laguna in Cibola county shall not be expended for the original purpose but are reauthorized and appropriated to plan, design and construct an integrated juvenile and adult detention center, police headquarters and judicial complex in the pueblo of Laguna in Cibola county. The period of time in which this appropriation may be expended is extended through fiscal year 2007.

Section 51. PUEBLO OF LAGUNA DETENTION FACILITY--CHANGE AGENCY AND PURPOSE FOR INTEGRATED JUVENILE AND ADULT DETENTION CENTER, POLICE HEADQUARTERS AND JUDICIAL COMPLEX.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection SSSS of Section 9 of Chapter 7 of Laws 1998 to plan and design a detention facility in Laguna pueblo in Cibola county shall not be expended for the original purpose but are reauthorized and appropriated to the New Mexico office of Indian affairs to plan, design and construct an integrated juvenile and adult detention center, police headquarters and judicial complex in the pueblo of Laguna in Cibola county. The period of time in which this appropriation may be expended is extended through fiscal year 2007.

Section 52. ROCK SPRINGS FIBER OPTIC STATION--CHANGE PURPOSE FOR COMMUNICATIONS INFRASTRUCTURE.--The proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to Subsection UU of Section 13 of Chapter 23 of Laws 2000 (2nd S.S.) to construct and equip a fiber optic station for Rock Springs in McKinley county shall not be expended for the original purpose but are reauthorized and appropriated to design and install telephone lines and other communication infrastructure at Rock Springs chapter. The period of time in which this appropriation may be expended is extended through fiscal year 2007.

Section 53. PROPERTY CONTROL DIVISION--MULTIPLE PROJECTS--CHANGE IN PURPOSE FOR STATE BUILDINGS--EXTEND EXPENDITURE PERIOD.--

A. The balances of the unencumbered proceeds from the sale of severance tax bonds appropriated to the property control division of the general services department pursuant to the following subsections of Section 14 of Chapter 118 of Laws 1998 for the following purposes shall not be expended for the original purposes but are reauthorized and appropriated to the capital program fund to renovate, repair and improve state buildings throughout the state:

(1) to make mechanical improvements, including replacement of chiller freon and related refrigeration equipment, to repair and replace boiler units and to install water treatment systems at state buildings throughout the state, pursuant to Subsection C;

(2) to plan, design, renovate and make improvements to buildings throughout the state, including necessary improvements in order to comply with the Americans with Disabilities Act of 1990, pursuant to Subsection E;

(3) to complete renovation of and make mechanical improvements at the office of the income support division of the human services department in southeast Bernalillo county, pursuant to Subsection F;

(4) to plan, design and install an emergency backup generator for the New Mexico veterans' center in Sierra county, pursuant to Subsection G;

(5) to replace the water tower and related piping at Fort Bayard medical center in Grant county, pursuant to Subsection H;

(6) to plan and design a state office building at the west capitol complex in Santa Fe county, pursuant to Subsection I;

(7) to complete the construction of, furnish and equip the library, records and archives center in Santa Fe county, pursuant to Subsection J;

(8) to renovate the reintegration centers in Albuquerque and Eagle Nest, in Bernalillo and Colfax counties, respectively, pursuant to Subsection K;

(9) to make improvements to convert certain housing units at the north facility to administrative segregation use at the penitentiary of New Mexico in Santa Fe county, pursuant to Subsection M;

(10) to make improvements to the education building in order to convert it to a mental health, reception and diagnostic center at the central New Mexico correctional facility in Valencia county, pursuant to Subsection N; and

(11) to acquire land, plan, design, construct, equip and furnish a state police office in Gallup in McKinley county, pursuant to Subsection O.

B. The period of time in which the appropriation may be expended is extended through fiscal year 2006. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the severance tax bonding fund.

Section 54. WEST CAPITOL COMPLEX OFFICE BUILDING AND NEA BUILDING IMPROVEMENTS--EXPANDING THE PURPOSE OF AN APPROPRIATION FROM THE PROPERTY CONTROL RESERVE FUND TO RELOCATE AGENCIES IN THE LA VILLA RIVERA BUILDING AND MARIAN HALL IN SANTA FE COUNTY.--The appropriation made from the property control reserve fund to the capital program fund pursuant to Laws 2000 (2nd S.S.), Chapter 23, Section 33 to plan, design, construct, furnish and equip a new office building at the west capitol complex and to purchase and improve the NEA building in Santa Fe in Santa Fe county may also be expended to relocate the state agencies currently housed in the La Villa Rivera building and Marian hall, including making infrastructure improvements, in Santa Fe county.

Section 55. SANTA FE DETOXIFICATION CENTER--CHANGE PURPOSE TO SANTA FE COUNTY DWI PROGRAM CENTER--EXTEND EXPENDITURE PERIOD.--The severance tax bond proceeds appropriated to the local government division of the department of finance and administration pursuant to Subsection KKK of Section 9 of Chapter 7 of Laws 1998 and amended in Laws 1999 (1st S.S.), Chapter 2, Section 91 to plan, design, construct or equip a detoxification center to be built near the law enforcement complex in Santa Fe county shall not be expended for the original or amended purpose but are reauthorized and appropriated to plan, design, construct or equip a DWI program center to be built in Santa Fe county. The period of time in which this appropriation may be expended shall be extended through fiscal year 2004. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the severance tax bonding fund.

Section 56. NAVAJO COMMUNITY PARK-CAMP ASSAYI SWIMMING POOL--CHANGE PURPOSE FOR A FOOD DISTRIBUTION CENTER AND WAREHOUSE IN MEXICAN SPRINGS IN MCKINLEY COUNTY.--

The proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to Subsection B of Section 18 of Chapter 118 of Laws 1998 to construct a swimming pool at Navajo community park-camp Assayi in McKinley county shall not be expended for the original purpose but are reauthorized and appropriated to plan, design and construct a food distribution center and warehouse in Mexican Springs in McKinley county. The period of time in which this appropriation may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 57. EL PORVENIR CEMETERY AND HISTORICAL BUILDING UPGRADE--CHANGE PURPOSE TO CONSTRUCT PUBLIC HEALTH OFFICE IN LAS VEGAS IN SAN MIGUEL COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsections AAAAAAA and FFFFFFFF of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) to upgrade the cemetery and renovate a historical building in El Porvenir and to make capital improvements at the San Miguel medical center in San Miguel county shall not be expended for the original purpose but are reauthorized and appropriated for phase 2 construction of the public health office in Las Vegas in San Miguel county.

Section 58. PUEBLO OF TESUQUE SENIOR CENTER--EXTEND EXPENDITURE PERIOD.--The period of time in which severance tax bond proceeds appropriated to the department of environment pursuant to Subsection D of Section 10 of Chapter 148 of Laws 1994 and reauthorized in Laws 1996, Chapter 14, Section 33 to the state agency on aging for the purpose of planning, designing, constructing and equipping a senior center at Tesuque pueblo in Santa Fe county may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 59. LONE MOUNTAIN AND TWIN SISTERS WELLFIELDS--EXPAND PURPOSE FOR WATER SYSTEM IMPROVEMENTS IN

SANTA CLARA IN GRANT COUNTY--EXTEND EXPENDITURE PERIOD.--The proceeds from the sale of severance tax bonds appropriated to the department of environment pursuant to Subsection A of Section 8 of Chapter 7 of Laws 1998 and Subsection I of Section 9 of Chapter 118 of Laws 1998 for improvements to the Lone Mountain and Twin Sisters wellfields in Santa Clara in Grant county may also be expended to make improvements to the water system in Santa Clara in Grant county. The period of time in which this appropriation may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 60. STATE LIBRARY, RECORDS AND ARCHIVES BUILDING--CHANGE PURPOSE AND AGENCY FOR SANTA FE COUNTY REGIONAL WATER SYSTEM FEASIBILITY STUDY--EXTEND EXPENDITURE PERIOD.--The balance of the general fund appropriation to the property control division of the general services department pursuant to Subsection N of Section 3 of Chapter 366 of Laws 1993 and extended in Subparagraph (a) of Paragraph (3) of Subsection A of Section 71 of Chapter 148 of Laws 1994 to fund a state library, records and archives building study committee and a comprehensive state library, records and archives building plan and further extended with an expansion of purpose in Laws 1996, Chapter 14, Section 11 to include construction of the state library, records and archives building shall not be expended for the original or expanded purposes but is appropriated to the department of environment for a regional water system feasibility study for the communities of La Puebla, Sombrillo, Cuartelez and El Valle de Arroyo Seco in Santa Fe county. The period of time in which this appropriation may be expended is extended through fiscal year 2006. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the general fund.

Section 61. PINON HILLS COUNTY ROAD 70A IMPROVEMENTS--CHANGE PURPOSE TO IMPROVE CALLE ENRIQUE AND COUNTY ROAD 70A IN SANTA FE COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the state highway and

transportation department pursuant to Subsection FFF of Section 14 of Chapter 2 of Laws 1999 (1st S.S.) to improve Pinon Hills county road 70A in Santa Fe county shall not be expended for the original purpose but are reauthorized and appropriated to improve Calle Enrique in the Pinon Hills subdivision and county road 70A in Santa Fe county.

Section 62. ATRISCO-FIVE POINTS AREA MULTIPURPOSE SERVICE CENTER IN BERNALILLO COUNTY--EXTEND EXPENDITURE PERIOD.--The period of time in which the proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection M of Section 11 of Chapter 118 of Laws 1998 to plan, design and construct a multipurpose service center in the Atrisco-Five Points area of the south valley in Bernalillo county may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 63. YOUNG AMERICAN FOOTBALL LEAGUE--CHANGE PURPOSE FOR A RECREATION BUILDING IN ALBUQUERQUE IN BERNALILLO COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsections N, O and R of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) to design and construct a facility to be used to house the young American football league in Albuquerque in Bernalillo county shall not be expended for the original purpose but are reauthorized and appropriated for design and construction of a recreation building in Albuquerque in Bernalillo county.

Section 64. PAT HURLEY PARK MODULARS--CHANGE PURPOSE TO PAT HURLEY PARK PEDESTRIAN STAIRWAY IN ALBUQUERQUE IN BERNALILLO COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection C of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) to remodel and furnish both modular buildings at Pat Hurley park in

Albuquerque in Bernalillo county shall not be expended for the original purpose but are reauthorized and appropriated to plan, design and construct an outdoor pedestrian stairway at Pat Hurley park in Albuquerque in Bernalillo county.

Section 65. PAT HURLEY PARK MODULARS--CHANGE PURPOSE OF GENERAL FUND APPROPRIATION TO PAT HURLEY PARK PEDESTRIAN STAIRWAY IN ALBUQUERQUE IN BERNALILLO COUNTY.--The general fund appropriation made to the local government division of the department of finance and administration pursuant to Subsection A of Section 44 of Chapter 23 of Laws 2000 (2nd S.S.) to remodel and furnish both modular buildings at Pat Hurley park in Albuquerque in Bernalillo county shall not be expended for the original purpose but is appropriated to plan, design and construct an outdoor pedestrian stairway at Pat Hurley park in Albuquerque in Bernalillo county.

Section 66. LOS RANCHOS COMMUNITY CENTER--EXPAND PURPOSE TO INCLUDE LAND ACQUISITION, PLANNING AND DESIGN.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection BBBBBBBBBB of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) for the construction of the community center in Los Ranchos in Bernalillo county may also be expended to plan, acquire land for and design the center.

Section 67. LOS RANCHOS BICYCLE TRAIL--EXPAND PURPOSE OF GENERAL FUND APPROPRIATION FOR REAL ESTATE, PLANNING AND DESIGN.--The general fund appropriation made to the local government division of the department of finance and administration pursuant to Subsection U of Section 44 of Chapter 23 of Laws 2000 (2nd S.S.) for bicycle trail construction and improvements in Los Ranchos de Albuquerque in Bernalillo county may also be expended to plan, acquire real estate for and design the trail.

Section 68. CHAVES COUNTY COURTHOUSE COMPLEX--EXPAND PURPOSE FOR DESIGN AND CONSTRUCTION--EXTEND

EXPENDITURE PERIOD.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection NN of Section 11 of Chapter 118 of Laws 1998 to equip and furnish the Chaves county courthouse complex in Chaves county may also be expended to design and construct the Chaves county courthouse complex in Chaves county. The period of time in which this appropriation may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 69. HOSPITALITY HOUSE SENIOR CENTER--CHANGE PURPOSE AND AGENCY TO RENOVATE EASTSIDE COMMUNITY CENTER IN DONA ANA COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the state agency on aging pursuant to Subsection B of Section 4 of Chapter 23 of Laws 2000 (2nd S.S.) to renovate the kitchen, replace the roof and update the bathrooms at Hospitality House senior center in Las Cruces in Dona Ana county shall not be expended for the original purpose but are reauthorized and appropriated to the local government division of the department of finance and administration to renovate the Eastside community center in Dona Ana county.

Section 70. MORA COUNTY JAIL--CHANGE PURPOSE TO RENOVATE FORMER COUNTY JAIL TO CONVERT TO OFFICE SPACE.--On the effective date of this act, the balance of the unencumbered proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection LLLL of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) to renovate the county jail in Mora county shall not be expended for the original purpose but is reauthorized and appropriated to renovate the former county jail and convert it into office space in Mora county.

Section 71. NANCY'S TRAIL ROAD--CHANGE PURPOSE FOR SUNRISE ROAD IMPROVEMENTS IN SANTA FE COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the state highway and transportation department pursuant to

Subsection XXX of Section 14 of Chapter 2 of Laws 1999 (1st S.S.) to improve Nancy's trail road in Santa Fe county shall not be expended for the original purpose but are reauthorized and appropriated to improve Sunrise road in Santa Fe county.

Section 72. EL CAMINO REAL STATE MONUMENT IN SOCORRO COUNTY--EXTEND EXPENDITURE PERIOD.--The period of time in which the proceeds from the sale of severance tax bonds appropriated to the office of cultural affairs pursuant to Subsection A of Section 3 of Chapter 4 of Laws 1996 (S.S.) and extended in Laws 1998, Chapter 118, Section 41 to construct El Camino Real state monument for the museum of New Mexico in Socorro county may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 73. TORREON STAR LAKE CHAPTER ADMINISTRATIVE COMPLEX--CHANGE PURPOSE FOR PURCHASE AND TRANSPORT OF A MODULAR BUILDING.--The balance of the unencumbered proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to Subsection CC of Section 15 of Chapter 2 of Laws 1999 (1st S.S.) for developing and constructing building sites and infrastructure, plumbing and sewer system installation and the purchase of manufactured housing to be used as an administrative office complex for the Torreon Star Lake chapter in Sandoval and McKinley counties shall not be expended for the original purpose, but is reauthorized and appropriated to purchase and transport a modular building for the Torreon Star Lake chapter in Sandoval and McKinley counties. The period of time in which the appropriation may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 74. BLANCO CANYON BATHROOM ADDITIONS--CHANGE PURPOSE FOR BATHROOM ADDITIONS AND IMPROVEMENTS IN THE CARSON SOUTH AREA OF HUERFANO IN SAN JUAN COUNTY.--The balance of the proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs

pursuant to Subsection OO of Section 13 of Chapter 23 of Laws 2000 (2nd S.S.) for bathroom additions at Blanco canyon in the Huerfano chapter in San Juan county shall not be expended for its original purpose but is reauthorized and appropriated to construct bathroom additions, install plumbing and improve substandard bathrooms in the homes of indigent families in the Carson south area of Huerfano in San Juan county.

Section 75. OTIS SOUTH AREA OF HUERFANO BATHROOM ADDITIONS--CHANGE PURPOSE OF GENERAL FUND APPROPRIATION FOR BATHROOM ADDITIONS AND IMPROVEMENTS IN THE CARSON SOUTH AREA OF HUERFANO IN SAN JUAN COUNTY.--The balance of the general fund appropriation made to the New Mexico office of Indian affairs pursuant to Subsection R of Section 42 of Chapter 23 of Laws 2000 (2nd S.S.) to construct bathroom additions and install plumbing in homes of indigent families in the Otis south area of Huerfano in San Juan county shall not be expended for its original purpose but is appropriated to construct bathroom additions, install plumbing and improve substandard bathrooms in the homes of indigent families in the Carson south area of Huerfano in San Juan county.

Section 76. PUEBLO OF SAN ILDEFONSO CAPITAL PROJECTS--CHANGE PURPOSE TO RENOVATE COMMUNITY CENTER--EXTEND EXPENDITURE PERIOD.--The proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to Subsection N of Section 18 of Chapter 118 of Laws 1998 and reauthorized in Subsections A, B and C of Section 90 of Chapter 2 of Laws 1999 (1st S.S.) for various capital projects at the pueblo of San Ildefonso in Santa Fe county shall not be expended for the original purposes but are reauthorized and appropriated to renovate a community center at the pueblo of San Ildefonso in Santa Fe county. The period of time in which this appropriation may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

**Section 77. ALAMO COURT BUILDING IN SOCORRO COUNTY--
EXPAND PURPOSE.--The proceeds from the sale of severance tax
bonds appropriated to the corrections department pursuant to
Laws 1995, Chapter 214, Section 3, reauthorized in Paragraph (15)
of Subsection A of Section 23 of Chapter 14 of Laws 1996 to the
New Mexico office of Indian affairs for designing, constructing and
equipping a court building for the Navajo Nation in Alamo in
Socorro county and further reauthorized to extend the expenditure
period pursuant to Laws 2000 (2nd S.S.), Chapter 23, Section 89,
may also be expended to plan, purchase, install, furnish and
landscape a building for court purposes in Alamo in Socorro
county.**

**Section 78. REPEAL.--LAWS 2000 (2nd S.S.), Chapter 23, Section 84
is repealed.**

SENATE FINANCE COMMITTEE SUBSTITUTE

FOR SENATE BILL 358, AS AMENDED

CHAPTER 100

CHAPTER 100, LAWS 2002

AN ACT

RELATING TO PSYCHOLOGISTS; GRANTING PRESCRIPTIVE AUTHORITY TO
CERTAIN PSYCHOLOGISTS; PROVIDING QUALIFICATIONS AND LIMITATIONS;
REQUIRING MALPRACTICE INSURANCE.

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

**Section 1. Section 26-1-2 NMSA 1978 (being Laws 1967, Chapter 23,
Section 2, as amended) is amended to read:**

"26-1-2. DEFINITIONS.--As used in the New Mexico Drug, Device and Cosmetic
Act:

A. "board" means the board of pharmacy or its duly authorized agent;

B. "person" includes individual, partnership, corporation, association, institution or establishment;

C. "biological product" means any virus, therapeutic serum, toxin, antitoxin or analogous product applicable to the prevention, treatment or cure of diseases or injuries of man and domestic animals and, as used within the meaning of this definition:

(1) a "virus" is interpreted to be a product containing the minute living cause of an infectious disease and includes filterable viruses, bacteria, rickettsia, fungi and protozoa;

(2) a "therapeutic serum" is a product obtained from blood by removing the clot or clot components and the blood cells;

(3) a "toxin" is a product containing a soluble substance poisonous to laboratory animals or man in doses of one milliliter or less of the product and having the property, following the injection of nonfatal doses into an animal, or causing to be produced therein another soluble substance that specifically neutralizes the poisonous substance and that is demonstrable in the serum of the animal thus immunized; and

(4) an "antitoxin" is a product containing the soluble substance in serum or other body fluid of an immunized animal that specifically neutralizes the toxin against which the animal is immune;

D. "controlled substance" means any drug, substance or immediate precursor enumerated in Schedules I through V of the Controlled Substances Act;

E. "drug" means:

(1) articles recognized in an official compendium;

(2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals and includes the domestic animal biological products regulated under the federal Virus-Serum-Toxin Act, 37 Stat 832-833, 21 U.S.C. 151-158 and the biological products applicable to man regulated under Federal 58 Stat 690, as amended, 42 U.S.C. 216, Section 351, 58 Stat 702, as amended, and 42 U.S.C. 262;

(3) articles other than food that affect the structure or any function of the body of man or other animals; and

(4) articles intended for use as a component of Paragraph (1), (2) or (3) of this subsection, but does not include devices or their component parts or accessories;

F. "dangerous drug" means a drug, other than a controlled substance enumerated in Schedule I of the Controlled Substances Act, that because of a potentiality for harmful effect or the method of its use or the collateral measures necessary to its use is not safe except under the supervision of a practitioner licensed by law to direct the use of such drug and hence for which adequate directions for use cannot be prepared. "Adequate directions for use" means directions under which the layman can use a drug or device safely and for the purposes for which it is intended. A drug shall be dispensed only upon the prescription of a practitioner licensed by law to administer or prescribe such drug if it:

(1) is a habit-forming drug and contains any quantity of a narcotic or hypnotic substance or a chemical derivative of such substance that has been found under the federal act and the board to be habit forming;

(2) because of its toxicity or other potential for harmful effect or the method of its use or the collateral measures necessary to its use is not safe for use except under the supervision of a practitioner licensed by law to administer or prescribe the drug;

(3) is limited by an approved application by Section 505 of the federal act to the use under the professional supervision of a practitioner licensed by law to administer or prescribe the drug;

(4) bears the legend: "Caution: federal law prohibits dispensing without prescription.";

(5) bears the legend: "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian."; or

(6) bears the legend "RX only";

G. "counterfeit drug" means a drug other than a controlled substance that, or the container or labeling of which, without authorization, bears the trademark, trade name or other identifying mark, imprint or device or any likeness of a drug manufacturer, processor, packer or distributor other than the person who manufactured, processed, packed or distributed the drug and that falsely purports or is represented to be the product of or to have been packed or distributed by such other drug manufacturer, processor, packer or distributor;

H. "device", except when used in Subsection P of this section and in Subsection G of Section 26-1-3, Subsection L and Paragraph (4) of Subsection A of Section 26-1-11 and Subsection C of Section 26-1-24 NMSA 1978, means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including any component, part or accessory, that is:

(1) recognized in an official compendium;

(2) intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease in man or other animals; or

(3) intended to affect the structure or a function of the body of man or other animals and that does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animals and that is not dependent on being metabolized for achievement of any of its principal intended purposes;

I. "prescription" means an order given individually for the person for whom prescribed, either directly from the prescriber to the pharmacist or indirectly by means of a written order signed by the prescriber, and bearing the name and address of the prescriber, his license classification, the name and address of the patient, the name and quantity of the drug prescribed, directions for use and the date of issue. No person other than a practitioner shall prescribe or write a prescription;

J. "practitioner" means a physician, doctor of oriental medicine, dentist, veterinarian, certified nurse practitioner, clinical nurse specialist, pharmacist, pharmacist clinician, certified nurse-midwife, physician assistant, prescribing psychologist or other person licensed or certified to prescribe and administer drugs that are subject to the New Mexico Drug, Device and Cosmetic Act;

K. "cosmetic" means:

(1) articles intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance; and

(2) articles intended for use as a component of any articles enumerated in Paragraph (1) of this subsection, except that the term shall not include soap;

L. "official compendium" means the official United States pharmacopoeia national formulary or the official homeopathic pharmacopoeia of the United States or any supplement to either of them;

M. "label" means a display of written, printed or graphic matter upon the immediate container of an article. A requirement made by or under the authority of the New Mexico Drug, Device and Cosmetic Act that any word, statement or other information appear on the label shall not be considered to be complied with unless the word, statement or other information also appears on the outside container or wrapper, if any, of the retail package of the article or is easily legible through the outside container or wrapper;

N. "immediate container" does not include package liners;

O. "labeling" means all labels and other written, printed or graphic matter:

(1) on an article or its containers or wrappers; or

(2) accompanying an article;

P. "misbranded" means a label to an article that is misleading. In determining whether the label is misleading, there shall be taken into account, among other things, not only representations made or suggested by statement, word, design, device or any combination of the foregoing, but also the extent to which the label fails to reveal facts material in the light of such representations or material with respect to consequences that may result from the use of the article to which the label relates under the conditions of use prescribed in the label or under such conditions of use as are customary or usual;

Q. "advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or that are likely to induce, directly or indirectly, the purchase of drugs, devices or cosmetics;

R. "antiseptic", when used in the labeling or advertisement of an antiseptic, shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be or represented as an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder or such other use as involves prolonged contact with the body;

S. "new drug" means any drug:

(1) the composition of which is such that the drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and efficacy of drugs, as safe and effective for use under the conditions prescribed, recommended or suggested in the labeling thereof; or

(2) the composition of which is such that the drug, as a result of investigation to determine its safety and efficacy for use under such conditions, has become so recognized, but that has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions;

T. "contaminated with filth" applies to a drug, device or cosmetic not securely protected from dirt, dust and, as far as may be necessary by all reasonable means, from all foreign or injurious contaminations, or a drug, device or cosmetic found to contain dirt, dust, foreign or injurious contamination or infestation;

U. "selling of drugs, devices or cosmetics" shall be considered to include the manufacture, production, processing, packing, exposure, offer, possession and holding of any such article for sale and the sale and the supplying or applying of any such article in the conduct of a drug or cosmetic establishment;

V. "color additive" means a material that:

(1) is a dye, pigment or other substance made by a process of synthesis or similar artifice or extracted, isolated or otherwise derived, with or without intermediate or final change of identity, from a vegetable, mineral, animal or other source; or

(2) when added or applied to a drug or cosmetic or to the human body or a part thereof, is capable, alone or through reaction with other substances, of imparting color thereto; except that such term does not include any material that has been or hereafter is exempted under the federal act;

W. "federal act" means the Federal Food, Drug and Cosmetic Act;

X. "restricted device" means a device for which the sale, distribution or use is lawful only upon the written or oral authorization of a practitioner licensed by law to administer, prescribe or use the device and for which the federal food and drug administration requires special training or skills of the practitioner to use or prescribe. This definition does not include custom devices defined in the federal act and exempt from performance standards or premarket approval requirements under Section 520(b) of the federal act; and

Y. "prescription device" means a device that, because of its potential for harm, the method of its use or the collateral measures necessary to its use, is not safe except under the supervision of a practitioner licensed in this state to direct the use of such device and for which "adequate directions for use" cannot be prepared, but that bears the label: "Caution: federal law restricts this device to sale by or on the order of a _____", the blank to be filled with the word "physician", "doctor of oriental medicine", "dentist", "veterinarian", "certified nurse practitioner", "clinical nurse specialist", "pharmacist", "pharmacist clinician", "certified nurse-midwife" or with the descriptive designation of any other practitioner licensed in this state to use or order the use of the device."

Section 2. Section 30-31-2 NMSA 1978 (being Laws 1972, Chapter 84, Section 2, as amended) is amended to read:

"30-31-2. DEFINITIONS.--As used in the Controlled Substances Act:

A. "administer" means the direct application of a controlled substance by any means to the body of a patient or research subject by a practitioner or his agent;

B. "agent" includes an authorized person who acts on behalf of a manufacturer, distributor or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman;

C. "board" means the board of pharmacy;

D. "bureau" means the narcotic and dangerous drug section of the criminal division of the United States department of justice, or its successor agency;

E. "controlled substance" means a drug or substance listed in Schedules I through V of the Controlled Substances Act or rules adopted thereto;

F. "counterfeit substance" means a controlled substance that bears the unauthorized trademark, trade name, imprint, number, device or other identifying mark or likeness of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the controlled substance;

G. "deliver" means the actual, constructive or attempted transfer from one person to another of a controlled substance or controlled substance analog, whether or not there is an agency relationship;

H. "dispense" means to deliver a controlled substance to an ultimate user or research subject pursuant to the lawful order of a practitioner, including the administering, prescribing, packaging, labeling or compounding necessary to prepare the controlled substance for that delivery;

I. "dispenser" means a practitioner who dispenses and includes hospitals, pharmacies and clinics where controlled substances are dispensed;

J. "distribute" means to deliver other than by administering or dispensing a controlled substance or controlled substance analog;

K. "drug" or "substance" means substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any respective supplement to those publications. It does not include devices or their components, parts or accessories;

L. "hashish" means the resin extracted from any part of marijuana, whether growing or not, and every compound, manufacture, salt, derivative, mixture or preparation of such resins;

M. "manufacture" means the production, preparation, compounding, conversion or processing of a controlled substance or controlled substance analog by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance:

(1) by a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or

(2) by a practitioner, or by his agent under his supervision, for the purpose of or as an incident to research, teaching or chemical analysis and not for sale;

N. "marijuana" means all parts of the plant cannabis, including any and all varieties, species and subspecies of the genus cannabis, whether growing or not, the seeds thereof and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds. It does not include the mature stalks of the plant, hashish, tetrahydrocannabinols extracted or isolated from marijuana, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination;

O. "narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation that is a chemical equivalent of any of the substances referred to in Paragraph (1) of this subsection, except the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw, including all parts of the plant of the species *Papaver somniferum* L. except its seeds; or

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, any salt, compound, isomer, derivative or preparation that is a chemical equivalent of any of these substances except decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine;

P. "opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. "Opiate" does not include, unless specifically designated as controlled under Section 30-31-5 NMSA 1978, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). "Opiate" does include its racemic and levorotatory forms;

Q. "person" means an individual, partnership, corporation, association, institution, political subdivision, government agency or other legal entity;

R. "practitioner" means a physician, doctor of oriental medicine, dentist, physician assistant, certified nurse practitioner, clinical nurse specialist, certified nurse-midwife, physician assistant, prescribing psychologist, veterinarian, pharmacist, pharmacist clinician or other person licensed or certified to prescribe and administer drugs that are subject to the Controlled Substances Act;

S. "prescription" means an order given individually for the person for whom is prescribed a controlled substance, either directly from the prescriber to the pharmacist or indirectly by means of a written order signed by the prescriber, in accordance with the Controlled Substances Act or rules adopted thereto;

T. "scientific investigator" means a person registered to conduct research with controlled substances in the course of his professional practice or research and includes analytical laboratories;

U. "ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal under the care, custody and control of the person or by a member of his household;

V. "drug paraphernalia" means all equipment, products and materials of any kind that are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or controlled substance analog in violation of the Controlled Substances Act. It includes:

(1) kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant that is a controlled substance or controlled substance analog or from which a controlled substance can be derived;

(2) kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances or controlled substance analogs;

(3) isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant that is a controlled substance;

(4) testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances or controlled substance analogs;

(5) scales or balances used, intended for use or designed for use in weighing or measuring controlled substances or controlled substance analogs;

(6) diluents and adulterants, such as quinine hydrochloride, mannitol, mannite dextrose and lactose, used, intended for use or designed for use in cutting controlled substances or controlled substance analogs;

(7) separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning and refining, marijuana;

(8) blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances or controlled substance analogs;

(9) capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances or controlled substance analogs;

(10) containers and other objects used, intended for use or designed for use in storing or concealing controlled substances or controlled substance analogs;

(11) hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances or controlled substance analogs into the human body;

(12) objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(a) metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;

(b) water pipes;

(c) carburetion tubes and devices;

(d) smoking and carburetion masks;

(e) roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small to hold in the hand;

(f) miniature cocaine spoons and cocaine vials;

(g) chamber pipes;

(h) carburetor pipes;

(i) electric pipes;

(j) air-driven pipes;

(k) chilams;

(l) bonges; or

(m) ice pipes or chillers; and

(13) in determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(a) statements by the owner or by anyone in control of the object concerning its use;

(b) the proximity of the object, in time and space, to a direct violation of the Controlled Substances Act or any other law relating to controlled substances or controlled substance analogs;

(c) the proximity of the object to controlled substances or controlled substance analogs;

(d) the existence of any residue of a controlled substance or controlled substance analog on the object;

(e) instructions, written or oral, provided with the object concerning its use;

(f) descriptive materials accompanying the object that explain or depict its use;

(g) the manner in which the object is displayed for sale; and

(h) expert testimony concerning its use;

W. "controlled substance analog" means a substance other than a controlled substance that has a chemical structure substantially similar to that of a controlled substance in Schedule I, II, III, IV or V or that was specifically designed to produce effects substantially similar to that of controlled substances in Schedule I, II, III, IV or V. Examples of chemical classes in which controlled substance analogs are found include the following:

(1) phenethylamines;

(2) N-substituted piperidines;

(3) morphinans;

- (4) ecgonines;
- (5) quinazolinones;
- (6) substituted indoles; and
- (7) arylcycloalkylamines.

Specifically excluded from the definition of "controlled substance analog" are those substances that are generally recognized as safe and effective within the meaning of the Federal Food, Drug and Cosmetic Act or have been manufactured, distributed or possessed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of Section 505 of the Federal Food, Drug and Cosmetic Act;

X. "human consumption" includes application, injection, inhalation, ingestion or any other manner of introduction; and

Y. "drug-free school zone" means a public school or property that is used for public school purposes and the area within one thousand feet of the school property line, but it does not mean any post-secondary school."

Section 3. Section 61-9-1 NMSA 1978 (being Laws 1963, Chapter 92, Section 1) is amended to read:

"61-9-1. SHORT TITLE.--Chapter 61, Article 9 NMSA 1978 may be cited as the "Professional Psychologist Act"."

Section 4. Section 61-9-3 NMSA 1978 (being Laws 1963, Chapter 92, Section 3, as amended) is amended to read:

"61-9-3. DEFINITIONS.--As used in the Professional Psychologist Act:

- A. "board" means the New Mexico state board of psychologist examiners;
- B. "conditional prescription certificate" means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication under the supervision of a licensed physician pursuant to the Professional Psychologist Act;
- C. "person" includes an individual, firm, partnership, association or corporation;
- D. "prescribing psychologist" means a licensed psychologist who holds a valid prescription certificate;

E. "prescription certificate" means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication pursuant to the Professional Psychologist Act;

F. "psychotropic medication" means a controlled substance or dangerous drug that may not be dispensed or administered without a prescription and whose primary indication for use has been approved by the federal food and drug administration for the treatment of mental disorders and is listed as a psychotherapeutic agent in drug facts and comparisons or in the American hospital formulary service;

G. "psychologist" means a person who engages in the practice of psychology or holds himself out to the public by any title or description of services representing himself as a psychologist, which incorporates the words "psychological", "psychologist", "psychology", or when a person describes himself as above and, under such title or description, offers to render or renders services involving the application of principles, methods and procedures of the science and profession of psychology to persons for compensation or other personal gain;

H. "practice of psychology" means the observation, description, evaluation, interpretation and modification of human behavior by the application of psychological principles, methods and procedures for the purpose of preventing or eliminating symptomatic, maladaptive or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health and mental health, and further means the rendering of such psychological services to individuals, families or groups regardless of whether payment is received for services rendered. The practice of psychology includes psychological testing or neuropsychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, behavior analysis and therapy; diagnosis and treatment of any mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct and the psychological aspects of physical illness, accident, injury and disability; and psychoeducational evaluation, therapy, remediation and consultation; and

I. "school" or "college" means a university or other institution of higher education that is regionally accredited and that offers a full-time graduate course of study in psychology as defined by rule of the board or that is approved by the American psychological association."

Section 5. Section 61-9-17 NMSA 1978 (being Laws 1963, Chapter 92, Section 16, as amended) is amended to read:

"61-9-17. DRUGS--MEDICINES.--

A. Except as provided in Subsections B and C of this section, psychologists or psychologist associates shall not administer or prescribe drugs or

medicine or in any manner engage in the practice of medicine as defined by the laws of this state.

B. A licensed psychologist holding a conditional prescription certificate may prescribe psychotropic medication under the supervision of a licensed physician pursuant to the Professional Psychologist Act.

C. A prescribing psychologist may prescribe psychotropic medication pursuant to the Professional Psychologist Act."

Section 6. A new section of the Professional Psychologist Act is enacted to read:

"CONDITIONAL PRESCRIPTION CERTIFICATE--PRESCRIPTION CERTIFICATE--APPLICATION--REQUIREMENTS--RULEMAKING BY BOARD--ISSUANCE, DENIAL, RENEWAL AND REVOCATION OF CERTIFICATION.--

A. A psychologist may apply to the board for a conditional prescription certificate. The application shall be made on a form approved by the board and be accompanied by evidence satisfactory to the board that the applicant:

(1) has completed a doctoral program in psychology from an accredited institution of higher education or professional school, or, if the program was not accredited at the time of the applicant's graduation, that the program meets professional standards determined acceptable by the board;

(2) holds a current license to practice psychology in New Mexico;

(3) has successfully completed pharmacological training from an institution of higher education approved by the board and the New Mexico board of medical examiners or from a provider of continuing education approved by the board and the New Mexico board of medical examiners;

(4) has passed a national certification examination approved by the board and the New Mexico board of medical examiners that tests the applicant's knowledge of pharmacology in the diagnosis, care and treatment of mental disorders;

(5) within the five years immediately preceding the date of application, has successfully completed an organized program of education approved by the board and the New Mexico board of medical examiners and consisting of didactic instruction of no fewer than four hundred fifty classroom hours in at least the following core areas of instruction:

(a) neuroscience;

(b) pharmacology;

- (c) psychopharmacology;
- (d) physiology;
- (e) pathophysiology;
- (f) appropriate and relevant physical and laboratory assessment; and
- (g) clinical pharmacotherapeutics;

(6) within the five years immediately preceding the date of application, has been certified by the applicant's supervising psychiatrist or physician as having successfully completed a supervised and relevant clinical experience, approved by the board and the New Mexico board of medical examiners, of no less than an eighty-hour practicum in clinical assessment and pathophysiology and an additional supervised practicum of at least four hundred hours treating no fewer than one hundred patients with mental disorders, the practica to have been supervised by a psychiatrist or other appropriately trained physician and determined by the board and the New Mexico board of medical examiners to be sufficient to competently train the applicant in the treatment of a diverse patient population;

(7) has malpractice insurance in place, sufficient to satisfy the rules adopted by the board and the New Mexico board of medical examiners, that will cover the applicant during the period the conditional prescription certificate is in effect; and

(8) meets all other requirements, as determined by rule of the board, for obtaining a conditional prescription certificate.

B. The board shall issue a conditional prescription certificate if it finds that the applicant has met the requirements of Subsection A of this section. The certificate shall be valid for a period of two years, at the end of which the holder may again apply pursuant to the provisions of Subsection A of this section. A psychologist with a conditional prescription certificate may prescribe psychotropic medication under the supervision of a licensed physician subject to the following conditions:

(1) the psychologist shall continue to hold a current license to practice psychology in New Mexico and continue to maintain malpractice insurance;

(2) the psychologist shall inform the board and the New Mexico board of medical examiners of the name of the physician under whose supervision the psychologist will prescribe psychotropic medication and promptly inform the board and the New Mexico board of medical examiners of any change of the supervising physician; and

(3) a physician supervising a psychologist prescribing psychotropic medication pursuant to a conditional prescription certificate shall inform the board and the New Mexico board of medical examiners that he is supervising the psychologist. The physician shall be individually responsible for the acts and omissions of the psychologist while under his supervision. This provision does not relieve the psychologist from liability for his acts and omissions.

C. A psychologist may apply to the board for a prescription certificate. The application shall be made on a form approved by the board and be accompanied by evidence satisfactory to the board that the applicant:

(1) has been issued a conditional prescription certificate and has successfully completed two years of prescribing psychotropic medication as certified by the supervising licensed physician;

(2) has successfully undergone a process of independent peer review approved by the board and the New Mexico board of medical examiners;

(3) holds a current license to practice psychology in New Mexico;

(4) has malpractice insurance in place, sufficient to satisfy the rules adopted by the board, that will cover the applicant as a prescribing psychologist; and

(5) meets all other requirements, as determined by rule of the board, for obtaining a prescription certificate.

D. The board shall issue a prescription certificate if it finds that the applicant has met the requirements of Subsection C of this section. A psychologist with a prescription certificate may prescribe psychotropic medication pursuant to the provisions of the Professional Psychologist Act if the psychologist:

(1) continues to hold a current license to practice psychology in New Mexico and continues to maintain malpractice insurance; and

(2) annually satisfies the continuing education requirements for prescribing psychologists, as set by the board, which shall be no fewer than twenty hours each year.

E. The board shall promulgate rules providing for the procedures to be followed in obtaining a conditional prescription certificate, a prescription certificate and renewals of a prescription certificate. The board may set reasonable application and renewal fees.

F. The board shall promulgate rules establishing the grounds for denial, suspension or revocation of conditional prescription certificates and prescription certificates authorized to be issued pursuant to this section, including a provision for

suspension or revocation of a license to practice psychology upon suspension or revocation of a certificate. Actions of denial, suspension or revocation of a certificate shall be in accordance with the Uniform Licensing Act."

Section 7. A new section of the Professional Psychologist Act is enacted to read:

"PRESCRIBING PRACTICES.--

A. A prescribing psychologist or a psychologist with a conditional prescription certificate may administer and prescribe psychotropic medication within the recognized scope of the profession, including the ordering and review of laboratory tests in conjunction with the prescription, for the treatment of mental disorders.

B. When prescribing psychotropic medication for a patient, the prescribing psychologist or the psychologist with a conditional prescription certificate shall maintain an ongoing collaborative relationship with the health care practitioner who oversees the patient's general medical care to ensure that necessary medical examinations are conducted, the psychotropic medication is appropriate for the patient's medical condition and significant changes in the patient's medical or psychological condition are discussed. The ongoing collaborative relationship shall be maintained pursuant to guidelines developed by the board and the New Mexico board of medical examiners, which shall optimize patient care. The guidelines shall ensure that the prescribing psychologist or the psychologist with a conditional prescription certificate and the treating physician coordinate and collaborate the care of the patient to provide optimal care. A committee composed of members of both boards shall be established and, pursuant to the guidelines, shall evaluate complaints. The committee shall report its findings and recommendations to each board for each board's appropriate actions.

C. A prescription written by a prescribing psychologist or a psychologist with a conditional prescription certificate shall:

- (1) comply with applicable state and federal laws;
- (2) be identified as issued by the psychologist as "psychologist certified to prescribe"; and
- (3) include the psychologist's board-assigned identification number.

D. A prescribing psychologist or a psychologist with a conditional prescription certificate shall not delegate prescriptive authority to any other person. Records of all prescriptions shall be maintained in patient records.

E. When authorized to prescribe controlled substances, a prescribing psychologist or a psychologist with a conditional prescription certificate shall file with the board in a timely manner all individual federal drug enforcement agency registrations

and numbers. The board and the New Mexico board of medical examiners shall maintain current records on every psychologist, including federal registrations and numbers.

F. The board shall provide to the board of pharmacy and the New Mexico board of medical examiners an annual list of prescribing psychologists and psychologists with conditional prescription certificates that contains the information agreed upon between the board, the New Mexico board of medical examiners and the board of pharmacy. The board shall promptly notify the board of pharmacy of psychologists who are added or deleted from the list.

G. For the purpose of this section:

(1) "collaborative relationship" means a cooperative working relationship between a prescribing psychologist or a psychologist with a conditional prescription certificate and a health care practitioner in the provision of patient care, including diagnosis and cooperation in the management and delivery of physical and mental health care; and

(2) "health care practitioner" means a physician, osteopathic physician or nurse practitioner."

Section 8. TEMPORARY PROVISION--PROGRESS REPORTS.--No later than December 1, 2002 and December 1, 2003, the New Mexico state board of psychologist examiners and the New Mexico board of medical examiners shall report to the governor and to the legislature on the progress made and any problems encountered in implementing the provisions of this act.

Section 9. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

HOUSE BILL 170, AS AMENDED

CHAPTER 101

CHAPTER 101, LAWS 2002

AN ACT

RELATING TO GAMING; CHANGING THE CERTIFICATION REQUIREMENTS FOR OFFICERS OF NONPROFIT ORGANIZATIONS SEEKING GAMING LICENSES; AMENDING THE GAMING CONTROL ACT; DECLARING AN EMERGENCY.

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

Section 1. Section 60-2E-20 NMSA 1978 (being Laws 1997, Chapter 190, Section 22, as amended) is amended to read:

"60-2E-20. INDIVIDUAL CERTIFICATION OF OFFICERS, DIRECTORS AND OTHER PERSONS.--

A. An officer, director, equity security holder of five percent or more, partner, general partner, limited partner, trustee or beneficiary of the company that holds or has applied for a license shall be certified individually, according to the provisions of the Gaming Control Act, and if in the judgment of the board the public interest is served by requiring any or all of the company's key executives to be certified, the company shall require those persons to apply for certification. A person who is required to be certified pursuant to this subsection shall apply for certification within thirty days after becoming an officer, director, equity security holder of five percent or more, partner, general partner, limited partner of five percent or more, trustee, beneficiary or key executive. A person who is required to be certified pursuant to a decision of the board shall apply for certification within thirty days after the board so requests.

B. The key executives of a nonprofit organization that holds or has applied for a license shall be certified individually. For purposes of this subsection, key executives are those officers, employees, volunteers and other persons who are designated by the nonprofit organization as key executives. The board may require additional officers, employees, volunteers and other persons to become certified if the board determines the public interest is served by the additional certifications. A person who is required to be certified pursuant to this subsection shall apply for certification within thirty days after becoming an officer or key executive. A person who is required to be certified pursuant to a decision of the board shall apply for certification within thirty days after the board so requests. An officer, employee, volunteer or other person required or requested to be certified shall provide to the board an application for certification, including personal history, financial statement, copies of the person's income tax returns for the three years immediately prior to the year of the application and other information that the board deems necessary or appropriate."

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

WITH EMERGENCY CLAUSE

SIGNED MARCH 5, 2002

CHAPTER 102

CHAPTER 102, LAWS 2002

AN ACT

RELATING TO GAMING; CHANGING PROVISIONS OF THE GAMING CONTROL ACT AND THE CRIMINAL CODE; CHANGING DEFINITIONS RELATING TO GAMING DEVICES; PROVIDING THAT POSSESSION OF AN UNLICENSED GAMING DEVICE IS ILLEGAL; MAKING TECHNICAL CORRECTIONS AND CLARIFICATIONS; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

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

Section 1. Section 30-19-1 NMSA 1978 (being Laws 1963, Chapter 303, Section 19-1, as amended) is amended to read:

"30-19-1. DEFINITIONS RELATING TO GAMBLING.--As used in Chapter 30, Article 19 NMSA 1978:

A. "antique gambling device" means a gambling device manufactured before 1970 and substantially in original condition that is not used for gambling or commercial gambling or located in a gambling place;

B. "bet" means a bargain in which the parties agree that, dependent upon chance, even though accompanied by some skill, one stands to win or lose anything of value specified in the agreement. A bet does not include:

(1) bona fide business transactions that are valid under the law of contracts, including:

(a) contracts for the purchase or sale, at a future date, of securities or other commodities; and

(b) agreements to compensate for loss caused by the happening of the chance, including contracts for indemnity or guaranty and life or health and accident insurance;

(2) offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance or to the bona fide owners of animals or vehicles entered in such contest;

(3) a lottery as defined in this section; or

(4) betting otherwise permitted by law;

C. "gambling device" means a contrivance other than an antique gambling device that is not licensed for use pursuant to the Gaming Control Act and that, for a consideration, affords the player an opportunity to obtain anything of value, the award of which is determined by chance, even though accompanied by some skill, whether or not the prize is automatically paid by the device;

D. "gambling place" means a building or tent, a vehicle, whether self-propelled or not, or a room within any of them that is not within the premises of a person licensed as a lottery retailer or that is not licensed pursuant to the Gaming Control Act, one of whose principal uses is:

(1) making and settling of bets;

(2) receiving, holding, recording or forwarding bets or offers to bet;

(3) conducting lotteries; or

(4) playing gambling devices; and

E. "lottery" means an enterprise wherein, for a consideration, the participants are given an opportunity to win a prize, the award of which is determined by chance, even though accompanied by some skill. "Lottery" does not include the New Mexico state lottery established and operated pursuant to the New Mexico Lottery Act or gaming that is licensed and operated pursuant to the Gaming Control Act. As used in this subsection, "consideration" means anything of pecuniary value required to be paid to the promoter in order to participate in a gambling or gaming enterprise."

Section 2. Section 60-2E-1 NMSA 1978 (being Laws 1997, Chapter 190, Section 3) is amended to read:

"60-2E-1. SHORT TITLE.--Chapter 60, Article 2E NMSA 1978 may be cited as the "Gaming Control Act"."

Section 3. Section 60-2E-3 NMSA 1978 (being Laws 1997, Chapter 190, Section 5, as amended) is amended to read:

"60-2E-3. DEFINITIONS.--As used in the Gaming Control Act:

A. "affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with a specified person;

B. "affiliated company" means a company that:

(1) controls, is controlled by or is under common control with a company licensee; and

(2) is involved in gaming activities or involved in the ownership of property on which gaming is conducted;

C. "applicant" means a person who has applied for a license or for approval of an act or transaction for which approval is required or allowed pursuant to the provisions of the Gaming Control Act;

D. "application" means a request for the issuance of a license or for approval of an act or transaction for which approval is required or allowed pursuant to the provisions of the Gaming Control Act, but "application" does not include a supplemental form or information that may be required with the application;

E. "associated equipment" means equipment or a mechanical, electromechanical or electronic contrivance, component or machine used in connection with gaming activity;

F. "board" means the gaming control board;

G. "certification" means a notice of approval by the board of a person required to be certified by the board;

H. "certified technician" means a person certified by a manufacturer licensee to repair and service gaming devices, but who is prohibited from programming gaming devices;

I. "company" means a corporation, partnership, limited partnership, trust, association, joint stock company, joint venture, limited liability company or other form of business organization that is not a natural person; "company" does not mean a nonprofit organization;

J. "distributor" means a person who supplies gaming devices to a gaming operator but does not manufacture gaming devices;

K. "equity security" means an interest in a company that is evidenced by:

(1) voting stock or similar security;

(2) a security convertible into voting stock or similar security, with or without consideration, or a security carrying a warrant or right to subscribe to or purchase voting stock or similar security;

(3) a warrant or right to subscribe to or purchase voting stock or similar security; or

(4) a security having a direct or indirect participation in the profits of the issuer;

L. "executive director" means the chief administrative officer appointed by the board pursuant to Section 60-2E-7 NMSA 1978;

M. "finding of suitability" means a certification of approval issued by the board permitting a person to be involved directly or indirectly with a licensee, relating only to the specified involvement for which it is made;

N. "game" means an activity in which, upon payment of consideration, a player receives a prize or other thing of value, the award of which is determined by chance even though accompanied by some skill; "game" does not include an activity played in a private residence in which no person makes money for operating the activity except through winnings as a player;

O. "gaming" means offering a game for play;

P. "gaming activity" means an endeavor associated with the manufacture or distribution of gaming devices or the conduct of gaming;

Q. "gaming device" means associated equipment or a gaming machine and includes a system for processing information that can alter the normal criteria of random selection that affects the operation of a game or determines the outcome of a game;

R. "gaming employee" means a person connected directly with a gaming activity; "gaming employee" does not include:

(1) bartenders, cocktail servers or other persons engaged solely in preparing or serving food or beverages;

(2) secretarial or janitorial personnel;

(3) stage, sound and light technicians; or

(4) other nongaming personnel;

S. "gaming establishment" means the premises on or in which gaming is conducted;

T. "gaming machine" means a mechanical, electromechanical or electronic contrivance or machine that, upon insertion of a coin, token or similar object, or upon payment of any consideration, is available to play or operate a game, whether the payoff is made automatically from the machine or in any other manner;

U. "gaming operator" means a person who conducts gaming;

V. "holding company" means a company that directly or indirectly owns or has the power or right to control a company that is an applicant or licensee, but a company that does not have a beneficial ownership of more than ten percent of the equity securities of a publicly traded corporation is not a holding company;

W. "immediate family" means natural persons who are related to a specified natural person by affinity or consanguinity in the first through the third degree;

X. "independent administrator" means a person who administers an annuity, who is not associated in any manner with the gaming operator licensee for which the annuity was purchased and is in no way associated with the person who will be receiving the annuity;

Y. "institutional investor" means a state or federal government pension plan or a person that meets the requirements of a qualified institutional buyer as defined in Rule 144A of the federal Securities Act of 1933, and is:

(1) a bank as defined in Section 3(a)(6) of the federal Securities Exchange Act of 1934;

(2) an insurance company as defined in Section 2(a)(17) of the federal Investment Company Act of 1940;

(3) an investment company registered under Section 8 of the federal Investment Company Act of 1940;

(4) an investment adviser registered under Section 203 of the federal Investment Advisers Act of 1940;

(5) collective trust funds as defined in Section 3(c)(11) of the federal Investment Company Act of 1940;

(6) an employee benefit plan or pension fund that is subject to the federal Employee Retirement Income Security Act of 1974, excluding an employee benefit plan or pension fund sponsored by a publicly traded corporation registered with the board; or

(7) a group comprised entirely of persons specified in Paragraphs (1) through (6) of this subsection;

Z. "intermediary company" means a company that:

(1) is a holding company with respect to a company that is an applicant or licensee; and

(2) is a subsidiary with respect to any holding company;

AA. "key executive" means an executive of a licensee or other person having the power to exercise significant influence over decisions concerning any part of the licensed operations of the licensee or whose compensation exceeds an amount established by the board in a rule;

BB. "license" means an authorization required by the board for engaging in gaming activities;

CC. "licensee" means a person to whom a valid license has been issued;

DD. "manufacturer" means a person who manufactures, fabricates, assembles, produces, programs or makes modifications to any gaming device for use or play in New Mexico or for sale, lease or distribution outside New Mexico from any location within New Mexico;

EE. "net take" means the total of the following, less the total of all cash paid out as losses to winning patrons and those amounts paid to purchase annuities to fund losses paid to winning patrons over several years by independent administrators:

(1) cash received from patrons for playing a game;

(2) cash received in payment for credit extended by a licensee to a patron for playing a game; and

(3) compensation received for conducting a game in which the licensee is not a party to a wager;

FF. "nonprofit organization" means:

(1) a bona fide chartered or incorporated branch, lodge, order or association, in existence in New Mexico prior to January 1, 1997, of a fraternal organization that is described in Section 501(c)(8) or (10) of the federal Internal Revenue Code of 1986 and that is exempt from federal income taxation pursuant to Section 501(a) of that code; or

(2) a bona fide chartered or incorporated post, auxiliary unit or society of, or a trust or foundation for the post or auxiliary unit, in existence in New Mexico prior to January 1, 1997, of a veterans' organization that is described in Section 501(c)(19) or (23) of the federal Internal Revenue Code of 1986 and that is exempt from federal income taxation pursuant to Section 501(a) of that code;

GG. "person" means a legal entity;

HH. "premises" means land, together with all buildings, improvements and personal property located on the land;

II. "progressive jackpot" means a prize that increases over time or as gaming machines that are linked to a progressive system are played and upon conditions established by the board may be paid by an annuity;

JJ. "public post-secondary educational institution" means an institution designated in Article 12, Section 11 of the constitution of New Mexico and an institution designated in Chapter 21, Articles 13, 14, 16 and 17 NMSA 1978;

KK. "progressive system" means one or more gaming machines linked to one or more common progressive jackpots;

LL. "publicly traded corporation" means a corporation that:

(1) has one or more classes of securities registered pursuant to the securities laws of the United States or New Mexico;

(2) is an issuer subject to the securities laws of the United States or New Mexico; or

(3) has one or more classes of securities registered or is an issuer pursuant to applicable foreign laws that, the board finds, provide protection for institutional investors that is comparable to or greater than the stricter of the securities laws of the United States or New Mexico;

MM. "registration" means a board action that authorizes a company to be a holding company with respect to a company that holds or applies for a license or that relates to other persons required to be registered pursuant to the Gaming Control Act;

NN. "subsidiary" means a company, all or a part of whose outstanding equity securities are owned, subject to a power or right of control or held, with power to vote, by a holding company or intermediary company; and

OO. "work permit" means a card, certificate or permit issued by the board, whether denominated as a work permit, registration card or otherwise, authorizing the employment of the holder as a gaming employee."

Section 4. Section 60-2E-7 NMSA 1978 (being Laws 1997, Chapter 190, Section 9, as amended) is amended to read:

"60-2E-7. BOARD'S POWERS AND DUTIES.--

A. The board shall implement the state's policy on gaming consistent with the provisions of the Gaming Control Act. It has the duty to fulfill all responsibilities assigned to it pursuant to that act, and it has all authority necessary to carry out those responsibilities. It may delegate authority to the executive director, but it retains accountability. The board is an adjunct agency.

B. The board shall:

(1) employ the executive director;

(2) make the final decision on issuance, denial, suspension and revocation of all licenses pursuant to and consistent with the provisions of the Gaming Control Act;

(3) develop, adopt and promulgate all regulations necessary to implement and administer the provisions of the Gaming Control Act;

(4) conduct itself, or employ a hearing officer to conduct, all hearings required by the provisions of the Gaming Control Act and other hearings it deems appropriate to fulfill its responsibilities;

(5) meet at least once each month; and

(6) prepare and submit an annual report in December of each year to the governor and the legislature, covering activities of the board in the most recently completed fiscal year, a summary of gaming activities in the state and any recommended changes in or additions to the laws relating to gaming in the state.

C. The board may:

(1) impose civil fines not to exceed twenty-five thousand dollars (\$25,000) for the first violation and fifty thousand dollars (\$50,000) for subsequent violations of any prohibitory provision of the Gaming Control Act or any prohibitory provision of a regulation adopted pursuant to that act;

(2) conduct investigations;

(3) subpoena persons and documents to compel access to or the production of documents and records, including books and memoranda, in the custody or control of any licensee;

(4) compel the appearance of employees of a licensee or persons for the purpose of ascertaining compliance with provisions of the Gaming Control Act or a regulation adopted pursuant to its provisions;

(5) administer oaths and take depositions to the same extent and subject to the same limitations as would apply if the deposition were pursuant to discovery rules in a civil action in the district court;

(6) sue and be sued subject to the limitations of the Tort Claims Act;

(7) contract for the provision of goods and services necessary to carry out its responsibilities;

(8) conduct audits, relevant to their gaming activities, of applicants, licensees and persons affiliated with licensees;

(9) inspect, examine, photocopy and audit all documents and records of an applicant or licensee relevant to his gaming activities in the presence of the applicant or licensee or his agent;

(10) require verification of income and all other matters pertinent to the gaming activities of an applicant or licensee affecting the enforcement of any provision of the Gaming Control Act;

(11) inspect all places where gaming activities are conducted and inspect all property connected with gaming in those places;

(12) summarily seize, remove and impound from places inspected any gaming devices, property connected with gaming, documents or records for the purpose of examination or inspection;

(13) inspect, examine, photocopy and audit documents and records, relevant to his gaming activities, of any affiliate of an applicant or licensee that the board knows or reasonably suspects is involved in the financing, operation or management of the applicant or licensee. The inspection, examination, photocopying and audit shall be in the presence of a representative of the affiliate or its agent when practicable; and

(14) except for the powers specified in Paragraphs (1) and (4) of this subsection, carry out all or part of the foregoing powers and activities through the executive director.

D. The board shall monitor all activity authorized in an Indian gaming compact between the state and an Indian nation, tribe or pueblo. The board shall appoint the state gaming representative for the purposes of the compact."

Section 5. Section 60-2E-8 NMSA 1978 (being Laws 1997, Chapter 190, Section 10, as amended) is amended to read:

"60-2E-8. BOARD REGULATIONS--DISCRETIONARY REGULATIONS--
PROCEDURE--REQUIRED PROVISIONS.--

A. The board may adopt any regulation:

- (1) consistent with the provisions of the Gaming Control Act; and
- (2) it decides is necessary to implement the provisions of the Gaming Control Act.

B. No regulation shall be adopted, amended or repealed without a public hearing on the proposed action before the board or a hearing officer designated by it. Notice of the subject matter of the regulation, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed regulation, amendment or repeal may be obtained shall be published once at least thirty days prior to the hearing date in a newspaper of general circulation and mailed at least thirty days prior to the hearing date to all persons who have made a written request for advance notice of hearing. All regulations and actions taken on regulations shall be filed in accordance with the State Rules Act.

C. The board shall adopt regulations:

- (1) prescribing the method and form of application to be followed by an applicant;
- (2) prescribing the information to be furnished by an applicant or licensee concerning his antecedents, immediate family, habits, character, associates, criminal record, business activities and financial affairs, past or present;
- (3) prescribing the manner and procedure of all hearings conducted by the board or a hearing officer;
- (4) prescribing the manner and method of collection and payment of fees;
- (5) prescribing the manner and method of the issuance of licenses, permits, registrations, certificates and other actions of the board not elsewhere prescribed in the Gaming Control Act;
- (6) defining the area, games and gaming devices allowed and the methods of operation of the games and gaming devices for authorized gaming;

(7) prescribing under what conditions the nonpayment of winnings is grounds for suspension or revocation of a license of a gaming operator;

(8) governing the manufacture, sale, distribution, repair and servicing of gaming devices;

(9) prescribing accounting procedures, security, collection and verification procedures required of licensees and matters regarding financial responsibility of licensees;

(10) prescribing what shall be considered to be an unsuitable method of operating gaming activities;

(11) restricting access to confidential information obtained pursuant to the provisions of the Gaming Control Act and ensuring that the confidentiality of that information is maintained and protected;

(12) prescribing financial reporting and internal control requirements for licensees;

(13) prescribing the manner in which winnings, compensation from gaming activities and net take shall be computed and reported by a gaming operator licensee;

(14) prescribing the frequency of and the matters to be contained in audits of and periodic financial reports relevant to his gaming activities from a gaming operator licensee consistent with standards prescribed by the board;

(15) prescribing the procedures to be followed by a gaming operator licensee for the exclusion of persons from gaming establishments;

(16) establishing criteria and conditions for the operation of progressive systems;

(17) establishing criteria and conditions for approval of procurement by the board of personal property valued in excess of twenty thousand dollars (\$20,000), including background investigation requirements for a person submitting a bid or proposal;

(18) establishing an applicant fee schedule for processing applications that is based on costs of the application review incurred by the board whether directly or through payment by the board for costs charged for investigations of applicants by state departments and agencies other than the board, which regulation shall set a maximum fee of one hundred thousand dollars (\$100,000); and

(19) establishing criteria and conditions for allowing temporary possession of gaming devices by post-secondary educational institutions and for trade shows."

Section 6. Section 60-2E-10 NMSA 1978 (being Laws 1997, Chapter 190, Section 12) is amended to read:

"60-2E-10. EXECUTIVE DIRECTOR--POWERS--DUTIES.--

A. The executive director shall implement the policies of the board.

B. The executive director shall employ all personnel who work for the board. The employees shall be covered employees pursuant to the provisions of the Personnel Act. Among those personnel, he shall employ and designate an appropriate number of individuals as law enforcement officers subject to proper certification pursuant to the Law Enforcement Training Act.

C. The executive director shall establish organizational units he determines are appropriate to administer the provisions of the Gaming Control Act.

D. The executive director:

(1) may delegate authority to subordinates as he deems necessary and appropriate, clearly delineating the delegated authority and the limitations on it, if any;

(2) shall take administrative action by issuing orders and instructions consistent with the Gaming Control Act and regulations of the board to assure implementation of and compliance with the provisions of that act and those regulations;

(3) may issue administrative citations to any licensee upon a reasonable belief that the licensee has violated or is violating any provision of the Gaming Control Act or regulations of the board;

(4) may conduct research and studies that will improve the operations of the board and the provision of services to the citizens of the state;

(5) may provide courses of instruction and practical training for employees of the board and other persons involved in the activities regulated by the board with the objectives of improving operations of the board and achieving compliance with the law and regulations;

(6) shall prepare an annual budget for the board and submit it to the board for approval; and

(7) shall make recommendations to the board of proposed regulations and any legislative changes needed to provide better administration of the Gaming Control Act and fair and efficient regulation of gaming activities in the state."

Section 7. Section 60-2E-11 NMSA 1978 (being Laws 1997, Chapter 190, Section 13) is amended to read:

"60-2E-11. INVESTIGATION OF EXECUTIVE DIRECTOR CANDIDATES AND EMPLOYEES.--

A. A person who is under consideration in the final selection process for appointment as the executive director shall file a disclosure statement pursuant to the requirements of this section, and the board shall not make an appointment of a person as executive director until a background investigation is completed by the department of public safety and a report is made to the board.

B. A person who has reached the final selection process for employment by the executive director shall file a disclosure statement pursuant to the requirements of this section if the executive director or the board has directed the person do so. The person shall not be further considered for employment until a background investigation is completed by the board's law enforcement officers and a report is made to the executive director.

C. Forms for the disclosure statements required by this section shall be developed by the board in cooperation with the department of public safety. At least the following information shall be required of a person submitting a statement:

(1) a full set of fingerprints made by a law enforcement agency on forms supplied by the board;

(2) complete information and details with respect to the person's antecedents, habits, immediate family, character, criminal record, business activities and business associates, covering at least a ten-year period immediately preceding the date of submitting the disclosure statement; and

(3) a complete description of any equity interest held in a business connected with the gaming industry.

D. In preparing an investigative report, the board's law enforcement officers may request and receive criminal history information from the federal bureau of investigation or any other law enforcement agency or organization. The board's law enforcement officers shall maintain confidentiality regarding information received from a law enforcement agency that may be imposed by the agency as a condition for providing the information to the department, except that the board's law enforcement officers may provide criminal history information and reports to licensees or tribal

gaming casinos when conducting background checks on behalf of the licensee or tribal gaming casino.

E. A person required to file a disclosure statement shall provide any assistance or information requested by the department of public safety or the board and shall cooperate in any inquiry or investigation.

F. If information required to be included in a disclosure statement changes or if information is added after the statement is filed, the person required to file it shall provide that information in writing to the person requesting the investigation. The supplemental information shall be provided within thirty days after the change or addition.

G. The board shall not appoint a person as executive director, and the executive director shall not employ a person, if the board or the executive director has reasonable cause to believe that the person has:

(1) knowingly misrepresented or omitted a material fact required in a disclosure statement;

(2) been convicted of a felony, a gaming- related offense or a crime involving fraud, theft or moral turpitude within ten years immediately preceding the date of submitting a disclosure statement required pursuant to this section;

(3) exhibited a history of willful disregard for the gaming laws of this or any other state or the United States; or

(4) had a permit or license issued pursuant to the gaming laws of this or any other state or the United States permanently suspended or revoked for cause.

H. Both the board and the executive director may exercise absolute discretion in exercising their respective appointing and employing powers."

Section 8. Section 60-2E-13 NMSA 1978 (being Laws 1997, Chapter 190, Section 15) is amended to read:

"60-2E-13. ACTIVITIES REQUIRING LICENSING.--

A. A person shall not conduct gaming unless he is licensed as a gaming operator.

B. A person shall not sell, supply or distribute any gaming device or associated equipment for use or play in this state or for use or play outside of this state from a location within this state unless he is licensed as a distributor or manufacturer,

but a gaming operator licensee may sell or trade in a gaming device or associated equipment to a gaming operator licensee, distributor licensee or manufacturer licensee.

C. Except as provided in Subsection D of this section, a person shall not manufacture, fabricate, assemble, program or make modifications to a gaming device or associated equipment for use or play in this state or for use or play outside of this state from any location within this state unless he is a manufacturer licensee. A manufacturer licensee may sell, supply or distribute only the gaming devices or associated equipment that he manufactures, fabricates, assembles, programs or modifies.

D. Upon receiving a written request from a person who manufactures associated equipment, the board may waive the requirement for a manufacturer's license on the terms and conditions the board deems necessary as long as the waiver is consistent with the purpose of the Gaming Control Act.

E. Except as provided in Section 60-2E-13.1 NMSA 1978, a gaming operator licensee or a person other than a manufacturer licensee or distributor licensee shall not possess an unlicensed or illegal gaming device or possess or control a place where there is an unlicensed or illegal gaming device. Any unlicensed or illegal gaming device, except a gaming machine in the possession of a licensee while awaiting transfer to a gaming operator licensee for licensure of the machine, or as provided in Section 60-2E-13.1 NMSA 1978, is subject to seizure and forfeiture pursuant to Section 30-19-10 NMSA 1978.

F. A person shall not service or repair a gaming device or associated equipment unless he is licensed as a manufacturer, is employed by a manufacturer licensee or is a technician certified by a manufacturer licensee and employed by a distributor licensee or a gaming operator licensee.

G. A person shall not engage in any activity for which the board requires a license or permit without obtaining the license or permit.

H. Except as provided in Subsections B and D of this section, a person shall not purchase, lease or acquire possession of a gaming device or associated equipment except from a distributor licensee or manufacturer licensee.

I. A distributor licensee may receive a percentage of the amount wagered, the net take or other measure related to the operation of a gaming machine as a payment pursuant to a lease or other arrangement for furnishing a gaming machine, but the board shall adopt a regulation setting the maximum allowable percentage."

Section 9. A new section of the Gaming Control Act, Section 60-2E-13.1 NMSA 1978, is enacted to read:

"60-2E-13.1. TEMPORARY POSSESSION OF GAMING DEVICE FOR LIMITED PURPOSE.--

A. A public post-secondary educational institution may temporarily possess gaming devices for the limited purpose of providing instruction on the technical aspects of gaming devices to persons seeking certification as technicians qualified to repair and maintain gaming devices. Any gaming device allowed for such limited use shall be subject to registration, transport, possession and use requirements and restrictions established in board regulations.

B. Trade shows and similar events for the purpose of demonstrating and marketing gaming devices may be conducted in the state at the discretion of the board. Any gaming device allowed in the state for such limited use shall be subject to registration, transport, possession and use requirements and restrictions established in board regulations.

C. A person may possess an unlicensed gaming device used by him for the purposes of testing or demonstration if that person is a manufacturer licensee or has obtained a waiver pursuant to the Gaming Control Act."

Section 10. Section 60-2E-14 NMSA 1978 (being Laws 1997, Chapter 190, Section 16) is amended to read:

"60-2E-14. LICENSURE--APPLICATION.--

A. The board shall establish and issue the following categories of licenses:

- (1) manufacturer;
- (2) distributor;
- (3) gaming operator; and
- (4) gaming machine.

B. The board shall issue certifications of findings of suitability for key executives and other persons for whom certification is required.

C. The board shall issue work permits for gaming employees.

D. A licensee shall not be issued more than one type of license, but this provision does not prohibit a licensee from owning, leasing, acquiring or having in his possession licensed gaming machines if that activity is otherwise allowed by the provisions of the Gaming Control Act. A licensee shall not own a majority interest in, manage or otherwise control a holder of another type of license issued pursuant to the provisions of that act.

E. Applicants shall apply on forms provided by the board and furnish all information requested by the board. Submission of an application constitutes consent to a credit check of the applicant and all persons having a substantial interest in the applicant and any other background investigations required pursuant to the Gaming Control Act or deemed necessary by the board. The board may obtain from the taxation and revenue department copies of tax returns filed by or on behalf of the applicant or its affiliates and information concerning liens imposed on the applicant or its affiliates by the taxation and revenue department.

F. All licenses issued by the board pursuant to the provisions of this section shall be reviewed for renewal annually unless revoked, suspended, canceled or terminated.

G. A license shall not be transferred or assigned.

H. The application for a license shall include:

- (1) the name of the applicant;
- (2) the location of the proposed operation;
- (3) the gaming devices to be operated, manufactured, distributed or serviced;
- (4) the names of all persons having a direct or indirect interest in the business of the applicant and the nature of such interest; and
- (5) such other information and details as the board may require.

I. The board shall furnish to the applicant supplemental forms that the applicant shall complete and file with the application. Such supplemental forms shall require complete information and details with respect to the applicant's antecedents, habits, immediate family, character, criminal record, business activities, financial affairs and business associates, covering at least a ten-year period immediately preceding the date of filing of the application."

Section 11. Section 60-2E-23 NMSA 1978 (being Laws 1997, Chapter 190, Section 25, as amended) is amended to read:

"60-2E-23. FINDING OF SUITABILITY REQUIRED FOR DIRECTORS, OFFICERS AND KEY EXECUTIVES--REMOVAL FROM POSITION IF FOUND UNSUITABLE--SUSPENSION OF SUITABILITY BY BOARD.--

A. Each officer, director and key executive of a holding company, intermediary company or publicly traded corporation who the board determines is or is to become actively and directly engaged in the administration or supervision of, or in

any other significant involvement with, the activities of the subsidiary licensee or applicant shall apply for a finding of suitability.

B. If any officer, director or key executive of a holding company, intermediary company or publicly traded corporation required to be found suitable pursuant to Subsection A of this section fails to apply for a finding of suitability within thirty days after being requested to do so by the board, or is not found suitable by the board, or if his finding of suitability is revoked after appropriate findings by the board, the holding company, intermediary company or publicly traded corporation shall immediately remove that officer, director or key executive from any office or position in which the person is engaged in the administration or supervision of, or any other involvement with, the activities of the certified subsidiary until the person is thereafter found to be suitable. If the board suspends the finding of suitability of any officer, director or key executive, the holding company, intermediary company or publicly traded corporation shall immediately and for the duration of the suspension suspend that officer, director or key executive from performance of any duties in which he is actively and directly engaged in the administration or supervision of, or any other involvement with, the activities of the subsidiary licensee."

Section 12. Section 60-2E-30 NMSA 1978 (being Laws 1997, Chapter 190, Section 32) is amended to read:

"60-2E-30. LICENSING OF DISTRIBUTORS OF GAMING DEVICES.--

A. It is unlawful for any person to operate, carry on, conduct or maintain any form of distribution of any gaming device for use or play in New Mexico or any form of distribution of any gaming device in New Mexico for use or play outside of New Mexico without first obtaining and maintaining a distributor's or manufacturer's license.

B. If the board revokes a distributor's license:

(1) no new gaming device distributed by the person may be approved;

(2) any previously approved gaming device distributed by the distributor is subject to revocation of approval if the reasons for the revocation of the license also apply to that gaming device;

(3) no new gaming device or associated equipment distributed by the distributor may be distributed, sold, transferred or offered for use or play in New Mexico; and

(4) any association or agreement between the distributor and a gaming operator licensee shall be terminated. An agreement between a distributor licensee and a gaming operator licensee shall be deemed to include a provision for its termination without liability on the part of either party upon a finding by the board that

the other party is unsuitable. Failure to include that condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

C. The board may inspect every gaming device that is distributed for use in New Mexico.

D. In addition to all other fees and charges imposed by the Gaming Control Act, the board may determine, charge and collect from each distributor an inspection fee, which shall not exceed the actual cost of inspection and investigation."

Section 13. Section 60-2E-32 NMSA 1978 (being Laws 1997, Chapter 190, Section 34) is amended to read:

"60-2E-32. REASONS FOR INVESTIGATIONS BY BOARD--COMPLAINT BY BOARD--BOARD TO APPOINT HEARING EXAMINER--REVIEW BY BOARD--ORDER OF BOARD.--

A. The board shall make appropriate investigations to:

(1) determine whether there has been any violation of the Gaming Control Act or of any regulations adopted pursuant to that act;

(2) determine any facts, conditions, practices or matters that it deems necessary or proper to aid in the enforcement of the Gaming Control Act or regulations adopted pursuant to that act;

(3) aid in adopting regulations;

(4) secure information as a basis for recommending legislation relating to the Gaming Control Act; or

(5) determine whether a licensee is able to meet its financial obligations, including all financial obligations imposed by the Gaming Control Act, as they become due.

B. If after an investigation the board is satisfied that a license, registration, finding of suitability or prior approval by the board of any transaction for which approval was required by the provisions of the Gaming Control Act should be limited, conditioned, suspended or revoked, or that a fine should be levied, the board shall initiate a hearing by filing a complaint and transmitting a copy of it to the licensee, together with a summary of evidence in its possession bearing on the matter and the transcript of testimony at any investigative hearing conducted by or on behalf of the board. The complaint shall be a written statement of charges that sets forth in ordinary and concise language the acts or omissions with which the respondent is charged. It shall specify the statutes or regulations that the respondent is alleged to have violated but shall not consist merely of charges raised in the language of the statutes or

regulations. The summary of the evidence shall be confidential and made available only to the respondent until such time as it is offered into evidence at any public hearing on the matter.

C. The respondent shall file an answer within thirty days after service of the complaint.

D. Upon filing the complaint, the board shall appoint a hearing examiner to conduct further proceedings.

E. The hearing examiner shall conduct proceedings in accordance with the Gaming Control Act and the regulations adopted by the board. At the conclusion of the proceedings, the hearing examiner may recommend that the board take any appropriate action, including revocation, suspension, limitation or conditioning of a license or imposition of a fine not to exceed fifty thousand dollars (\$50,000) for each violation or any combination or all of the foregoing actions.

F. The hearing examiner shall prepare a written decision containing his recommendation to the board and shall serve it on all parties.

G. The board shall by a majority vote accept, reject or modify the recommendation.

H. If the board limits, conditions, suspends or revokes any license or imposes a fine or limits, conditions, suspends or revokes any registration, finding of suitability or prior approval, it shall issue a written order specifying its action.

I. The board's order is effective on the date issued and continues in effect unless reversed upon judicial review, except that the board may stay its order pending a rehearing or judicial review upon such terms and conditions as it deems proper."

Section 14. Section 60-2E-50 NMSA 1978 (being Laws 1997, Chapter 190, Section 52) is amended to read:

"60-2E-50. CRIME--MANIPULATION OF GAMING DEVICE WITH INTENT TO CHEAT.--A person who manipulates, with the intent to cheat, any component of a gaming device in a manner contrary to the designed and normal operational purpose of the component, including varying the pull of the handle of a gaming machine with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game, is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978."

Section 15. Section 60-2E-59 NMSA 1978 (being Laws 1997, Chapter 190, Section 61) is amended to read:

"60-2E-59. ADMINISTRATIVE APPEAL OF BOARD ACTION.--

A. Any person aggrieved by an action taken by the board or one of its agents may request and receive a hearing for the purpose of reviewing the action. To obtain a hearing, the aggrieved person shall file a request for hearing with the board within thirty days after the date the action is taken. Failure to file the request within the specified time is an irrevocable waiver of the right to a hearing, and the action complained of shall be final with no further right to review, either administratively or by a court.

B. The board shall adopt procedural regulations to govern the procedures to be followed in administrative hearings pursuant to the provisions of this section. At a minimum, the regulations shall provide:

(1) for the hearings to be public;

(2) for the appointment of a hearing officer to conduct the hearing and make his recommendation to the board not more than thirty days after the completion of the hearing;

(3) procedures for discovery;

(4) assurance that procedural due process requirements are satisfied;

(5) for the maintenance of a record of the hearing proceedings and assessment of costs of any transcription of testimony that is required for judicial review purposes; and

(6) for the hearing to be held in Albuquerque or, upon written request by an aggrieved person, in the place or area affected.

C. Actions taken by the board after a hearing pursuant to the provisions of this section shall be:

(1) written and shall state the reasons for the action;

(2) made public when taken;

(3) communicated to all persons who have made a written request for notification of the action taken; and

(4) taken not more than thirty days after the submission of the hearing officer's report to the board."

Section 16. Section 60-2E-60 NMSA 1978 (being Laws 1997, Chapter 190, Section 62) is amended to read:

"60-2E-60. JUDICIAL REVIEW OF ADMINISTRATIVE ACTIONS.--

A. Any person adversely affected by an action taken by the board after review pursuant to the provisions of Section 60-2E-59 NMSA 1978 may appeal the action to the court of appeals within thirty days after the date the action is taken. The appeal shall be on the record made at the hearing. To support his appeal, the appellant shall make arrangements with the board for a sufficient number of transcripts of the record of the hearing on which the appeal is based. The appellant shall pay for the preparation of the transcripts.

B. On appeal, the court of appeals shall set aside the administrative action only if it is found to be:

- (1) arbitrary, capricious or an abuse of discretion;
- (2) not supported by substantial evidence in the whole record; or
- (3) otherwise not in accordance with law."

Section 17. Section 60-2E-61 NMSA 1978 (being Laws 1997, Chapter 190, Section 63) is amended to read:

"60-2E-61. LIEN ON WINNINGS FOR DEBT COLLECTED BY HUMAN SERVICES DEPARTMENT--PROCEDURE.--

A. The human services department, acting as the state's child support enforcement agency pursuant to

Title IV-D of the federal Social Security Act, shall periodically certify to the board the names and social security numbers of persons owing a debt to or collected by the human services department.

B. Prior to the payment of a gaming machine payout in excess of one thousand two hundred dollars (\$1,200), the board shall check the name of the winner against the list of names and social security numbers of persons owing a debt to or collected by the human services department.

C. If the winner is on the list of persons owing a debt to or collected by the agency, the board shall make a good-faith attempt to notify the human services department, and the department then has a lien against the winnings in the amount of the debt owed to or collected by the agency. The board has no liability to the human services department or to the person on whose behalf the department is collecting the

debt if the board fails to match a winner's name to a name on the list or is unable to notify the department of a match. The department shall provide the board with written notice of a support lien promptly within five working days after the board notifies the department of a match.

D. If the amount won is to be paid directly by the board, the amount of the debt owed to or collected by the human services department shall be held by the board for a period of thirty days from the board's confirmation of the amount of the debt to allow the department to institute any necessary garnishment or wage withholding proceedings. If a garnishment or withholding proceeding is not initiated within the thirty-day period, the board shall release the amount won to the winner.

E. The human services department, in its discretion, may release or partially release the support lien upon written notice to the board.

F. A support lien under this section is in addition to any other lien created by law."

Section 18. A new section of the Gaming Control Act, Section 60-2E-62 NMSA 1978, is enacted to read:

"60-2E-62. CRIME--UNLAWFUL POSSESSION OF GAMING DEVICE.--

A. It is unlawful for a person intentionally to possess an unlicensed or illegal gaming device, except that:

(1) a distributor licensee or a manufacturer licensee may possess an unlicensed gaming device while awaiting transfer of the gaming device to a gaming operator licensee for licensure; and

(2) a person may possess an unlicensed gaming device for the limited purposes provided for in Section 60-2E-13.1 NMSA 1978.

B. A person may possess an antique gambling device as defined in Subsection A of Section 30-19-1 NMSA 1978, provided the antique gambling device is not used in gambling.

C. A person violating this section is guilty of a fourth degree felony and shall be sentenced pursuant to Section 31-18-15 NMSA 1978."

Section 19. EMERGENCY.--It is necessary for the public

peace, health and safety that this act take effect immediately.

SENATE BILL 199, AS AMENDED

WITH EMERGENCY CLAUSE

SIGNED MARCH 5, 2002

CHAPTER 103

CHAPTER 103, LAWS 2002

AN ACT

RELATING TO GAMING; REPLACING THE EX-OFFICIO MEMBER OF THE GAMING CONTROL BOARD WHO IS THE CHAIRMAN OF THE BOARD OF THE NEW MEXICO LOTTERY AUTHORITY WITH AN APPOINTED PERSON KNOWLEDGEABLE ABOUT AND EXPERIENCED IN BUSINESS; AMENDING A SECTION OF THE GAMING CONTROL ACT; DECLARING AN EMERGENCY.

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

Section 1. Section 60-2E-5 NMSA 1978 (being Laws 1997, Chapter 190, Section 7) is amended to read:

"60-2E-5. GAMING CONTROL BOARD CREATED.--

A. The "gaming control board" is created and consists of five members. Four members are appointed by the governor with the advice and consent of the senate, and one ex-officio member is the chairman of the state racing commission. All members of the board shall be residents of New Mexico and citizens of the United States. One appointed member of the board shall have a minimum of five years of previous employment in a supervisory and administrative position in a law enforcement agency; one appointed member of the board shall be a certified public accountant in New Mexico who has had at least five years of experience in public accountancy; one appointed member of the board shall be an attorney who has been admitted to practice before the supreme court of New Mexico; and one appointed member of the board shall be a public member who has knowledge and experience in business management and financing.

B. The appointed members of the board shall be appointed for terms of five years, except, of the members who are first appointed, the member with law enforcement experience shall be appointed for a term of five years; the member who is a certified public accountant shall be appointed for a term of four years; the member who is an attorney shall be appointed for a term of three years; and the public member shall be appointed for a term of two years. Thereafter, all members shall be appointed

for terms of five years. No person shall serve as a board member for more than two consecutive terms or ten years total.

C. No full-time board member who receives a salary pursuant to Subsection G of this section may be employed in any other capacity or shall in any manner receive compensation for services rendered to any person or entity other than the board while a member of the board.

D. A vacancy on the board of an appointed member shall be filled within thirty days by the governor with the advice and consent of the senate for the unexpired portion of the term in which the vacancy occurs. A person appointed to fill a vacancy shall meet all qualification requirements of the office established in this section.

E. The governor shall choose a chairman annually from the board's appointed full-time, salaried members.

F. No more than three members of the board shall be from the same political party.

G. The law enforcement, certified public accountant and attorney members of the board shall be full-time state officials and shall receive a salary set by the governor. The public member and ex-officio member of the board shall not receive salaries for their work for the board. All appointed members of the board shall receive per diem and mileage pursuant to the provisions of the Per Diem and Mileage Act.

H. The department of public safety shall conduct background investigations of all members of the board prior to confirmation by the senate. To assist the department in the background investigation, a prospective board member shall furnish a disclosure statement to the department on a form provided by the department containing that information deemed by the department as necessary for completion of a detailed and thorough background investigation. The required information shall include at least:

(1) a full set of fingerprints made by a law enforcement agency on forms supplied by the department;

(2) complete information and details with respect to the prospective board member's antecedents, habits, immediate family, character, criminal record, business activities, financial affairs and business associates covering at least a ten-year period immediately preceding the date of submitting the disclosure statement;

(3) complete disclosure of any equity interest held by the prospective board member or a member of his immediate family in a company that is an applicant or licensee or an affiliate, affiliated company, intermediary company or holding company in respect to an applicant or licensee; and

(4) the names and addresses of members of the immediate family of the prospective board member.

I. No person may be appointed or confirmed as a member of the board if that person or member of his immediate family holds an equity interest in a company that is an applicant or licensee or an affiliate, affiliated company, intermediary company or holding company in respect to an applicant or licensee.

J. A prospective board member shall provide assistance and information requested by the department of public safety or the governor and shall cooperate in any inquiry or investigation of the prospective board member's fitness or qualifications to hold the office to which he is appointed. The senate shall not confirm a prospective board member if it has reasonable cause to believe that the prospective board member has:

(1) knowingly misrepresented or omitted a material fact required in a disclosure statement;

(2) been convicted of a felony, a gaming related offense or a crime involving fraud, theft or moral turpitude within ten years immediately preceding the date of submitting a disclosure statement required pursuant to the provisions of Subsection H of this section;

(3) exhibited a history of willful disregard for the gaming laws of this or any other state or the United States; or

(4) had a permit or license issued pursuant to the gaming laws of this or any other state or the United States permanently suspended or revoked for cause.

K. At the time of taking office, each board member shall file with the secretary of state a sworn statement that he is not disqualified under the provisions of Subsection I of this section."

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

SENATE BILL 210

WITH EMERGENCY CLAUSE

SIGNED MARCH 5, 2002

CHAPTER 104

CHAPTER 104, LAWS 2002

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES BY THE DRINK ON CHRISTMAS DAY; PERMITTING SUNDAY SALES, SERVICE AND CONSUMPTION OF ALCOHOL AT RESORTS; AMENDING SECTIONS OF THE LIQUOR CONTROL ACT.

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

Section 1. Section 60-7A-1 NMSA 1978 (being Laws 1981, Chapter 39, Section 47, as amended) is amended to read:

"60-7A-1. HOURS AND DAYS OF BUSINESS--SUNDAY SALES--CHRISTMAS DAY SALES--SUNDAY SALES FOR CONSUMPTION OFF THE LICENSED PREMISES--ELECTIONS.--

A. Alcoholic beverages shall be sold, served and consumed on licensed premises only during the following hours and days:

(1) on Mondays from 7:00 a.m. until midnight;

(2) on other weekdays from after midnight of the previous day until 2:00 a.m., then from 7:00 a.m. until midnight, except as provided in Subsections D and F of this section; and

(3) on Sundays only after midnight of the previous day until 2:00 a.m., except as provided in Subsections C and E of this section and Section 60-7A-2 NMSA 1978; provided, however, nothing in this section shall prohibit the consumption at any time of alcoholic beverages in guest rooms of hotels.

B. Alcoholic beverages shall be sold by a dispenser or a retailer in unbroken packages, for consumption off the licensed premises and not for resale, on Mondays through Saturdays from 7:00 a.m. until 12:00 a.m. on the following day, except as provided in Subsections D and F of this section.

C. A dispenser, restaurant licensee or club may, upon payment of an additional fee of one hundred dollars (\$100), obtain a permit to sell, serve or permit the consumption of alcoholic beverages by the drink on the licensed premises on Sundays from 12:00 noon until midnight and in those years when December 31 falls on a Sunday from 12:00 noon until 2:00 a.m. of the following day, except as otherwise provided in Subsection E of this section. The permit shall expire on June 30 of each year and may

be renewed from year to year upon application for renewal and payment of the required fee. The permit fee shall not be prorated. Sales made pursuant to this subsection or Subsection G of this section shall be called "Sunday sales".

D. Retailers, dispensers, canopy licensees that were replaced by dispenser's licensees pursuant to Section 60-6B-16 NMSA 1978, restaurant licensees, club licensees and governmental licensees or their lessees shall not sell, serve, deliver or allow the consumption of alcoholic beverages on the licensed premises from 2:00 a.m. on Christmas day until 7:00 a.m. on the day after Christmas, except as permitted pursuant to Subsection F of this section.

E. Sunday sales pursuant to the provisions of Subsection C of this section are permitted in a local option district that voted to permit them. If in that election a majority of the voters in a local option district voted "no" on the question "Shall Sunday sales of alcoholic beverages by the drink for consumption on the licensed premises of licensees be allowed in this local option district?", Sunday sales are unlawful in that local option district upon certification of the election returns unless the provisions of Subsection J of this section apply. The question shall not again be placed on the ballot in that local option district until:

(1) at least one year has passed; and

(2) a petition is filed with the local governing body bearing the signatures of registered qualified electors of the local option district equal in number to ten percent of the number of votes cast and counted in the local option district for governor in the last preceding general election in which a governor was elected. The signatures on the petition shall be verified by the clerk of the county in which the local option district is situated.

F. On and after July 1, 2002, dispensers, canopy licensees that were replaced by dispenser's licensees pursuant to Section 60-6B-16 NMSA 1978, restaurant licensees, club licensees and governmental licensees or lessees of these licensees; provided that the licensees have current, valid food service establishment permits, may sell, serve or allow the consumption of alcoholic beverages by the drink on licensed premises from noon until 10:00 p.m. on Christmas day, except in a local option district in which, pursuant to petition and election under this subsection, a majority of the voters voting on the question votes against continuing such sales or consumption on Christmas day. An election shall be held on the question of whether to continue to allow the sale, service or consumption of alcoholic beverages by the drink on licensed premises from noon until 10:00 p.m. on Christmas day in a local option district, if a petition requesting the governing body of that district to call the election is signed by at least ten percent of the registered voters of the district and is filed with the clerk of the governing body of the district. Upon verification by the clerk that the petition contains the required number of signatures of registered voters, the governing body shall adopt a resolution calling an election on the question of allowing the sale, service or consumption of alcoholic beverages by the drink on licensed premises from noon until

10:00 p.m. on Christmas day. The election shall be held within sixty days after the date the petition is verified, or it may be held in conjunction with a regular election of the governing body if that election occurs within sixty days of such verification. The election shall be called, conducted, counted and canvassed in substantially the same manner as provided for general elections in the county under the Election Code or for special municipal elections in a municipality under the Municipal Election Code. If a majority of the voters voting on the question votes against continuing the sale, service or consumption of alcoholic beverages by the drink on licensed premises from noon until 10:00 p.m. on Christmas day, then such sales and consumption shall be prohibited. If a majority of the voters voting on the question votes to allow continued sale, service and consumption of alcoholic beverages by the drink on licensed premises from noon until 10:00 p.m. on Christmas day, then such sales and consumption shall be allowed to continue. The question then shall not be submitted again to the voters within two years of the date of the last election on the question.

G. Notwithstanding the provisions of Subsection E of this section, any Indian tribe or pueblo whose lands are wholly situated within the state that has, by statute, ordinance or resolution, elected to permit the sale, possession or consumption of alcoholic beverages on lands within the territorial boundaries of the tribe or pueblo may, by statute, ordinance or resolution of the governing body of the Indian tribe or pueblo, permit Sunday sales by the drink on the licensed premises of licensees on lands within the territorial boundaries of the tribe or pueblo; provided that a certified copy of such enactment is filed with the office of the director and of the secretary of state.

H. Subject to the provisions of Subsection I of this section, a dispenser or retailer, upon payment of an additional fee of one hundred dollars (\$100), may obtain a permit to sell alcoholic beverages in unbroken packages for consumption off the licensed premises on Sundays from 12:00 noon until midnight, and in those years when December 31 falls on a Sunday, from 12:00 noon on December 31 until 2:00 a.m. of the following day. The permit shall expire on June 30 of each year and may be renewed from year to year upon application for renewal and payment of the required fee. The permit fee shall not be prorated. Sales made pursuant to the provisions of this subsection shall be called "Sunday package sales".

I. If a petition requesting the governing body of a local option district to call an election on the question of continuing to allow sales of alcoholic beverages in unbroken packages for consumption off the licensed premises on Sundays is filed with the clerk of the governing body and that petition is signed by at least ten percent of the number of registered voters of the local option district and the clerk of the governing body verifies the petition signatures, the governing body shall adopt a resolution calling an election on the question. The election shall be held within sixty days of the date the petition is verified, or it may be held in conjunction with a regular election of the governing body, if the regular election occurs within sixty days of the petition verification. The election shall be called, conducted, counted and canvassed substantially in the manner provided by law for general elections within a county or

special municipal elections within a municipality. If a majority of the voters of the local option district voting in the election votes to allow the sale of alcoholic beverages in unbroken packages for consumption off the licensed premises, then those sales shall continue to be allowed. If a majority of the voters of the local option district voting in the election votes not to allow the Sunday package sales, then those Sunday package sales shall be prohibited commencing the first Sunday after the results of the election are certified. Following the election, the question of allowing the Sunday package sales shall not be submitted again to the voters within two years of the date of the last election on the question.

J. Sunday sales of alcoholic beverages shall be permitted at resorts and at horse racetracks statewide pursuant to the provisions of Section 60-7A-2 NMSA 1978."

Section 2. Section 60-7A-2 NMSA 1978 (being Laws 1981, Chapter 39, Section 48) is amended to read:

"60-7A-2. SUNDAY SALES AT RACETRACKS AND RESORTS.--

A. Notwithstanding other provisions of the Liquor Control Act, it is lawful for a dispenser:

(1) whose licensed premises are located on a horse racetrack licensed by the state racing commission, to sell, serve or permit the consumption of alcoholic beverages by the drink on Sunday during the racing season between the hours of 12:00 noon and 11:00 p.m.; or

(2) whose licensed premises are within a resort, to sell, serve or permit the consumption of alcoholic beverages by the drink on Sunday after midnight of the previous day until 2:00 a.m. and then from 12:00 noon until midnight.

B. As used in this section, "resort" means a lodging establishment or complex, open to the public, offering at least one hundred guest rooms or at least one hundred recreational vehicle parking or camping spaces and where meals are regularly furnished to the public. The establishment or complex shall:

(1) offer at least two of the following recreational activities:

(a) nine or eighteen holes of golf;

(b) tennis;

(c) water park facilities;

(d) horseback riding;

(e) snow skiing;

- (f) water-skiing;
- (g) fishing;
- (h) hunting;
- (i) boating;
- (j) trap or skeet shooting; or
- (k) swimming; or

(2) be adjacent to or within a national park, national monument, national forest, state park or state monument."

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE
FOR SENATE BILL 152, AS AMENDED

CHAPTER 105

CHAPTER 105, LAWS 2002

AN ACT

RELATING TO PRESCRIPTION DRUGS; PROVIDING FOR NEGOTIATED DRUG DISCOUNTS IN THE MEDICAID PROGRAM; ENACTING THE PHARMACEUTICAL SUPPLEMENTAL REBATE ACT.

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

Section 1. SHORT TITLE.--This act may be cited as the "Pharmaceutical Supplemental Rebate Act".

Section 2. DEFINITIONS.--As used in the Pharmaceutical Supplemental Rebate Act:

- A. "department" means the human services department;

B. "labeler" means a person that receives prescription drugs from a manufacturer or wholesaler and repackages those drugs for later retail sale, and that has a labeler code from the federal food and drug administration;

C. "manufacturer" means a manufacturer of prescription drugs as defined in 42 U.S.C. 1396r-8(k)(5), including a subsidiary or affiliate of a manufacturer;

D. "medicaid" means the joint federal-state health coverage program pursuant to Title 19 or Title 21 of the federal Social Security Act;

E. "participating retail pharmacy" means a retail pharmacy or other business licensed to dispense prescription drugs that participates in the state medicaid program;

F. "secretary" means the secretary of human services; and

G. "wholesaler" means a business licensed to distribute prescription drugs in the state.

Section 3. MEDICAID FORMULARY FOR PRESCRIPTION DRUGS.-

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A. The department shall develop or implement a formulary or preferred drug list that will consider the clinical efficacy, safety and cost effectiveness of a product.

B. The department shall ensure that the administration or delivery of health care services and products under the medicaid program includes a formulary that will provide medically appropriate drug therapies for patients.

C. The department shall require a prior authorization before a drug not listed on the medicaid program formulary may be dispensed unless otherwise provided pursuant to Subsection C of Section 4 of the Pharmaceutical Supplemental Rebate Act.

Section 4. NEGOTIATED DRUG DISCOUNTS AND REBATES.--

A. The secretary shall negotiate discount prices or rebates for prescription drugs from drug manufacturers and labelers that include supplemental rebates for the medicaid program over and above those required under 42 U.S.C. 1396r-8.

B. In negotiating rebate terms, the secretary shall consider the rebate calculated under the medicaid rebate program pursuant to 42 U.S.C. 1396r-8, the price provided to eligible entities under 42 U.S.C. 256b and other available information on prescription drug prices, discounts and rebates.

C. The secretary shall prompt a review of whether to place a manufacturer's or labeler's products on the prior authorization list for the medicaid program if:

(1) the secretary and a drug manufacturer or labeler fail to reach agreement on the terms of a supplemental medicaid rebate or discount; and

(2) the discounts or rebates offered by the manufacturer or labeler are not as favorable to the state as the prices provided to eligible entities under 42 U.S.C. 256b.

D. Any prior authorization shall meet the requirements of 42 U.S.C. 1396r-8(d)(5) and be done in accordance with the Public Assistance Act or department rules.

E. The names of manufacturers and labelers that do not enter into rebate agreements are public information, and the department shall release this information to the public and actively distribute it to physicians, pharmacists and other health care professionals.

Section 5. REPORTING.--The department shall report the savings from the pharmaceutical supplemental rebates for the preceding fiscal year to the legislative health and human services committee by November 1 of each year.

Section 6. COORDINATION WITH OTHER PROGRAMS.--When the secretary finds that it is beneficial to the medicaid program and another state program to combine drug pricing negotiations to maximize drug rebates, the secretary may do so.

Section 7. RULEMAKING.--The department shall adopt rules to implement the provisions of the Pharmaceutical Supplemental Rebate Act.

Section 8. WAIVERS.--The department shall seek any waivers of federal law or rule necessary to implement the provisions of the Pharmaceutical Supplemental Rebate Act.

Section 9. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

SENATE BILL 253, AS AMENDED

CHAPTER 106

CHAPTER 106, LAWS 2002

AN ACT

MAKING APPROPRIATIONS FOR DEVELOPMENT TRAINING PROGRAMS;
DECLARING AN EMERGENCY.

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

Section 1. APPROPRIATION.--Eight million dollars (\$8,000,000) is appropriated from the general fund to the development training fund for expenditure in fiscal year 2002 and subsequent fiscal years for a development training program providing classroom and in-plant training to furnish qualified manpower resources for certain new or expanding industries and businesses in the state. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

Section 2. APPROPRIATION--TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT.--Two million dollars (\$2,000,000) is appropriated from the temporary assistance for needy families block grant to the income support division of the human services department to be transferred to the development training fund for expenditure in fiscal year 2003 and subsequent fiscal years for a development training program providing classroom and in-plant training to furnish qualified manpower resources for certain new or expanding industries and businesses in the state. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert.

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HOUSE BILL 7, AS AMENDED

WITH EMERGENCY CLAUSE

SIGNED MARCH 6, 2002

CHAPTER 107

CHAPTER 107, LAWS 2002

AN ACT

RELATING TO GAMING; ALLOWING GAMING OPERATORS THAT ARE NONPROFIT ORGANIZATIONS TO PERMIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN AREAS WHERE GAMING MACHINES ARE LOCATED; AMENDING THE GAMING CONTROL ACT.

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

Section 1. Section 60-2E-28 NMSA 1978 (being Laws 1997, Chapter 190, Section 30) is amended to read:

"60-2E-28. GAMING OPERATOR LICENSEES--SPECIAL CONDITIONS FOR NONPROFIT ORGANIZATIONS--NUMBER OF GAMING MACHINES--DAYS AND HOURS OF OPERATIONS.--

A. A nonprofit organization may be issued a gaming operator's license to operate licensed gaming machines on its premises to be played only by active and auxiliary members.

B. No more than fifteen gaming machines may be offered for play on the premises of a nonprofit organization gaming operator licensee.

C. No gaming machine on the premises of a nonprofit organization gaming operator licensee may award a prize that exceeds four thousand dollars (\$4,000).

D. Gaming machines may be played on the premises of a nonprofit organization gaming operator licensee from 12:00 noon until 12:00 midnight every day."

HOUSE BILL 163, WITH CERTIFICATE OF CORRECTION

CHAPTER 108

CHAPTER 108, LAWS 2002

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; PROVIDING THAT ALL FACILITIES ON THE NEW MEXICO STATE FAIRGROUNDS ARE GOVERNMENTAL FACILITIES FOR THE PURPOSES OF THE LIQUOR CONTROL ACT; AMENDING A SECTION OF THE LIQUOR CONTROL ACT.

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

Section 1. Section 60-6A-10 NMSA 1978 (being Laws 1981, Chapter 39, Section 27, as amended) is amended to read:

"60-6A-10. GOVERNMENTAL LICENSE.--

A. Except as provided in Subsection G of this section, a governmental entity may sell alcoholic beverages directly or through its lessee at a governmental facility if the governing body applies to the director for a governmental license. The governmental entity and its lessee shall be subject to all state laws and regulations governing dispensers.

B. A governmental license may be leased to a qualified lessee and may only be used by the lessee for his operation during events authorized by the governmental entity at the governmental facility designated on the governmental license. The governmental entity and its lessee shall not sell alcoholic beverages for consumption off the licensed premises.

C. Each governmental entity holding a governmental license shall annually and not less than sixty days prior to the date for renewal of its license submit to the director documentary proof that its lessee is fully qualified to be a lessee of a governmental license. If the director finds that the lessee is qualified to lease a governmental license, the director shall renew the license for an additional period of one year. If the director determines that the proof is inadequate, he shall notify the governing body of his decision and shall conduct a hearing as provided by law. If the director finds that the lessee does not qualify and the governmental entity does not change its lessee, the director shall revoke the license.

D. The provisions of Section 60-6A-18 NMSA 1978 shall not apply to governmental licenses.

E. For the purposes of this section:

(1) "governmental entity" means a municipality, a county or state fair which is held for less than ten days per year, the New Mexico state fair commission or a state university;

(2) "governmental facility" means locations on property owned or operated by a governmental entity and includes county fairs, state fairs held for less than ten days per year, convention centers, airports, civic centers, auditoriums, all facilities on the New Mexico state fairgrounds, facilities used for athletic competitions, golf courses, including golf courses required to be used for municipal purposes notwithstanding that there may be an existing club license at the same location operated by the same club licensee, and other facilities used for cultural or artistic performances, but the term does not include tennis facilities; and

(3) "lessee" means an individual, corporation, partnership, firm or association if it fulfills the requirements set forth in Subsections A through D of Section 60-6B-2 NMSA 1978.

F. The provisions of Section 60-6B-10 NMSA 1978 as regards to golf courses owned by a governmental entity and civic centers owned and operated by a governmental entity shall not apply to governmental licenses.

G. A governmental entity that sells alcoholic beverages directly or indirectly through a lessee at a governmental facility that is a golf course required to be used for municipal purposes may only sell beer and wine."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.

HOUSE BILL 385

CHAPTER 109

CHAPTER 109, LAWS 2002

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
PROVIDING THAT THE TAX STABILIZATION RESERVE MAY BE EXPENDED UPON
AN APPROPRIATION BY EXTRA MAJORITY VOTE OF THE LEGISLATURE AND A
DECLARATION BY THE GOVERNOR THAT THE EXPENDITURE IS NECESSARY
FOR THE PUBLIC PEACE, HEALTH AND SAFETY; MAKING AN APPROPRIATION;
PROVIDING CONTINGENCIES.

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

Section 1. Section 6-4-2.2 NMSA 1978 (being Laws 1987, Chapter 347, Section 3, as amended) is amended to read:

"6-4-2.2. GENERAL FUND TAX STABILIZATION RESERVE.--

A. There is created within the general fund the "tax stabilization reserve".

B. The balance of the tax stabilization reserve shall be those funds directed to it by law and such other funds as the legislature may appropriate from time to time to the reserve.

C. Except as otherwise provided in Subsection D of this section, any balance of the tax stabilization reserve may be:

(1) appropriated only by a two-thirds majority vote of both houses of the legislature following receipt by the legislature of a declaration of the governor that such an appropriation is necessary for the public peace, health and safety; or

(2) expended by the governor only:

(a) pursuant to an appropriation made by a two-thirds majority vote of both houses of the legislature specifying the amount of the appropriation and the purpose of the expenditure; and

(b) if the governor declares that the expenditure is necessary for the public peace, health and safety.

D. In the event that the general fund revenues, including all transfers to the general fund authorized by law, are projected by the governor to be insufficient either to meet the level of appropriations authorized by law from the general fund for the current fiscal year or to meet the level of appropriations recommended in the budget and appropriations bill submitted in accordance with Section 6-3-21 NMSA 1978 for the next fiscal year, the balance in the tax stabilization reserve may be appropriated by the legislature up to the amount of the projected insufficiency for either or both fiscal years."

Section 2. APPROPRIATION--CONTINGENCY.--

A. Thirty million dollars (\$30,000,000) is appropriated from the tax stabilization reserve to the department of finance and administration for expenditure in fiscal years 2003 and 2004 for the purpose of protecting, enhancing or conserving New Mexico's water resources. The department of finance and administration shall transfer the appropriation to the interstate stream commission in three separate increments of ten million dollars (\$10,000,000) upon the compliance with the requirements of this section; provided that no less than one-third of the total amount expended from each increment shall be used to comply with New Mexico's obligations under the Pecos River Compact. The transfer and expenditure of each increment of ten million dollars (\$10,000,000) of the appropriation is contingent upon:

(1) a declaration by the governor pursuant to Section 6-4-2.2 NMSA 1978 that the expenditure is necessary for the public peace, health and safety;

(2) a certification by the governor to the state board of finance that, after the transfer, the sum of the remaining balances in the appropriation contingency fund, the general fund operating reserve and the tax stabilization reserve will not be less than five percent of the recurring general fund appropriations for the prior fiscal year;

(3) a plan, prepared and adopted by the interstate stream commission and describing the proposed expenditures, that is approved by the state board of finance after review by the water trust board; and

(4) an agreement by the state board of finance that the expenditure is necessary for the public peace, health and safety.

B. The interstate stream commission shall make periodic reports on expenditures made pursuant to this section to the water trust board, the legislative finance committee and the appropriate interim legislative committee.

C. Expenditures for the purchase of land with valid appurtenant water rights or rights to the delivery of water shall be made only from willing sellers within the lower Pecos river basin downstream from Sumner reservoir.

D. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the tax stabilization reserve.

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE

SUBSTITUTE FOR HOUSE BILL 451, AS AMENDED

CHAPTER 110

CHAPTER 110, LAWS 2002

WITH PARTIAL VETO

AN ACT

RELATING TO CAPITAL EXPENDITURES; AUTHORIZING THE ISSUANCE OF SEVERANCE TAX BONDS; REAUTHORIZING BALANCES; CHANGING THE PURPOSE OF SEVERANCE TAX BOND APPROPRIATIONS; CHANGING GENERAL FUND APPROPRIATIONS; CLARIFYING CONDITIONS FOR THE ISSUANCE OF BONDS; ESTABLISHING CONDITIONS FOR THE EXPENDITURE OF SEVERANCE TAX BOND PROCEEDS; ESTABLISHING CONDITIONS FOR THE REVERSION OF

UNEXPENDED BALANCES; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

**Section 1. SEVERANCE TAX BONDS--AUTHORIZATIONS--
APPROPRIATION OF PROCEEDS.--**

A. The state board of finance may issue and sell severance tax bonds in compliance with the Severance Tax Bonding Act in an amount not to exceed the total of the amounts authorized for purposes specified in this act. The state board of finance shall schedule the issuance and sale of the bonds in the most expeditious and economical manner possible upon a finding by the board that the project has been developed sufficiently to justify the issuance and that the project can proceed to contract within a reasonable time. The state board of finance shall further take the appropriate steps necessary to comply with the Internal Revenue Code of 1986, as amended. Proceeds from the sale of the bonds are appropriated for the purposes specified in this act.

B. The agencies named in this act shall certify to the state board of finance when the money from the proceeds of the severance tax bonds authorized in this section is needed for the purposes specified in the applicable section of this act. If an agency has not certified the need for the issuance of the bonds for a particular project, including projects that have been reauthorized, by the end of fiscal year 2004, the authorization for that project is void.

C. Before an agency may certify for the issuance of severance tax bonds, the project must be developed sufficiently so that the agency reasonably expects to:

(1) incur within six months after the applicable bonds have been issued a substantial binding obligation to a third party to expend at least five percent of the bond proceeds for the project; and

(2) spend at least eighty-five percent of the bond proceeds within three years after the applicable bonds have been issued.

D. Except as otherwise provided in this section or another section of this act, the unexpended balance from the proceeds of severance tax bonds issued for a project, including projects that have been reauthorized, shall revert to the severance tax bonding fund as follows:

(1) for projects for which severance tax bonds were issued to match federal grants, six months after completion of the project;

(2) for projects for which severance tax bonds were issued to purchase vehicles, heavy equipment, educational technology or other equipment or

furniture that is not related to a more inclusive construction or renovation project, at the end of the fiscal year following the fiscal year in which the severance tax bonds were issued for the purchase after reserving for unpaid costs and expenses covered by binding written obligations to third parties; and

(3) for all other projects for which severance tax bonds were issued, within six months of completion of the project, but no later than the end of fiscal year 2007.

E. Except for appropriations to the capital program fund, money from severance tax bond proceeds provided pursuant to this act shall not be used to pay indirect project costs.

F. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after costs and expenses recognized in accordance with generally accepted accounting principles have been paid.

Section 2. GENERAL FUND AND OTHER FUND APPROPRIATIONS--LIMITATIONS--REVERSIONS.--

A. Except as otherwise provided in this section or another section of this act, the unexpended balance of an appropriation made in this act from the general fund or other state fund, including changes to prior appropriations, shall revert to the originating fund as follows:

(1) for projects for which appropriations were made to match federal grants, six months after completion of the project;

(2) for projects for which appropriations were made to purchase vehicles, heavy equipment, educational technology or equipment or furniture that is not related to a more inclusive construction or renovation project, at the end of the fiscal year following the fiscal year in which the appropriation was made for the purchase after reserving for unpaid costs and expenses covered by binding written obligations to third parties; and

(3) for all other projects for which appropriations were made, within six months of completion of the project, but no later than the end of fiscal year 2007.

B. Except for appropriations to the capital program fund, money from appropriations made in this act shall not be used to pay indirect project costs.

C. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after costs and expenses recognized in accordance with generally accepted accounting principles have been paid.

Section 3. AGING PROJECTS--STATE AGENCY ON AGING--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the state agency on aging that the need exists for the issuance of the bonds, the following amounts are appropriated to the state agency on aging for the following purposes:

1. sixty thousand dollars (\$60,000) for equipment and additional construction at La Amistad senior center in Albuquerque in Bernalillo county;
2. twenty-five thousand dollars (\$25,000) to repair the roof at Los Volcanes senior center in Albuquerque in Bernalillo county;
3. ten thousand dollars (\$10,000) to purchase tables, chairs and a sound system for Los Volcanes senior center in Albuquerque in Bernalillo county;
4. twenty-four thousand eight hundred ten dollars (\$24,810) to furnish the North Valley senior facility in Albuquerque in Bernalillo county;
5. fifty thousand dollars (\$50,000) to purchase automated external defibrillators for senior centers in Bernalillo county;
6. twenty-five thousand dollars (\$25,000) to make capital improvements, including fencing and parking lot paving, to the Lake Arthur senior center in Chaves county;
7. twenty thousand dollars (\$20,000) to make capital improvements, including compliance with the requirements of the Americans with Disabilities Act of 1990, to the JOY center for senior services in Chaves county;
8. fifteen thousand dollars (\$15,000) for a park recreation area for the senior center in Loving in Eddy county;
9. thirty thousand dollars (\$30,000) to construct a senior center in Artesia in Eddy county;
10. twenty-five thousand dollars (\$25,000) to make improvements, including enclosing the patio area, at the senior center in Santa Clara in Grant county;
11. forty-five thousand dollars (\$45,000) to purchase a sixteen-passenger bus for the senior center at Casamero chapter in McKinley county;
12. thirty thousand dollars (\$30,000) to purchase a van for the senior citizens' program at the Mariano Lake chapter in McKinley county;

13. thirty thousand dollars (\$30,000) to purchase a passenger van for the Baca senior center in the Baca-Prewitt chapter of the Navajo Nation in McKinley county;

14. forty thousand dollars (\$40,000) to purchase a modular office building or to construct a building for the eight northern Indian pueblos council senior programs at the Pojoaque, Picuris, San Ildefonso, Nambe and Tesuque senior nutrition centers in Santa Fe and Taos counties;

15. fifty thousand dollars (\$50,000) to expand and equip the kitchen facility of the Espanola senior center in Espanola in Rio Arriba county;

16. ninety thousand dollars (\$90,000) to purchase handicapped-accessible vans for the senior programs at the pueblos of Santa Ana and Sandia in Sandoval county;

17. fifty thousand dollars (\$50,000) to construct the southside senior center in Santa Fe in Santa Fe county;

18. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct and equip a senior center for the Glorieta-Eldorado area of Santa Fe county;

19. forty-five thousand dollars (\$45,000) to design a senior center in the southside of Santa Fe in Santa Fe county;

20. twenty-five thousand dollars (\$25,000) to make capital improvements at Bear Canyon senior center in Albuquerque in Bernalillo county;

21. thirty thousand dollars (\$30,000) for roof repairs at Los Volcanes senior center in Albuquerque in Bernalillo county;

22. thirty thousand dollars (\$30,000) to equip, furnish and remodel the Palo Duro senior center in Albuquerque in Bernalillo county;

23. thirty thousand dollars (\$30,000) to plan, design and construct an addition to the senior center in Melrose in Curry county;

24. twenty-five thousand dollars (\$25,000) to plan and design the Red Rock senior center in McKinley county;

25. one hundred thousand dollars (\$100,000) to plan, design, construct or purchase a new or to improve the existing senior center in White Horse Lake in McKinley county;

26. forty thousand dollars (\$40,000) to construct an addition to the senior center in Corrales in Sandoval county;

27. eighty-three thousand three hundred dollars (\$83,300) to construct an addition to the senior center in Corrales in Sandoval county;

28. one hundred thousand dollars (\$100,000) to expand, renovate and equip the senior center at the pueblo of San Felipe in Sandoval county;

29. one hundred thousand dollars (\$100,000) to design a senior center in the southside of Santa Fe in Santa Fe county;

30. fifty thousand dollars (\$50,000) to plan, design and construct a senior center in the south side of Santa Fe in Santa Fe county;

31. fifty thousand dollars (\$50,000) to construct, equip and furnish the senior center in Magdalena in Socorro county;

32. five thousand dollars (\$5,000) to purchase an automatic external defibrillator for the senior center in Belen in Valencia county;

33. five thousand dollars (\$5,000) to purchase an automatic external defibrillator for the Del Rio senior center in Belen in Valencia county;

34. five thousand dollars (\$5,000) to purchase an automatic external defibrillator for the Bosque Farms senior center in Peralta in Valencia county;

35. five thousand dollars (\$5,000) to purchase an automatic external defibrillator for the Los Lunas senior center in Los Lunas in Valencia county; and

36. five thousand dollars (\$5,000) to purchase an automatic external defibrillator for the Meadow Lakes senior center in Los Lunas in Valencia county.

Section 4. ARMORY PROJECTS--STATE ARMORY BOARD--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the state armory board that the need exists for the issuance of the bonds, the following amounts are appropriated to the state armory board for the following purposes:

1. ninety-eight thousand eight hundred ten dollars (\$98,810) to make capital improvements, including re-roofing and replacing the heating, ventilation and air conditioning infrastructure, to a building being used as a center for contemporary arts in Santa Fe in Santa Fe county;

2. one million dollars (\$1,000,000) for site improvements, including drainage and erosion control, access modifications and upgrades to existing roads, at the Oate complex in Santa Fe county; and

3. one million dollars (\$1,000,000) for the statewide armory renovation and rehabilitation project.

Section 5. COURT PROJECT--FIRST JUDICIAL DISTRICT COURT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the first judicial district court that the need exists for the issuance of the bonds, thirty thousand dollars (\$30,000) is appropriated to the first judicial district court to purchase a vehicle for the first judicial district attorney's office in Santa Fe county.

Section 6. COURT PROJECT--THIRD JUDICIAL DISTRICT COURT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the third judicial district court that the need exists for the issuance of the bonds, fifty thousand dollars (\$50,000) is appropriated to the third judicial district court to acquire land for, plan, design and construct the expansion of the third judicial district court facility in Las Cruces in Dona Ana county.

Section 7. COURT PROJECTS--NINTH JUDICIAL DISTRICT COURT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the ninth judicial district court that the need exists for the issuance of the bonds, the following amounts are appropriated to the ninth judicial district court for the following purposes:

1. twenty-five thousand dollars (\$25,000) for courtroom audio equipment in the ninth judicial district court in Clovis and Portales in Curry and Roosevelt counties;

2. fifty thousand dollars (\$50,000) to purchase automobiles for use by the ninth judicial district court judge in Curry and Roosevelt counties; and

3. twenty-five thousand dollars (\$25,000) for security equipment for the ninth judicial district court in Clovis and Portales in Curry and Roosevelt counties.

Section 8. DISTRICT ATTORNEY PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the thirteenth judicial district attorney that the need exists for the issuance of the bonds, fifty thousand dollars (\$50,000) is appropriated to the office of the thirteenth judicial

district attorney to purchase a vehicle and sport utility vehicles for the office in the thirteenth judicial district in Valencia, Cibola and Sandoval counties.

Section 9. RAILROAD PROJECT--CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the Cumbres and Toltec scenic railroad commission that the need exists for the issuance of the bonds, four hundred forty-two thousand dollars (\$442,000) is appropriated to the Cumbres and Toltec scenic railroad commission for capital improvements, including locomotive boiler work, heat and lighting for the shop area and track upgrade, in Rio Arriba county, contingent upon an equal match of appropriations and grants from the state of Colorado.

Section 10. MUSEUM AND CULTURAL PROJECTS--OFFICE OF CULTURAL AFFAIRS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the office of cultural affairs that the need exists for the issuance of the bonds, the following amounts are appropriated to the office of cultural affairs for the following purposes:

1. one hundred one thousand dollars (\$101,000) to expand, improve and equip the library at the pueblo of Isleta in Bernalillo county;

2. thirty thousand dollars (\$30,000) for phase 2 landscaping improvements, including paths, rest areas, drinking fountains and fencing, at the New Mexico farm and ranch heritage museum in Las Cruces in Dona Ana county;

3. seventy thousand dollars (\$70,000) to plan a children's discovery barn and a beef and horse barn at the New Mexico farm and ranch heritage museum in Las Cruces in Dona Ana county;

4. five hundred thousand dollars (\$500,000) for repairs and replacement of the windows at the New Mexico museum of space history in Alamogordo in Otero county;

5. four million dollars (\$4,000,000) to design, construct, furnish and equip the palace of the governors project, including the annex site and the statewide services building portion of the project, in Santa Fe in Santa Fe county;

6. forty-eight thousand seven hundred fifty dollars (\$48,750) to design and construct exhibits at the Camino Real international heritage center in Socorro county;

7. forty thousand eight hundred ten dollars (\$40,810) for the statewide conservation of public art that was created during the Depression era;

8. seventy-five thousand dollars (\$75,000) to construct and equip the national atomic museum in Albuquerque in Bernalillo county;

9. fifty thousand dollars (\$50,000) to construct and equip the national atomic museum in Albuquerque in Bernalillo county;

10. seventy-five thousand dollars (\$75,000) to construct a learning center and parking lot at the national Hispanic cultural center of New Mexico in Albuquerque in Bernalillo county;

11. one hundred thousand dollars (\$100,000) for capital improvements at the New Mexico farm and ranch heritage museum in Las Cruces in Dona Ana county; and

12. seventy-five thousand dollars (\$75,000) to commission a sculpture of Padre Martinez to be placed in an appropriate location in Santa Fe in Santa Fe county.

Section 11. HISTORIC PRESERVATION PROJECTS--HISTORIC PRESERVATION DIVISION--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the historic preservation division of the office of cultural affairs that the need exists for the issuance of the bonds, the following amounts are appropriated to the historic preservation division for the following purposes:

1. twenty-five thousand dollars (\$25,000) for preservation and renovation of the McKinley county courthouse; and

2. fifty thousand dollars (\$50,000) to plan, design, construct, renovate and equip the historic Tularosa high school building for various community, cultural and educational purposes in Tularosa in Otero county.

Section 12. E-COMMERCE PROJECTS STATEWIDE--ECONOMIC DEVELOPMENT DEPARTMENT--SEVERANCE TAX BONDS.-- Pursuant to the provisions of Section 1 of this act, upon certification by the economic development department that the need exists for the issuance of the bonds, the following amounts

are appropriated to the economic development department for the following purposes:

1. twenty thousand dollars (\$20,000) to purchase and install technology infrastructure for e-commerce initiatives statewide;
2. thirty thousand dollars (\$30,000) to purchase and install technology infrastructure for e-commerce initiatives statewide;
3. five thousand dollars (\$5,000) to purchase and install technology infrastructure for e-commerce initiatives statewide; and
4. five thousand dollars (\$5,000) to purchase and install technology infrastructure for e-commerce initiatives statewide.

Section 13. ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the energy, minerals and natural resources department that the need exists for the issuance of the bonds, the following amount is appropriated to the energy, minerals and natural resources department for the following purpose, seventy-five thousand dollars (\$75,000) for the forestry division to renovate the office of the forestry division of the energy, minerals and natural resources department at Storrie Lake state park in Las Vegas in San Miguel county.

Section 14. WATER PROJECTS--OFFICE OF THE STATE ENGINEER--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the office of the state engineer that the need exists for the issuance of the bonds, the following amounts are appropriated to the office of the state engineer for the following purposes:

1. fifteen thousand dollars (\$15,000) to drill wells for the Hope community ditch association in Eddy county;
2. fifty thousand dollars (\$50,000) to develop a water supply for the Gallup-Navajo water supply project in McKinley county;
3. fifty thousand dollars (\$50,000) to plan, design and construct drainage systems at Elephant Butte in Sierra county;

4. eighty thousand dollars (\$80,000) to repair the spillway and armor the headwall of the dam for the Ponderosa ditch association in Sandoval county;

5. forty thousand dollars (\$40,000) for improvements and inlet and pipeline extensions to the Cuchillo Valley water users acequia association water system in Sierra county;

6. fifteen thousand dollars (\$15,000) to acquire land for, design and construct the flood control project on north Edith boulevard in Albuquerque in Bernalillo county;

7. seven thousand three hundred dollars (\$7,300) to install gates at Sunset road southwest to the north, Five Points road southwest to the south, Atrisco road southwest to the west and Sunset road southwest to the east in the middle Rio Grande conservancy district in Albuquerque in Bernalillo county;

8. forty-one thousand dollars (\$41,000) for riverbed improvements in the Spring river to eliminate stagnant waters in and around the entrance to the Roswell museum and art center in Chaves county;

9. seventy-five thousand dollars (\$75,000) to purchase water rights for Eagle Nest in Colfax county; and

10. fifty thousand dollars (\$50,000) to purchase water rights in Eagle Nest in Colfax county.

Section 15. ENVIRONMENT PROJECTS--DEPARTMENT OF ENVIRONMENT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of environment that the need exists for the issuance of the bonds, the following amounts are appropriated to the department of environment for the following purposes:

1. forty-five thousand dollars (\$45,000) to complete phase 3 of the water system improvements project in Tijeras in Bernalillo county;

2. thirty-five thousand dollars (\$35,000) to make capital improvements, including repairing and replacing of water lines, for the Cumberland cooperative water users association in Chaves county;

3. fifty thousand dollars (\$50,000) to design and extend a water line to the training center for police and firefighters in Roswell in Chaves county;

4. fifty-five thousand dollars (\$55,000) to renovate or construct a water tank in Grants in Cibola county;

5. forty-eight thousand eight hundred ten dollars (\$48,810) to renovate or construct a water tank in Grants in Cibola county;

6. fifteen thousand dollars (\$15,000) to repair and update the water system in Grady in Curry county;

7. twenty-five thousand dollars (\$25,000) to repair the water tower in Melrose in Curry county;

8. ninety-two thousand dollars (\$92,000) to plan, design and construct an administrative office for the Berino mutual domestic water consumers association in Dona Ana county;

9. sixty-eight thousand dollars (\$68,000) for an engineering report and environmental assessment to improve the water system of the Berino mutual domestic water consumers association in Dona Ana county;

10. eighty thousand dollars (\$80,000) to acquire rights of way, engineer, survey and construct improvements to the Dona Ana mutual domestic water consumers association water system in Dona Ana county;

11. thirty thousand dollars (\$30,000) to extend the distribution lines to loop the water system at the south end of Estrada road in Mesilla in Dona Ana county;

12. twenty thousand dollars (\$20,000) for improvements to the Malaga mutual domestic water consumers and sewage works association water and sewer system in Eddy county;

13. forty thousand eight hundred ten dollars (\$40,810) to expand and construct the wastewater treatment plant in Artesia in Eddy county;

14. thirty thousand dollars (\$30,000) for phase 3 construction of the effluent reuse project in Carlsbad in Eddy county;

15. fifty thousand dollars (\$50,000) to make water system improvements in Tatum in Lea county;

16. thirty-eight thousand dollars (\$38,000) to replace a sewer machine in Eunice in Lea county;

17. two hundred nine thousand seven hundred fifty dollars (\$209,750) to construct a water tank in Corona in Lincoln county;

18. eighty thousand dollars (\$80,000) to renovate the Bayo wastewater treatment plant in Los Alamos in Los Alamos county;

19. forty thousand dollars (\$40,000) to equip the northwest New Mexico regional solid waste authority in McKinley county;

20. one hundred eighty-three thousand eight hundred ten dollars (\$183,810) to plan, design, engineer and construct improvements, including a hydraulic expansion, to the wastewater treatment plant in Gallup in McKinley county;

21. sixty thousand dollars (\$60,000) to construct an additional storage tank and booster station and make related improvements in the Gameraco water and sanitation district in McKinley county;

22. forty thousand dollars (\$40,000) to equip the northwest New Mexico regional solid waste authority in McKinley county;

23. twenty-five thousand dollars (\$25,000) to replace water and sewer lines in Tucumcari in Quay county;

24. twenty-five thousand dollars (\$25,000) to repair and renovate the sewage plant in Tucumcari in Quay county;

25. twenty-five thousand dollars (\$25,000) to improve the water distribution supply system for the El Barranco mutual water domestic consumers association in Abiquiu in Rio Arriba county;

26. twenty-five thousand dollars (\$25,000) to upgrade the water system for the Gallina mutual domestic water consumers association in Rio Arriba county;

27. eleven thousand one hundred ninety dollars (\$11,190) to make improvements to the water system of the Duranes y Gavilan mutual domestic water consumers association in Rio Arriba county;

28. twenty-five thousand dollars (\$25,000) to construct a water well for the Ojo Sarco mutual domestic water consumers association in Rio Arriba county;

29. one hundred fifty thousand dollars (\$150,000) to engineer, plan, design and construct improvements, including water line extensions, for the upper La Plata water users association in San Juan county;

30. ten thousand dollars (\$10,000) to improve the sewer line on Union street in Las Vegas in San Miguel county;

31. ten thousand dollars (\$10,000) to repair the water lines and make other related improvements to the water system in the Ribera mutual domestic water consumers association in San Miguel county;

32. one hundred thousand dollars (\$100,000) to expand the landfill, including acquiring land, at the south Sandoval county regional landfill in Sandoval county;

33. fifty thousand dollars (\$50,000) to expand the landfill, including acquiring land, at the south Sandoval county regional landfill in Sandoval county;

34. fifty thousand dollars (\$50,000) for phase 2 water system improvements for the Canyon mutual domestic water association in Sandoval county;

35. eighty thousand dollars (\$80,000) to conduct an engineering analysis and construct a wastewater system in Cochiti Lake in Sandoval county;

36. seventy-eight thousand seven hundred fifty dollars (\$78,750) to expand the landfill, including acquiring land, at the south Sandoval county regional landfill in Sandoval county;

37. fifteen thousand dollars (\$15,000) for water distribution system improvements for the Solacito mutual domestic water consumers association in Santa Fe county;

38. four hundred twenty-five thousand dollars (\$425,000) to purchase sanitation equipment, including a scraper and rear loader, for Truth or Consequences in Sierra county;

39. twenty-five thousand dollars (\$25,000) to construct a wastewater treatment plant and collection lines in Elephant Butte and Elephant Butte state park in Sierra county;

40. sixty-five thousand dollars (\$65,000) for phase 1 wastewater improvements in the El Valle de los Ranchos water and sanitation district in Taos county;

41. fifty thousand dollars (\$50,000) to make improvements to the water system of El Prado water and sanitation district in El Prado in Taos county;

42. twenty-five thousand dollars (\$25,000) to make improvements to the water system of the Talpa mutual domestic water consumers association in Taos county;

43. fifty thousand dollars (\$50,000) for improvements to the water system in Questa in Taos county;

44. three hundred seventy-five thousand dollars (\$375,000) for phase 1 wastewater improvements in the El Valle de los Ranchos water and sanitation district in Taos county;

45. twenty-five thousand dollars (\$25,000) to purchase and install a new tank and extend the water lines and insulation for the Trampas mutual domestic water consumers association in Taos county;

46. fifteen thousand dollars (\$15,000) for the Santa Barbara valley mutual domestic water consumers association to plan, design and construct a community domestic water system for Llano Largo and Llano de la Llegua in the upper Rodarte communities in Taos county;

47. twenty-five thousand dollars (\$25,000) to acquire property for a new well and tank, extend distribution lines and make other related improvements for the Chamisal mutual domestic water consumers association in Taos county;

48. two hundred thousand dollars (\$200,000) to replace the domestic water system, sanitary sewer system, sewer lift station and part of the roadway at east Chavez street in Belen in Valencia county;

49. ninety thousand dollars (\$90,000) for phase 3 water system improvements in Tijeras in Bernalillo county;

50. fifty thousand dollars (\$50,000) for a community water system, including a well, storage tank and water lines, in Carnuel in Bernalillo county;

51. twenty-five thousand dollars (\$25,000) to extend a water line to the training center for police and firefighters in Roswell in Chaves county;

52. fifty thousand dollars (\$50,000) to extend a water line to the training center for police and firefighters in Roswell in Chaves county;

53. fifteen thousand dollars (\$15,000) to design and construct improvements to the water system for the Cumberland water users association in Chaves county;

54. fifty thousand dollars (\$50,000) for water and sewer improvements in Angel Fire in Colfax county;

55. thirty thousand dollars (\$30,000) for a water tower in Melrose in Curry county;

56. one hundred thousand dollars (\$100,000) to acquire rights of way, engineer, survey and construct improvements to the Dona Ana mutual domestic water consumers association water system in Dona Ana county;

57. one hundred thousand dollars (\$100,000) to construct a public service complex for the Anthony water and sanitation district in Dona Ana county;

58. twenty-five thousand dollars (\$25,000) to make improvements and purchase operation equipment for the mutual domestic water consumers association alliance in Dona Ana county;

59. twenty-five thousand dollars (\$25,000) to extend the distribution lines to loop the water system to the northern area of Mesilla in Dona Ana county;

60. five thousand dollars (\$5,000) for water line extensions on Calle de Oeste, Estrada road and Arenales road in Mesilla in Dona Ana county;

61. five thousand dollars (\$5,000) for water line extensions on Snow road in Mesilla in Dona Ana county;

62. thirty-five thousand dollars (\$35,000) to construct a wastewater collection system for the San Pablo mutual domestic water association in Dona Ana county;

63. twenty-five thousand dollars (\$25,000) for improvements to the Mountain View water system in Dona Ana county;

64. twenty-five thousand dollars (\$25,000) for improvements to the Malaga mutual domestic water consumers and sewage works association water and sewer system in Eddy county;

65. fifty thousand dollars (\$50,000) to make water system improvements in Tatum in Lea county;

66. fifty thousand dollars (\$50,000) to rehabilitate the water system and wastewater treatment plant in Lovington in Lea county;

67. one hundred thousand dollars (\$100,000) to replace a water line from Hobbs well field to Eunice in Lea county;

68. ninety thousand dollars (\$90,000) to reconstruct a main water transmission line from the well field to the distribution system in Jal in Lea county;

69. thirty-five thousand dollars (\$35,000) to rehabilitate the water storage system in Ruidoso Downs in Lincoln county;

70. thirty-five thousand dollars (\$35,000) to construct a water storage tank in Corona in Lincoln county;

71. thirty-five thousand dollars (\$35,000) to make improvements to the wastewater treatment plant in Capitan in Lincoln county;

72. fifty thousand dollars (\$50,000) to plan, design, engineer and construct improvements to and a hydraulic expansion of the wastewater treatment plant in Gallup in McKinley county;

73. fifteen thousand dollars (\$15,000) to complete an engineering study and environmental assessment of the wastewater treatment system in the pueblo of Zuni in McKinley county;

74. fifteen thousand dollars (\$15,000) to purchase solid waste operational equipment for the northwest New Mexico regional solid waste authority in McKinley county;

75. one hundred fifty thousand dollars (\$150,000) to study surface water to determine the need for a filtration plant and to make phase 2 improvements at the wastewater treatment plant in Cloudcroft in Otero county;

76. fifty thousand dollars (\$50,000) to design and construct underground water and sewer infrastructure in Tucumcari in Quay county;

77. forty thousand dollars (\$40,000) to restore well number two to reduce fluoride levels in Espanola in Rio Arriba county;

78. twenty-three thousand dollars (\$23,000) for developing master plans for water and wastewater treatment facilities in Chama in Rio Arriba county;

79. forty thousand dollars (\$40,000) to plan, design and construct an office building for the Agua Sana water users association in Hernandez in Rio Arriba county;

80. one hundred thousand dollars (\$100,000) to replace wastewater and storm water mains in Bloomfield in San Juan county;

81. ten thousand dollars (\$10,000) for water mains and line improvements for Big Mesa water cooperative in Conchas dam in San Miguel county;

82. fifty thousand dollars (\$50,000) to expand the landfill, including acquiring land, at the south Sandoval county regional landfill in Sandoval county;

83. one hundred thousand dollars (\$100,000) to expand the southern Sandoval county regional landfill;

84. ninety thousand dollars (\$90,000) to plan, design and construct a wastewater collection and treatment system in Edgewood in Santa Fe county;

85. fifty thousand dollars (\$50,000) for environmental analysis and design of water system infrastructure improvements for the San Juan-Chama diversion project and for rehabilitation of the Buckman wells in Santa Fe in Santa Fe county;

86. fifty thousand dollars (\$50,000) to design and construct a new well for Agua Fria in Santa Fe county;

87. one hundred ten thousand dollars (\$110,000) to extend a sewer line from Rufina street to Agua Fria road through Camino Polvoso in Santa Fe county;

88. one hundred thousand dollars (\$100,000) to plan, design and construct a sewer system in Elephant Butte in Sierra county;

89. one hundred thousand dollars (\$100,000) to construct improvements to the water distribution system in Truth or Consequences in Sierra county, contingent on a match from the federal government;

90. fifty thousand dollars (\$50,000) to purchase sanitation equipment, including a scraper and rear loader, for Truth or Consequences in Sierra county;

91. twenty thousand dollars (\$20,000) to design and construct a water well and storage tank and to make other related improvements to the East Cerro mutual domestic water consumers association water system in Taos county;

92. thirty thousand dollars (\$30,000) to purchase and install water meters for the Talpa mutual domestic water consumers association in Taos county;

93. one hundred fifty thousand dollars (\$150,000) for improvements to the water system in Questa in Taos county;

94. forty thousand dollars (\$40,000) to repair a water storage tank in Clayton in Union county; and

95. one hundred thousand dollars (\$100,000) to rehabilitate the sanitary sewer system and install an inceptor line in Belen in Valencia county.

Section 16. STATE FAIR PROJECT--STATE FAIR COMMISSION--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the state fair commission that the need exists for the issuance of the bonds, eighty-five thousand eight hundred ten dollars (\$85,810) is appropriated to the state fair commission to make improvements and furnish and equip the African-American pavilion at the New Mexico state fairgrounds in Albuquerque in Bernalillo county.

Section 17. DIGITAL TECHNOLOGY PROJECT--GENERAL SERVICES DEPARTMENT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the

general services department that the need exists for the issuance of the bonds, three million three hundred thirty-three thousand three hundred thirty-three dollars (\$3,333,333) is appropriated to the general services department to continue converting the state's microwave radio system to digital technology.

Section 18. HEALTH FACILITY PROJECTS--DEPARTMENT OF HEALTH--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of health that the need exists for the issuance of the bonds, the following amounts are appropriated to the department of health for the following purposes:

1. two hundred thousand dollars (\$200,000) to plan, design and construct or purchase a modular building for a facility for the Hatch health and human services center in Dona Ana county;

2. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish the outpatient chemotherapy facility in the Nor-Lea hospital district in Lea county;

3. one hundred thousand dollars (\$100,000) to design, construct, equip and furnish the medical facility in Estancia in Torrance county;

4. ten thousand dollars (\$10,000) to design, construct, equip and furnish the medical facility in Estancia in Torrance county;

5. fifty thousand dollars (\$50,000) to acquire land for, plan, design, construct, equip and furnish a new facility for the San Miguel la clinica de familia in Dona Ana county;

6. fifty thousand dollars (\$50,000) for phase 2 construction of the public health office in Las Vegas in San Miguel county;

7. one hundred twelve thousand five hundred dollars (\$112,500) to plan, design and construct a facility for the delivery of behavioral health services in Santa Fe county; and

8. fifteen thousand dollars (\$15,000) to plan, design and construct a facility for the delivery of behavioral health services in Santa Fe county.

Section 19. HIGHWAY PROJECTS--STATE HIGHWAY AND TRANSPORTATION DEPARTMENT--SEVERANCE TAX BONDS.--

Pursuant to the provisions of Section 1 of this act, upon certification by the state highway and transportation department that the need exists for the issuance of the bonds, the following amounts are appropriated to the state highway and transportation department for the following purposes:

1. twenty thousand dollars (\$20,000) to purchase the rights of way to extend Paseo del Norte from Golf Course road to Ventana ranch and to extend Unser boulevard from Irving boulevard to Montano road in Albuquerque in Bernalillo county;
2. fifty thousand dollars (\$50,000) for road improvements in the north area of Albuquerque in house district 23 in Bernalillo county;
3. two hundred eighty-six thousand seven hundred fifty dollars (\$286,750) to purchase the rights of way to extend Paseo del Norte from Golf Course road to Ventana ranch and to extend Unser boulevard from Irving boulevard to Montano road in Albuquerque in Bernalillo county;
4. two hundred fifty thousand dollars (\$250,000) to acquire rights of way and to construct roadway drainage and pavement improvements to Five Points road from Bridge boulevard to Atrisco drive in the south valley, including sections of this street both inside and outside the city of Albuquerque in Bernalillo county;
5. twenty-three thousand five hundred dollars (\$23,500) for asphalt overlay on Evergreen drive SW in the Armijo area of the south valley in Bernalillo county;
6. five thousand five hundred dollars (\$5,500) to construct improvements, including an elevated speed table, at the approach to the intersection of La Vega and Armijo roads in the south valley area of Bernalillo county;
7. five thousand dollars (\$5,000) to acquire easements for streetlights along Vito Romero road, De Baca circle, La Vega drive and Ann avenue in the Armijo area of the south valley in Bernalillo county;
8. eighteen thousand dollars (\$18,000) for asphalt overlay on Armijo place SW in the Armijo area of the south valley in Bernalillo county;
9. twenty-three thousand eight hundred ten dollars (\$23,810) for graffiti-proof traffic control signs in the Atrisco, Five Points and Armijo areas of the south valley in Bernalillo county;
10. two hundred forty-eight thousand seven hundred fifty dollars (\$248,750) to reconstruct Mountain Valley road in the east mountain area of Bernalillo county;

11. forty-eight thousand seven hundred fifty dollars (\$48,750) to landscape grounds affected by the construction at the interstates 25 and 40 interchange in Albuquerque in Bernalillo county;

12. six thousand dollars (\$6,000) for speed humps on Princess Jeanne avenue in front of Bellehaven elementary school in Albuquerque in Bernalillo county;

13. ten thousand dollars (\$10,000) to construct speed humps at Sixty-fourth street NW in Albuquerque in Bernalillo county;

14. fifty thousand dollars (\$50,000) to purchase the rights of way to extend Paseo del Norte from Golf Course road to Ventana ranch and to extend Unser boulevard from Irving boulevard to Montano road in Albuquerque in Bernalillo county;

15. ten thousand dollars (\$10,000) to purchase the rights of way to extend Paseo del Norte from Golf Course road to Ventana ranch and to extend Unser boulevard from Irving boulevard to Montano road in Albuquerque in Bernalillo county;

16. thirty thousand dollars (\$30,000) to construct speed humps in house district 17 in Albuquerque in Bernalillo county;

17. fifty thousand dollars (\$50,000) to improve and repave Sandia View street NW east of Second street in Bernalillo county;

18. fifty thousand dollars (\$50,000) for improvements to Edith boulevard NE in the north valley area of Albuquerque in Bernalillo county;

19. forty thousand dollars (\$40,000) for infrastructure improvements to Trujillo, Dennison and Townsend roads in Albuquerque in Bernalillo county;

20. twenty-four thousand seven hundred dollars (\$24,700) for improvements to Breece road in the south valley area of Bernalillo county;

21. fifteen thousand dollars (\$15,000) for road improvements to Sunshine lane in the south valley area of Bernalillo county;

22. twenty-four thousand seven hundred dollars (\$24,700) for road improvements to Sunrise circle in the south valley area of Bernalillo county;

23. twenty-four thousand seven hundred dollars (\$24,700) for road improvements to Forman road in the south valley area of Bernalillo county;

24. twenty-four thousand seven hundred dollars (\$24,700) for road improvements to Wenk road in the south valley area of Bernalillo county;

25. thirty-five thousand dollars (\$35,000) to install streetlights in the Adobe Acres neighborhood in the south valley of Bernalillo county;

26. twenty-five thousand dollars (\$25,000) to repair the tarmac at the private air terminal in Roswell in Chaves county;

27. fifty thousand dollars (\$50,000) to widen north Atkinson avenue from two to four lanes between Country Club road and Mescalero avenue in Chaves county;

28. three hundred thousand dollars (\$300,000) to surface and improve East Seventh street, including widening and installing curbs, gutters and streetlights and upgrading the traffic signals between Norris street and Humphrey road in Clovis in Curry county;

29. eighty-three thousand seven hundred fifty dollars (\$83,750) for materials to make improvements on county road 19 from C to E in Curry county;

30. fifty thousand dollars (\$50,000) for road improvements in Curry county;

31. one hundred twenty-five thousand dollars (\$125,000) to improve west Seventh street from Hondo street to United States highway 60/84 in Clovis in Curry county;

32. twenty-three thousand seven hundred dollars (\$23,700) to landscape the area at the interstate 25 and United States highway 70 interchange in Las Cruces in Dona Ana county;

33. twenty-five thousand dollars (\$25,000) to plan, design and construct an asphalt path and purchase and install an irrigation system, benches and stop stations at the north Triviz boulevard multi-use path in Las Cruces in Dona Ana county;

34. twenty-five thousand dollars (\$25,000) to construct an aircraft hangar for the civil air patrol aircraft based at the Las Cruces municipal airport in Dona Ana county;

35. seventy-three thousand eight hundred ten dollars (\$73,810) to improve roads in Chaparral in Dona Ana county;

36. forty-five thousand dollars (\$45,000) to purchase and install streetlights in Chaparral, Mesquite and Anthony in Dona Ana county;

37. twenty-five thousand dollars (\$25,000) for school crossing signals for Tombaugh elementary school in the Las Cruces public school district in Dona Ana county;

38. seventy-five thousand dollars (\$75,000) to make road improvements, including chip sealing, in the Del Cerro subdivision of Mesquite in Dona Ana county;

39. fifteen thousand dollars (\$15,000) to construct sidewalks on Sixth street in Loving in Eddy county;

40. twenty thousand dollars (\$20,000) to make street improvements in Carlsbad in Eddy county;

41. forty-three thousand eight hundred ten dollars (\$43,810) to make improvements to Pattie street in Hurley in Grant county;

42. one hundred thirty-five thousand dollars (\$135,000) to make improvements, including conversion to two-lane traffic, to La Pradira bridge in Santa Rosa in Guadalupe county;

43. fifteen thousand dollars (\$15,000) for street repairs in Roy in Harding county;

44. fifteen thousand dollars (\$15,000) for street improvements in Mosquero in Harding county;

45. one hundred thousand dollars (\$100,000) for slurry and chip seal materials for roads in Hobbs in Lea county;

46. seventy-five thousand dollars (\$75,000) for improvements to various streets in Lovington in Lea county;

47. twenty-five thousand dollars (\$25,000) to improve streets in Lovington in Lea county;

48. thirty thousand dollars (\$30,000) to make improvements to streets in Tatum in Lea county;

49. sixty-six thousand eight hundred dollars (\$66,800) to pave and upgrade roads in Monument in Lea county;

50. thirteen thousand dollars (\$13,000) to make road and drainage improvements in the Homer C. Jones subdivision at Bluewater lake in McKinley county;

51. twelve thousand dollars (\$12,000) to make road and drainage improvements in the Homer C. Jones subdivision at Bluewater lake in McKinley county;

52. seventy-five thousand dollars (\$75,000) for phases 4 and 5 paving of Loma Larga road in Corrales in Sandoval and Bernalillo counties;

53. two hundred twenty-five thousand dollars (\$225,000) to resurface south Florida avenue from First street to Panorama boulevard and replace curbs and gutters in Alamogordo in Otero county;

54. eighteen thousand seven hundred fifty dollars (\$18,750) to improve roads in Roosevelt county;

55. one hundred thousand dollars (\$100,000) to improve various streets in Portales in Roosevelt county;

56. seventy-five thousand dollars (\$75,000) for installing streetlights in Shiprock in San Juan county;

57. one hundred twenty-eight thousand seven hundred fifty dollars (\$128,750) to construct Andrea drive to connect with Wildflower parkway in San Juan county;

58. two hundred fifty thousand dollars (\$250,000) to construct Andrea drive to connect with Wildflower parkway in San Juan county;

59. fifty thousand dollars (\$50,000) to make improvements to county road 2755 in San Juan county;

60. ten thousand dollars (\$10,000) for road improvements to and paving of county road B-30-A in San Miguel county;

61. twenty thousand dollars (\$20,000) for improvements to county road B-40-A in Alcon in San Miguel county;

62. one hundred thousand dollars (\$100,000) to improve Fruta road in Rio Rancho in Sandoval county;

63. one hundred thousand dollars (\$100,000) to improve Unser boulevard, including widening the boulevard to four lanes from Abrazo road to Cherry road, in Rio Rancho in Sandoval county;

64. one hundred thousand dollars (\$100,000) to improve the unpaved principal arterial Idalia road from Northern boulevard and Broadmoor drive north to Idalia and then northeast to Kim road in Rio Rancho in Sandoval county;

65. fifty thousand dollars (\$50,000) for grading Spur Ranch road in Eldorado in Santa Fe county;

66. twenty-five thousand dollars (\$25,000) to pave two miles of county road 69, old Galisteo road, in Santa Fe county;

67. forty thousand dollars (\$40,000) for a box culvert on avenida Amistad in Eldorado in Santa Fe county;

68. fifty thousand dollars (\$50,000) for improvements to La Barbaria county road 67-F in Santa Fe county;

69. twenty-five thousand dollars (\$25,000) for road improvements to Double Arrow road in Santa Fe county;

70. fifty thousand dollars (\$50,000) for improvements to county road 55-A in Santa Fe county;

71. forty thousand dollars (\$40,000) for road improvements to Kinsell avenue west in Stanley in Santa Fe county;

72. two hundred ten thousand dollars (\$210,000) to install speed bumps and other traffic calming measures in Casa Alegre in Santa Fe in Santa Fe county;

73. sixty thousand dollars (\$60,000) for improvements to county road 103 from United States highways 84-285 to the pueblo of Nambe industrial park in Santa Fe county;

74. sixty thousand dollars (\$60,000) to construct curbs, gutters and sidewalks, install drainage treatment to and pave Juan de Dios road in Santa Fe in Santa Fe county;

75. sixty thousand dollars (\$60,000) to construct new asphalt pavement, striping, drainage and seeding on county road 85, camino de los Montoyas, between state road 599 and the city line at Vista Chicoma in Santa Fe county;

76. twenty-five thousand dollars (\$25,000) to improve county roads 127-B, 135-B and 179-A in Socorro county;

77. twenty thousand dollars (\$20,000) for road improvements to school bus routes in the Abo Valley subdivision in Veguita in Socorro county;

78. ten thousand dollars (\$10,000) for materials to make improvements to Hop Canyon road in Socorro county;

79. seventy-five thousand dollars (\$75,000) to pave county road AB-007, lower Las Colonias road, in Taos county;

80. one hundred thousand dollars (\$100,000) to install streetlights on Golf Course road between highway 304 and highway 47 in Belen in Valencia county;

81. eighteen thousand eight hundred ten dollars (\$18,810) to pave Rio del Oro road from the Manzano expressway to Bonita Vista boulevard in Valencia county;

82. twenty-five thousand dollars (\$25,000) to plan, design and construct drainage improvements to Carson drive in Pinon and Pine courts in Los Lunas in Valencia county;

83. one hundred forty-three thousand eight hundred ten dollars (\$143,810) to plan, design and construct improvements to Los Lentos road in Los Lunas in Valencia county;

84. twenty-five thousand dollars (\$25,000) to make improvements to comply with the requirements of the Americans with Disabilities Act of 1990, including installation of sidewalk wheelchair ramps, in the Luna Hills area of Los Lunas in Valencia county;

85. twenty-five thousand dollars (\$25,000) to construct road drainage improvements to county roads in Valencia county;

86. two hundred thousand dollars (\$200,000) to construct Paseo del Norte from Golf Course road to Unser boulevard in Bernalillo county;

87. fifty thousand dollars (\$50,000) for a stoplight at Paseo del Norte and Browning street in Albuquerque in Bernalillo county;

88. thirty thousand dollars (\$30,000) for landscaping and safety maintenance on Alameda boulevard in Albuquerque in Bernalillo county;

89. one hundred thousand dollars (\$100,000) for sewer infrastructure and road paving in the Sunset Gardens area in Westgate Heights in Albuquerque in Bernalillo county;

90. twenty-nine thousand dollars (\$29,000) to make street and storm sewer improvements in the Comanche-Griegos area of Albuquerque in Bernalillo county;

91. twenty-five thousand eight hundred fifty dollars (\$25,850) for asphalt overlay on Henry circle SW in the Atrisco area of the south valley in Bernalillo county;

92. four thousand four hundred dollars (\$4,400) for asphalt overlay of speed reduction barriers on Foothill road SW in the Atrisco area of the south valley in Bernalillo county;

93. sixty thousand dollars (\$60,000) for median beautification improvements to Bataan avenue southwest in the area north of Gonzales avenue southwest and south of Churchill road southwest in Albuquerque in Bernalillo county;

94. seventy thousand dollars (\$70,000) for archaeological surveys and environmental assessments for To'hajiilee route north 56 in Bernalillo county;

95. sixty-five thousand dollars (\$65,000) to chip seal county road 8 from county road E through county road G in Curry county;

96. one hundred thousand dollars (\$100,000) to expand east Seventh street in Clovis in Curry county;

97. fifty thousand dollars (\$50,000) for street repairs in Melrose in Curry county;

98. one hundred thousand dollars (\$100,000) to chip seal county road 6 from K to N in Curry county;

99. fifty thousand dollars (\$50,000) to chip seal county road 6 from K to N in Curry county;

100. fifty thousand dollars (\$50,000) for caliche and chip sealing in the Shumate subdivision between county roads 13 and 14 and H and J in Curry county;

101. thirty thousand dollars (\$30,000) to acquire and install crossing lights and a crosswalk at La Mesa and San Miguel elementary schools in the Gadsden independent school district on Highway 28 in Dona Ana county;

102. ten thousand dollars (\$10,000) for constructing an asphalt path and purchasing and installing an irrigation system, benches and stop stations at the north Triviz boulevard multi-use path in Las Cruces in Dona Ana county;

103. one hundred thousand dollars (\$100,000) to construct an aircraft hangar for the civil air patrol aircraft based at the Las Cruces municipal airport in Dona Ana county;

104. forty-nine thousand dollars (\$49,000) for improvements to various streets in the Butterfield park area in Dona Ana county;

105. fifty thousand dollars (\$50,000) for improvements to Pattie street in Hurley in Grant county;

106. twenty-five thousand dollars (\$25,000) for street improvements in Roy in Harding county;

107. twenty-five thousand dollars (\$25,000) for street improvements in Mosquero in Harding county;

108. forty thousand dollars (\$40,000) for slurry and chip seal materials for roads in Hobbs in Lea county;

109. twenty thousand dollars (\$20,000) for a survey, archaeological clearance and environmental assessment of and improvements to roads in the Rock Springs chapter in McKinley county;

110. seventy thousand dollars (\$70,000) for continued construction of the Nizhoni boulevard extension project in Gallup in McKinley county;

111. thirty-five thousand dollars (\$35,000) to pave community roads in the Iyanbito chapter in McKinley county;

112. fifty thousand dollars (\$50,000) for an archaeological and environmental assessment and right-of-way survey for Cousins road in McKinley county;

113. fifteen thousand dollars (\$15,000) for base course and chip sealing on county road 2, Refuge Rock road, in McKinley county;

114. fifteen thousand dollars (\$15,000) for base course and chip sealing on Twin Buttes road in McKinley county;

115. five thousand dollars (\$5,000) for phase 1 design and a realignment study of the county road 42 and Miyamura intersection in McKinley county;

116. ten thousand dollars (\$10,000) for improvements to county road 77 in McKinley county;

117. ten thousand dollars (\$10,000) for improvements to county road 30 in McKinley county;

118. ten thousand dollars (\$10,000) for phase 2 improvements to county road 34 in McKinley county;

119. ten thousand dollars (\$10,000) for phase 1 improvements to county road 34 in McKinley county;

120. fifty-five thousand dollars (\$55,000) for improvements to First street, including signal lights, crosswalks, sidewalks and fencing, in Alamogordo in Otero county;

121. one hundred thirty thousand dollars (\$130,000) to install a traffic signal at the intersection of First street and Cuba avenue in Alamogordo in Otero county;

122. one hundred twenty thousand dollars (\$120,000) to construct a connector to the Alamogordo relief route at Indian Wells in Otero county;

123. forty thousand dollars (\$40,000) for drainage and paving improvements on county road 86A in Rio Arriba county;

124. twenty-eight thousand dollars (\$28,000) to install a traffic signal at the Fairview extension and state road 291 near the Espanola high school in Espanola in Rio Arriba county;

125. fifty thousand dollars (\$50,000) for road improvements on Rio Arriba county district 3 roads in Rio Arriba county;

126. fifty thousand dollars (\$50,000) to replace curbs and gutters from south avenue O and west Eighteenth street to the city limits in Portales in Roosevelt county;

127. three hundred seven thousand dollars (\$307,000) to make road improvements to county road 3500, Andrea drive and county road 4990 in San Juan county;

128. fifty thousand dollars (\$50,000) for road improvements in the Crystal area of San Juan county;

129. one hundred thousand dollars (\$100,000) for installing streetlights in Shiprock in San Juan county;

130. one hundred thousand dollars (\$100,000) to make improvements, including realigning and widening to four lanes, to county road 3500 in San Juan county;

131. fifty thousand dollars (\$50,000) to reconstruct the bridge in El Curuco in San Miguel county;

132. fifty thousand dollars (\$50,000) to pave Rocky road in Pecos in San Miguel county;

133. fifty-two thousand (\$52,000) for road improvements related to the Bernal bridge replacement in San Miguel county;

134. two hundred seventy-five thousand dollars (\$275,000) for the San Jose bridge replacement project in San Miguel county;

135. twenty-five thousand dollars (\$25,000) for road improvements in Conchas dam in San Miguel county;

136. fifty thousand dollars (\$50,000) to improve Unser boulevard, including widening to four lanes from Abrazo road to Cherry road, in Rio Rancho in Sandoval county;

137. one hundred thousand dollars (\$100,000) to make road improvements in Torreon and San Luis in Sandoval county;

138. forty thousand dollars (\$40,000) to design, purchase materials for and pave a section of county road 8 in Stanley in Santa Fe county;

139. forty thousand dollars (\$40,000) to design and build an overlay for a portion of county road 16 in Edgewood in Santa Fe county;

140. forty thousand dollars (\$40,000) to design and construct turning lanes and an entrance to a business park under development off highway 14 in Santa Fe county;

141. seventy thousand dollars (\$70,000) to plan, design and construct improvements to Arroyo Seco circle county road 86 in Santa Fe county;

142. two hundred thirty-five thousand dollars (\$235,000) for road improvements at the pueblo of Nambe in Santa Fe county;

143. one hundred thousand dollars (\$100,000) to re-pave county road 60 in Santa Fe county;

144. one hundred thousand dollars (\$100,000) to design and construct drainage and paving improvements to county road 74 in Santa Fe county;

145. forty thousand dollars (\$40,000) for design, materials and construction of county road 67-F, La Barbaria road, in Santa Fe county;

146. forty thousand dollars (\$40,000) to construct a water crossing on avenida Amistad in Eldorado in Santa Fe county;

147. seventy-five thousand dollars (\$75,000) for paving improvements to county road 69, old Galisteo road, in Santa Fe county;

148. one hundred seventy-five thousand dollars (\$175,000) for planning and preliminary design to the Caja del Rio road from state road 599 at the Santa Fe recreational fields in Santa Fe county;

149. thirty-five thousand dollars (\$35,000) for design of the reconstruction of High School road in Socorro in Socorro county; and

Section 20. INDIAN AFFAIRS PROJECTS--NEW MEXICO OFFICE OF INDIAN AFFAIRS--SEVERANCE TAX BONDS.--Pursuant to the

provisions of Section 1 of this act, upon certification by the New Mexico office of Indian affairs that the need exists for the issuance of the bonds, the following amounts are appropriated to the New Mexico office of Indian affairs for the following purposes:

1. fifty thousand dollars (\$50,000) for bathroom additions in the vicinity of the Pine Hill community of the Ramah Navajo chapter in Cibola county;

2. twenty-eight thousand eight hundred ten dollars (\$28,810) to purchase and install a modular building for the Ramah district court's drug court program in McKinley county;

3. seventy-five thousand dollars (\$75,000) to construct a visitors' center to serve as a visitor education and referral point at the pueblo of Zuni in McKinley county;

4. forty thousand dollars (\$40,000) for phase 1 of the bathroom addition project in the south Chichiltah community of the Chichiltah chapter in McKinley county;

5. fifty thousand dollars (\$50,000) to plan, design, construct and equip a facility and a paved parking lot with handicapped accessibility at the Bread Springs chapter in McKinley county;

6. thirty-five thousand dollars (\$35,000) to plan and design improvements to the community center parking lot at the Rock Springs chapter in McKinley county;

7. twenty-five thousand dollars (\$25,000) to design and construct a head start facility at the Little Water chapter in McKinley county;

8. twenty-five thousand dollars (\$25,000) to design and construct a kitchen addition for the head start modular building at the White Horse chapter in McKinley county;

9. twenty-five thousand dollars (\$25,000) to purchase and install a microwave radio antenna for emergency communication needs in the remote community of Rincon Marquise in McKinley county;

10. thirty thousand dollars (\$30,000) to purchase and install educational technology, including computers, printers and a local server, in the Borrego Pass schools in McKinley county;

11. fourteen thousand dollars (\$14,000) for site preparation, construction and equipment for a youth community baseball field for the Crownpoint community in McKinley county;

12. thirty-five thousand dollars (\$35,000) to pave the parking lot at the Thoreau chapter house of the Navajo Nation in McKinley county;

13. one hundred thirty-eight thousand eight hundred ten dollars (\$138,810) to purchase and install a modular building, including extension and installation of utilities at the building site, for the Red Lake community of the Navajo Nation in McKinley county;

14. twenty-five thousand dollars (\$25,000) to renovate and equip the pueblo of Santa Clara neighborhood facility in Rio Arriba county;

15. thirty-five thousand eight hundred ten dollars (\$35,810) to plan, design and construct an arts center training facility for the eight northern Indian pueblos council in the pueblo of San Juan in Rio Arriba county;

16. ten thousand dollars (\$10,000) to purchase playground equipment for a child activity area in the Jicarilla Apache Nation in Dulce in Rio Arriba county;

17. fifty thousand dollars (\$50,000) to plan, design and construct a water line extension to the southside area of Shiprock in San Juan county;

18. seventy-five thousand dollars (\$75,000) to extend a single phase electric power line in the Nenahnezad chapter of the Navajo Nation in San Juan county;

19. forty-five thousand dollars (\$45,000) to make improvements to the Kirtland food distribution warehouse in San Juan county;

20. one hundred fifty-two thousand one hundred three dollars (\$152,103) to rehabilitate the solar electric system in the Naschitti chapter of the Navajo Nation in San Juan county;

21. two hundred thousand dollars (\$200,000) to construct tourism facilities in the Sheep Springs chapter of the Navajo Nation in San Juan county;

22. thirty thousand dollars (\$30,000) to purchase and install security doors and repair the heating, ventilation and air conditioning system for a building at the pueblo of Santa Ana for a consortium of pueblo tribes in Sandoval county;

23. two hundred fifty thousand dollars (\$250,000) for phase 1 construction of a childcare center at the pueblo of Sandia in Sandoval county;

24. ten thousand dollars (\$10,000) to pave campus roads and parking areas, including installation of curbs and gutters, at the institute of American Indian arts in Santa Fe county;

25. one hundred thousand dollars (\$100,000) to pave campus roads and parking areas, including installation of curbs and gutters, at the institute of American Indian arts in Santa Fe county;
26. fifty thousand dollars (\$50,000) for phase 3 construction of the wellness and recreation center at the pueblo of Pojoaque in Santa Fe county;
27. sixty thousand dollars (\$60,000) to equip the solid waste program at the pueblo of Tesuque in Santa Fe county;
28. twenty-five thousand dollars (\$25,000) to pave campus roads and parking areas, including installation of curbs and gutters, at the institute of American Indian arts in Santa Fe county;
29. eighty thousand dollars (\$80,000) to extend power to families in the Red Valley community in San Juan county;
30. twenty-five thousand dollars (\$25,000) to construct a child-care center at southwestern Indian polytechnic institute in Albuquerque in Bernalillo county;
31. ninety-five thousand dollars (\$95,000) for continued construction and improvements related to the living village museum project at the Indian pueblo cultural center in Albuquerque in Bernalillo county;
32. one hundred thousand dollars (\$100,000) to plan, design and construct a sewage lagoon in the To'hajiilee chapter in Bernalillo county;
33. twenty thousand dollars (\$20,000) for an architectural and engineering study for the construction of a swimming pool at the pueblo of Laguna in Cibola county;
34. fifty thousand dollars (\$50,000) to plan and design a training center for the head start area of the Laguna family center project at the pueblo of Laguna in Cibola county;
35. fifty thousand dollars (\$50,000) to plan and conduct a transportation infrastructure assessment for the pueblo of Acoma in Cibola county;
36. sixty-five thousand dollars (\$65,000) for bathroom additions in the vicinity of the Pine Hill community of the Ramah Navajo chapter in Cibola county;
37. ten thousand dollars (\$10,000) to develop the site for, design, engineer and construct a sewer lagoon to serve the Pine Hill school and Ramah Navajo community in Cibola county;
38. twenty thousand dollars (\$20,000) to plan, design and construct a wellness center for the Ramah Navajo community in Pine Hill in Cibola county;

39. five thousand dollars (\$5,000) to plan, design and construct a Navajo code talker memorial at Red Rock state park in McKinley county;
40. sixty thousand dollars (\$60,000) to construct a law enforcement police substation in the Rock Springs chapter in McKinley county;
41. seventy-five thousand dollars (\$75,000) to install an irrigation pipeline for Red Willow farm in Tohatchi in McKinley county;
42. ninety thousand dollars (\$90,000) for improvements to the Mexican Springs food distribution warehouse in McKinley county;
43. fifty thousand dollars (\$50,000) to construct a preschool building at Coyote Canyon chapter of the Navajo Nation in McKinley county;
44. fifteen thousand dollars (\$15,000) to plan, design and construct a sewer line for the head start facility at the pueblo of Zuni in McKinley county;
45. ten thousand dollars (\$10,000) to renovate, expand and extend utilities to a community building in the Red Lake chapter in McKinley county;
46. forty-five thousand dollars (\$45,000) to construct a visitors' center to serve as a visitor education and referral point at the pueblo of Zuni in McKinley county;
47. twenty thousand dollars (\$20,000) to renovate the abandoned Thriftway building, purchase and install a modular building and fencing and construct water and sewer lines to the new lagoon for Red Lake chapter's multipurpose building in McKinley county;
48. ten thousand dollars (\$10,000) to plan, design, construct, equip and furnish a preschool building for the Pinedale community chapter of the Navajo Nation in Church Rock in McKinley county;
49. twenty-five thousand dollars (\$25,000) to extend water and sewer utilities to the correctional facility at the pueblo of Zuni in McKinley county;
50. twenty thousand dollars (\$20,000) for engineering, demolition and site preparation for the community health modular complex in the pueblo of Zuni in McKinley county;
51. fifteen thousand dollars (\$15,000) to plan, design, construct and equip a head start facility for the Navajo Nation in Coalmine in McKinley county;
52. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish library technology additions to existing facilities in Navajo chapters in McKinley county;

53. forty thousand dollars (\$40,000) to purchase and install a microwave communication antenna for emergency purposes in the remote community of Rincon Marquise in McKinley county;

54. eighty-five thousand dollars (\$85,000) to purchase an ambulance for the pueblo of Isleta in Bernalillo and Valencia counties;

55. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the sewer system of the Mescalero Apache tribe in Mescalero in Otero county;

56. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements to the offices of the eight northern Indian pueblos council in the pueblo of San Juan in Rio Arriba county;

57. seventy thousand dollars (\$70,000) to plan, design, construct, equip and furnish a head start facility in Naschitti in San Juan county;

58. one hundred twenty thousand dollars (\$120,000) to extend powerlines to indigent families living in the Red Valley chapter area in San Juan county;

59. two hundred thousand dollars (\$200,000) to plan, design and construct a water and sewer line extension at N-36 on the southside of Shiprock in San Juan county;

60. thirty thousand dollars (\$30,000) to rehabilitate the water storage tank at the pueblo of Sandia in Sandoval county;

61. one hundred fifty thousand dollars (\$150,000) to continue construction of the Poeh museum, including the addition of a studio, at the pueblo of Pojoaque in Santa Fe county;

62. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a boys' and girls' club addition at the wellness center in the pueblo of Pojoaque in Santa Fe county;

63. twenty-five thousand dollars (\$25,000) to pave campus roads and parking areas, including installation of curbs and gutters, at the institute of American Indian arts in Santa Fe county;

64. fifty thousand dollars (\$50,000) to pave campus roads and parking areas, including installation of curbs and gutters, at the institute of American Indian arts in Santa Fe county; and

65. ten thousand dollars (\$10,000) to pave campus roads and parking areas, including installation of curbs and gutters, at the institute of American Indian arts in Santa Fe county.

Section 21. ACEQUIA PROJECTS--INTERSTATE STREAM COMMISSION--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the interstate stream commission that the need exists for the issuance of the bonds, the following amounts are appropriated to the interstate stream commission for the following purposes:

1. five thousand dollars (\$5,000) to replace dilapidated culverts, repair and replace head gates on the main ditch-serving laterals and correct erosion and flood control at major arroyos in the acequia de la Canada Ancha area in Santa Fe and Rio Arriba counties;

2. twenty thousand three hundred twenty dollars (\$20,320) for repairs to head gates and culverts for the La Mesilla community ditch association in Espanola in Rio Arriba county;

3. fifteen thousand dollars (\$15,000) for improvements to the Chimayo acequia in the acequia de la Canada commission in Rio Arriba county;

4. ten thousand dollars (\$10,000) for improvements to the acequia de Chamita in Rio Arriba county;

5. twenty-five thousand dollars (\$25,000) for improvements to the Espinoza ditch system in Rio Arriba county;

6. five thousand dollars (\$5,000) for ditch improvements to the Acequia del Norte ditch association in Villanueva in San Miguel county;

7. fifty thousand dollars (\$50,000) to design and construct a diversion structure and make related improvements for the Nacimiento community ditch association water system in Cuba in Sandoval county;

8. six thousand dollars (\$6,000) to replace dilapidated culverts in the acequia de la Placita in Cundiyo in Santa Fe county;

9. twenty thousand dollars (\$20,000) to purchase and install gates at ditch banks in the south valley area of Bernalillo county; and

10. twenty thousand dollars (\$20,000) for the middle Rio Grande conservancy district to purchase and install gates at ditch banks in the south valley of Bernalillo county.

Section 22. LOCAL PROJECTS--LOCAL GOVERNMENT DIVISION--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the local government division of the department of finance and administration that the need exists for the issuance of the bonds, the following amounts are appropriated to the local government division of the department of finance and administration for the following purposes:

1. seventy-five thousand dollars (\$75,000) to make improvements to the Heights community center in Albuquerque in Bernalillo county;
2. thirty-five thousand dollars (\$35,000) to purchase a van for the Heights community center in Albuquerque in Bernalillo county;
3. one hundred thousand dollars (\$100,000) to renovate a building in the historic Hunning Highland district in Albuquerque in Bernalillo county;
4. four thousand dollars (\$4,000) to purchase and install equipment for the job mentor program of the Albuquerque business education compact operated by Albuquerque in Bernalillo county;
5. twenty-five thousand dollars (\$25,000) to renovate the auditorium at the Hiland theater, including new seats, carpets and draperies, to provide a performing arts facility for use by the seniors and youth of Albuquerque in Bernalillo county;
6. fifty thousand dollars (\$50,000) for implementation of a comprehensive reforestation, irrigation and landscaping plan for the Silver Hill historic district in Bernalillo county;
7. fifteen thousand dollars (\$15,000) for reforestation, including pruning of existing trees and planting of new trees, of the University Heights neighborhood in Bernalillo county;
8. forty thousand dollars (\$40,000) to purchase equipment and improve the fields at the Altamont little league complex in Albuquerque in Bernalillo county;
9. forty thousand dollars (\$40,000) for Eastdale little league field improvements at the entry to the balloon museum in Albuquerque in Bernalillo county;
10. thirty-five thousand dollars (\$35,000) to purchase and install computers, software and other related equipment at Paradise Hills community center in Albuquerque in Bernalillo county;
11. seventy-eight thousand dollars (\$78,000) to redevelop the outdoor tennis and basketball courts at Paradise Hills park in Bernalillo county;

12. fifty thousand dollars (\$50,000) to renovate the Barelas community center in Albuquerque in Bernalillo county;

13. ninety-eight thousand dollars (\$98,000) to construct a youth skate park at Los Vecinos community center in Tijeras in Bernalillo county;

14. twenty-five thousand dollars (\$25,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment at the Explora science center and children's museum in Albuquerque in Bernalillo county;

15. twenty-five thousand dollars (\$25,000) to landscape medians on Comanche street between Louisiana and San Mateo boulevards in Albuquerque in Bernalillo county;

16. fifty thousand dollars (\$50,000) for renovations to the play area, including equipment and landscaping, at Alvarado park in Albuquerque in Bernalillo county;

17. twenty-five thousand dollars (\$25,000) to plan and design renovations to the play area, including compliance with the Americans with Disabilities Act of 1990, at Quigley park in Albuquerque in Bernalillo county;

18. one hundred twenty-five thousand dollars (\$125,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment at the Explora science center and children's museum in Albuquerque in Bernalillo county;

19. one hundred thousand dollars (\$100,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment at the Explora science center and children's museum in Albuquerque in Bernalillo county;

20. two hundred thousand dollars (\$200,000) to continue the development of the park and establish security for an archaeological site located in the Singing Arrow park area in Albuquerque in Bernalillo county;

21. two hundred thousand dollars (\$200,000) to plan, design and construct a community center at Manzano Mesa park in Albuquerque in Bernalillo county;

22. ninety-eight thousand seven hundred fifty dollars (\$98,750) for planning and land development at the Sandia science and technology park in Albuquerque in Bernalillo county;

23. sixty thousand dollars (\$60,000) to design, renovate, equip, landscape, irrigate and improve the site at Martineztown-Santa Barbara park and play area in Albuquerque in Bernalillo county;

24. fifty thousand dollars (\$50,000) to renovate a building in the historic Hunning Highland district in Albuquerque in Bernalillo county;

25. ninety thousand dollars (\$90,000) to upgrade the security system at the juvenile detention facility in Bernalillo county;

26. fifty thousand dollars (\$50,000) to construct an addition to connect two buildings at Wells Park community center and to make improvements to meet the requirements of the Americans with Disabilities Act of 1990 in Albuquerque in Bernalillo county;

27. twenty-three thousand eight hundred ten dollars (\$23,810) to purchase and install playground equipment at Graves park in Albuquerque in Bernalillo county;

28. thirty thousand dollars (\$30,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment at the Explora science center and children's museum in Albuquerque in Bernalillo county;

29. fifty thousand dollars (\$50,000) for purchasing, developing and improvements related to the North Fourth redevelopment project in Albuquerque in Bernalillo county;

30. twenty-five thousand dollars (\$25,000) for facility improvements at Roadrunner little league park in Albuquerque in Bernalillo county;

31. fifteen thousand dollars (\$15,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment at the Explora science center and children's museum in Albuquerque in Bernalillo county;

32. eighty thousand dollars (\$80,000) to design, develop, fabricate, construct, purchase and install exhibits, furniture, fixtures and equipment at the Explora science center and children's museum in Albuquerque in Bernalillo county;

33. one hundred forty-eight thousand eight hundred ten dollars (\$148,810) to upgrade the facilities and fields of the Thunderbird little league in Albuquerque in Bernalillo county;

34. thirty-five thousand dollars (\$35,000) to purchase field maintenance equipment, tractor accessories and office equipment for the West Mesa little league park in Albuquerque in Bernalillo county;

35. sixty-five thousand eight hundred ten dollars (\$65,810) to plan, design and construct a basketball court in Rinconada Point park in Albuquerque in Bernalillo county;

36. one hundred thousand dollars (\$100,000) to renovate Lavaland park in Albuquerque in Bernalillo county;

37. one hundred fifty thousand dollars (\$150,000) to purchase a housing services building for the region 3 housing authority in Bernalillo county;

38. fifteen thousand dollars (\$15,000) to construct a stairway at Pat Hurley park in Albuquerque in Bernalillo county;

39. ten thousand dollars (\$10,000) to purchase and install exhibits and equipment at the Explora science center and children's museum in Albuquerque in Bernalillo county;

40. twenty-five thousand dollars (\$25,000) to purchase and install recreation equipment at Thomas Bell recreation center in the south valley of Bernalillo county;

41. twenty-five thousand dollars (\$25,000) to equip the karate club at the Thomas Bell recreation center in Albuquerque in Bernalillo county;

42. two hundred fifty thousand dollars (\$250,000) to construct a retention pond to prevent flooding along the north Edith boulevard area in Bernalillo county;

43. fifty thousand dollars (\$50,000) to acquire an emergency response vehicle for the fire department in Los Ranchos de Albuquerque in Bernalillo county;

44. thirty-four thousand dollars (\$34,000) to develop the natural area at balloon fiesta park in Albuquerque in Bernalillo county;

45. twenty-three thousand seven hundred fifty dollars (\$23,750) to enlarge the gymnasium and create a performance stage at the Alameda community center in Albuquerque in Bernalillo county;

46. ten thousand dollars (\$10,000) for equipping and making improvements to fields and offices for the West Mesa little league in Albuquerque in Bernalillo county;

47. thirty thousand dollars (\$30,000) for sidewalk repairs on Twelfth street north of Griegos road in Albuquerque in Bernalillo county;

48. seventy-five thousand dollars (\$75,000) to plan and design a bicycle track in the Westgate area of Albuquerque in Bernalillo county;

49. one hundred thousand dollars (\$100,000) to plan, design, construct and equip baseball fields in the Westgate area of Albuquerque in Bernalillo county;

50. seventy-five thousand dollars (\$75,000) to design a skate park in the Westgate area of Albuquerque in Bernalillo county;

51. seventy-five thousand dollars (\$75,000) for environmental design, lighting, safety and crime prevention improvements in house district 19 in Albuquerque in Bernalillo county;

52. fifty thousand dollars (\$50,000) to renovate, irrigate, landscape and improve the site, play area and shade structure at Jack and Jill park in Albuquerque in Bernalillo county;

53. eighty thousand dollars (\$80,000) to create and renovate space and re-roof and insulate the theater to provide a performing arts facility for use by the seniors and youth of Albuquerque in Bernalillo county;

54. fifty thousand dollars (\$50,000) to plan, develop and construct housing for low- and moderate-income families, including senior citizens, for the region 3 housing authority in Bernalillo county;

55. ten thousand dollars (\$10,000) to purchase and install equipment, furniture and technology for the hands of transformation women in transition program in Bernalillo county;

56. one hundred thousand dollars (\$100,000) to plan, design and construct a storage and concession building and to purchase and install lighting at two fields at the Mile High baseball and softball complex in Albuquerque in Bernalillo county;

57. seventy-five thousand dollars (\$75,000) to replace fencing and backstops and pave the road and lots in the Los Altos park complex in Albuquerque in Bernalillo county;

58. seventy-five thousand dollars (\$75,000) to renovate the historic Hubbell property in the south valley area of Bernalillo county;

59. fifty-nine thousand one hundred dollars (\$59,100) to make capital improvements, including replacement of carpets and tiles, at Bear Canyon senior center in Albuquerque in Bernalillo county;

60. fifty thousand dollars (\$50,000) for facility improvements at Roadrunner little league park in Albuquerque in Bernalillo county;

61. twenty-five thousand dollars (\$25,000) to purchase and install exhibits and equipment at the Explora science center and children's museum in Albuquerque in Bernalillo county;

62. three hundred sixty-six thousand six hundred sixty-seven dollars (\$366,667) for improvements and construction at the Anderson-Abruzzo international balloon museum at the Balloon Fiesta park in Albuquerque in Bernalillo county;

63. forty thousand dollars (\$40,000) to purchase heavy equipment for the water and wastewater utility department in Reserve in Catron county;

64. fifteen thousand dollars (\$15,000) to construct improvements to the interior of the emergency training building in Quemado in Catron county;

65. fifteen thousand dollars (\$15,000) to plan, design and construct a community center in Quemado in Catron county;

66. ten thousand dollars (\$10,000) to purchase equipment for the Gridiron Gus football tournament in Roswell in Chaves county;

67. twenty-five thousand dollars (\$25,000) to purchase equipment for the Roswell parks and recreation department's youth football league in Roswell in Chaves county;

68. ten thousand dollars (\$10,000) to purchase playground equipment for the Roswell industrial air center park in Roswell in Chaves county;

69. thirty thousand dollars (\$30,000) to pave the parking lot at la casa de buena salud in Roswell in Chaves county;

70. twenty thousand dollars (\$20,000) to demolish an old structure and plan, design and construct a central fire station in Dexter in Chaves county;

71. forty thousand dollars (\$40,000) to construct little league fields, including bleachers, walking paths and dugouts, in Hagerman in Chaves county;

72. five thousand dollars (\$5,000) to rehabilitate the law enforcement housing in Lake Arthur in Chaves county;

73. twenty thousand dollars (\$20,000) for playground equipment for Cahoon, Poe Corn and Stiles parks in Roswell in Chaves county;

74. twenty thousand dollars (\$20,000) to renovate the Yucca recreation center in Roswell in Chaves county;

75. ninety-eight thousand seven hundred fifty dollars (\$98,750) to renovate and improve the Unity youth center in Roswell in Chaves county;

76. one hundred seventy-five thousand dollars (\$175,000) to renovate the Aston gallery of American Indian and western art at the Roswell museum in Roswell in Chaves county;

77. thirty thousand dollars (\$30,000) to renovate the Yucca recreation center in Roswell in Chaves county;

78. twenty-five thousand dollars (\$25,000) to make improvements, including resurfacing the pool deck, at Cahoon park swimming pool in Roswell in Chaves county;

79. thirty-five thousand dollars (\$35,000) to purchase vehicles for the sheriff's department in Cibola county;

80. fifty thousand dollars (\$50,000) to plan, design and construct an office building for Milan in Cibola county;

81. thirteen thousand dollars (\$13,000) to upgrade and improve the communications and technology infrastructure for the police department in Grants in Cibola county;

82. twenty-five thousand dollars (\$25,000) to plan, design and construct a jail in Cibola county;

83. twelve thousand dollars (\$12,000) to upgrade and improve the communications and technology infrastructure for the police department in Grants in Cibola county;

84. forty-five thousand dollars (\$45,000) to re-roof city hall and the maintenance facility in Milan in Cibola county;

85. thirty-five thousand dollars (\$35,000) to purchase vehicles for the sheriff's department in Grants in Cibola county;

86. twenty-five thousand dollars (\$25,000) to plan, design and construct a jail in Cibola county;

87. one hundred thirty thousand dollars (\$130,000) to renovate the Armex plaza for recreational use in Raton in Colfax county;

88. one hundred thousand dollars (\$100,000) to construct barns and other facilities at the fairgrounds in Curry county;

89. twenty-five thousand dollars (\$25,000) to construct, equip and furnish a city hall in Texico in Curry county;

90. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish a warehouse and office space for the life saver food bank in Clovis in Curry county;

91. five thousand dollars (\$5,000) to renovate the courthouse in Fort Sumner in De Baca county;

92. ten thousand dollars (\$10,000) for road maintenance equipment in Fort Sumner in De Baca county;

93. ten thousand dollars (\$10,000) to renovate the court youth center in Las Cruces in Dona Ana county;

94. twenty-five thousand dollars (\$25,000) to make improvements at the center for the arts in Las Cruces in Dona Ana county;

95. forty-five thousand dollars (\$45,000) to purchase radio equipment for the sheriff's department in Dona Ana county;

96. ten thousand dollars (\$10,000) to purchase and install a storage building for a domestic violence shelter in Las Cruces in Dona Ana county;

97. twenty thousand dollars (\$20,000) to purchase and install fixtures, furnishings and equipment for the first step pediatrics and women's services center in Las Cruces in Dona Ana county;

98. ten thousand dollars (\$10,000) to construct, equip and furnish an early childhood facility for homeless children in Las Cruces in Dona Ana county;

99. sixty thousand dollars (\$60,000) to purchase land and to construct additional courtrooms and office space to expand the third judicial district complex in Dona Ana county;

100. one hundred thousand dollars (\$100,000) to acquire land for, plan, design and construct an addition to the judicial complex for a third judicial court for the district attorney and to add a fifth courtroom in Las Cruces in Dona Ana county;

101. twenty thousand dollars (\$20,000) to upgrade and equip the volunteer fire department substation in Soledad canyon in Dona Ana county;

102. twenty thousand dollars (\$20,000) to upgrade and equip the Las Alturas volunteer fire department substation in Las Alturas in Dona Ana county;

103. sixty thousand dollars (\$60,000) to plan, design and construct a municipal complex in Mesilla in Dona Ana county;

104. twenty thousand dollars (\$20,000) to purchase and install fixtures, furnishings and equipment for the first step pediatrics and women's services center in Las Cruces in Dona Ana county;

105. twenty thousand dollars (\$20,000) to construct, equip and furnish an early childhood facility for homeless children in Las Cruces in Dona Ana county;

106. one hundred ten thousand dollars (\$110,000) to plan, design and construct an office building for the Mesquite mutual domestic water consumers and mutual sewer water association in Dona Ana county;

107. one hundred twenty thousand dollars (\$120,000) to acquire land, plan, design and construct a municipal swimming pool in Sunland Park in Dona Ana county;

108. thirty-one thousand eight hundred eleven dollars (\$31,811) to furnish a facility for la clinica de familia in Anthony in Dona Ana county;

109. fifty thousand dollars (\$50,000) to design, construct and equip facilities at the southern New Mexico state fairgrounds in Dona Ana county;

110. ninety thousand dollars (\$90,000) to plan, design and construct an ambulance building in Hatch in Dona Ana county;

111. ten thousand dollars (\$10,000) to purchase and install fixtures, furnishings and equipment for the first step pediatrics and women's services center in Las Cruces in Dona Ana county;

112. five thousand dollars (\$5,000) to construct, equip and furnish an early childhood facility for homeless children in Las Cruces in Dona Ana county;

113. thirty-eight thousand eight hundred ten dollars (\$38,810) to construct a swim-training facility as part of the new Hatch community park in northern Dona Ana county;

114. fifty thousand dollars (\$50,000) for the final phase renovation of the Las Cruces police department-safe haven for juveniles building in Las Cruces in Dona Ana county;

115. one hundred eighty thousand dollars (\$180,000) to construct a town hall and police and fire station in Mesilla in Dona Ana county;

116. one hundred twenty-five thousand eight hundred ten dollars (\$125,810) to purchase and install fixtures, furnishings and equipment for the first step pediatrics and women's services center in Las Cruces in Dona Ana county;

117. fifty thousand dollars (\$50,000) to purchase and install fixtures, furnishings and equipment for the first step pediatrics and women's services center in Las Cruces in Dona Ana county;

118. fifty thousand dollars (\$50,000) to continue improvements, including replacement of the heating, ventilation and air conditioning system, at the museum of fine arts and culture in Las Cruces in Dona Ana county;

119. fifty thousand dollars (\$50,000) to construct an asphalt path, landscape and install trash receptacles, mileage markers and kiosks for the Mesilla drain multi-use path project in Dona Ana county;

120. fifty thousand dollars (\$50,000) to prepare a site for, plan, design, construct, equip and furnish a playground park in Tortugas in Dona Ana county;

121. fifty thousand dollars (\$50,000) to construct, equip and furnish an early childhood facility for homeless children in Las Cruces in Dona Ana county;

122. one hundred thousand dollars (\$100,000) to prepare the site for, plan, design and construct the municipal complex, which will include the town hall, public safety building, fire station and court and council chambers, in Mesilla in Dona Ana county;

123. fifty thousand dollars (\$50,000) to renovate, furnish and equip the historic Rio Grande theater to be used as a performing arts center in Las Cruces in Dona Ana county;

124. thirty-seven thousand dollars (\$37,000) to plan, design, construct and equip improvements to the city park located northwest of Riverwalk recreation center in Carlsbad in Eddy county;

125. fifty thousand dollars (\$50,000) to construct a facility to serve the economic, social and medical rehabilitation needs of individuals with severe mental illness in Carlsbad in Eddy county;

126. forty thousand dollars (\$40,000) to construct a skate park and hockey facility at the Riverwalk recreation youth center in Carlsbad in Eddy county;

127. twenty thousand dollars (\$20,000) to rehabilitate structures, including the retaining wall and plaza, at the San Jose plaza park and recreation area in Carlsbad in Eddy county;

128. two thousand five hundred dollars (\$2,500) for main street projects in Carlsbad in Eddy county;

129. fifty-five thousand dollars (\$55,000) for phase 1 and 2 improvements, including installation of new bleachers and fencing and compliance with the requirements of the Americans with Disabilities Act of 1990, at the sheriff's posse rodeo arena in Eddy county;

130. thirty thousand dollars (\$30,000) for phase 3 renovation of the community service center in Loving in Eddy county;

131. fifty thousand dollars (\$50,000) for a modular office facility to serve as a municipal complex in Loving in Eddy county;

132. one million dollars (\$1,000,000) to design, construct, landscape and furnish a national cave and karst research institute building in Carlsbad in Eddy county, contingent on an equal match from the United States department of the interior;

133. twenty-five thousand dollars (\$25,000) to construct and equip a skate park, including fencing, lighting and landscaping, in Artesia in Eddy county;

134. thirty thousand dollars (\$30,000) to develop a ten-acre section of the Woodbine cemetery in Artesia in Eddy county;

135. thirty thousand dollars (\$30,000) to renovate the historic train depot and visitors' center, including fencing, parking lot improvements and lighting, in Artesia in Eddy county;

136. fifty-five thousand dollars (\$55,000) to construct an expansion of the truck driving facility at the Artesia vocational training center in Artesia in Eddy county;

137. twenty thousand dollars (\$20,000) to design, construct and landscape the skate and hockey complex at the Riverwalk recreation center in Carlsbad in Eddy county;

138. fifteen thousand dollars (\$15,000) for construction, equipment and materials for a playground to be located in the city park northwest of the Riverwalk recreation center in Carlsbad in Eddy county;

139. two thousand dollars (\$2,000) for main street projects in Carlsbad in Eddy county;

140. twenty thousand dollars (\$20,000) for phase 1 and 2 improvements, including installation of new bleachers and fencing and compliance with the requirements of the Americans with Disabilities Act of 1990, at the sheriff's posse rodeo arena in Eddy county;

141. ten thousand dollars (\$10,000) to rehabilitate structures, including the retaining wall and plaza, at the San Jose plaza park and recreation area in Carlsbad in Eddy county;

142. twenty thousand dollars (\$20,000) to make improvements, including compliance with the requirements of the Americans with Disabilities Act of 1990, to the Walter Gerrells performing arts and exhibition center in Carlsbad in Eddy county;

143. ten thousand dollars (\$10,000) to design and construct an animal shelter in Carlsbad in Eddy county;

144. twenty thousand dollars (\$20,000) to make improvements, including construction of racquetball courts and a commercial kitchen, at the Riverwalk recreation center in Carlsbad in Eddy county;

145. eighteen thousand dollars (\$18,000) to make improvements to the beach and off-street parking lots on the west shore of the Pecos river in Carlsbad in Eddy county;

146. one hundred ten thousand dollars (\$110,000) to purchase a mini-pumper truck for the volunteer fire department in Bayard in Grant county;

147. eighty thousand dollars (\$80,000) to remodel the municipal court building and upgrade the heating, ventilation and air conditioning system in Silver City in Grant county;

148. thirty thousand dollars (\$30,000) for upgrading the computer systems at the administration and police departments in Santa Clara in Grant county;

149. ten thousand dollars (\$10,000) to acquire property for, plan, design and construct an emergency services building in Mosquero in Harding county;

150. ten thousand dollars (\$10,000) to replace the heating, ventilation and air conditioning system in the courthouse in Mosquero in Harding county;

151. two hundred thousand dollars (\$200,000) to purchase and equip police and fire vehicles in Lordsburg in Hidalgo county;

152. one hundred twenty-three thousand seven hundred fifty dollars (\$123,750) to design and construct an auto-accessible picnic area in Del Norte regional park in Hobbs in Lea county;

153. eighty thousand dollars (\$80,000) to purchase and install equipment for the kitchen in the event center in Lea county;

154. fifty thousand dollars (\$50,000) to improve the fairground food service area, including the installation of covered and lighted seating areas and extension of sewer and grease lines, in Lea county;
155. twenty-five thousand dollars (\$25,000) to renovate community centers and fire stations in Lea county;
156. twenty-five thousand dollars (\$25,000) to construct a cemetery in Eunice in Lea county;
157. fifty-five thousand dollars (\$55,000) to purchase a four-wheel drive "extendahoe" vehicle for use in Jal in Lea county;
158. ten thousand dollars (\$10,000) to purchase firearms for police and reserve officers in Jal in Lea county;
159. seventy thousand dollars (\$70,000) for a radio dispatch system for the sheriff's department in Lincoln county;
160. fifty thousand dollars (\$50,000) to plan, design and construct a swimming pool in Columbus in Luna county;
161. one hundred sixty-nine thousand eight hundred ten dollars (\$169,810) for a learning center at the old Kmart building in Deming in Luna county;
162. one hundred seventy-one thousand dollars (\$171,000) to plan, design and construct an amphitheater and open air pavilion in Deming in Luna county;
163. forty thousand dollars (\$40,000) to acquire land and develop trails for the Adventure Gallup project in Gallup in McKinley county;
164. forty thousand dollars (\$40,000) to construct restroom facilities and a concession stand, landscape and make other related improvements to the soccer field complex in Gallup in McKinley county;
165. twenty thousand dollars (\$20,000) to construct a veterans' memorial for the public arts park in Gallup in McKinley county;
166. thirty-five thousand dollars (\$35,000) to improve Tom Saucedo memorial park, including adding restroom facilities and replacing turf, in Gallup in McKinley county;
167. eighteen thousand eight hundred ten dollars (\$18,810) to renovate the Cleveland, Holman, Encinal and Tramperos volunteer fire department station in Mora county;

168. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct and equip a dialysis clinic for the Mora Valley community health services, incorporated, in Mora county;

169. seventy-five thousand dollars (\$75,000) to purchase and install computer technology and make infrastructure improvements to the Portales, Clovis and Roswell offices of la casa de buena salud in Curry, Chaves and Roosevelt counties;

170. fifty thousand dollars (\$50,000) for improvements to little league fields in Cloudcroft in Otero county;

171. two hundred thousand dollars (\$200,000) to renovate the Flickenger center for performing arts in Otero county;

172. two hundred fifty thousand dollars (\$250,000) to construct public restrooms for the parks and recreation system in Alamogordo in Otero county;

173. one hundred thousand dollars (\$100,000) to construct a facility to house the police department, ambulance service facilities, municipal judge offices and a courtroom in Tularosa in Otero county;

174. ten thousand dollars (\$10,000) to equip the fire department in Quay in Quay county;

175. ten thousand dollars (\$10,000) for a building to store equipment for the Porter volunteer fire department in Quay county;

176. forty thousand dollars (\$40,000) to renovate the primary care clinic in Quay county;

177. fifty-nine thousand seven hundred fifty dollars (\$59,750) to purchase and install financial accounting technology for Quay county;

178. twenty thousand dollars (\$20,000) to make improvements to the parking lot at the county courthouse in Tucumcari in Quay county;

179. forty thousand dollars (\$40,000) to acquire water rights for the city of Espanola in Rio Arriba and Santa Fe counties;

180. twenty-five thousand dollars (\$25,000) for phase 1 expansion or renovation of the Las Cumbres learning services building in Espanola in Rio Arriba county;

181. fifty thousand dollars (\$50,000) to plan, design and construct a multipurpose community center in Dixon in Rio Arriba county;

182. fifty thousand dollars (\$50,000) to construct infrastructure improvements to a rural economic development center in Abiquiu in Rio Arriba county;

183. twenty-five thousand dollars (\$25,000) to construct a skate park in Espanola in Rio Arriba county;

184. twenty-five thousand dollars (\$25,000) to improve and equip a community center in Chamita in Rio Arriba county;

185. fifty thousand dollars (\$50,000) to plan, design and construct a veterans' memorial wall in Espanola in Rio Arriba county;

186. fifteen thousand dollars (\$15,000) to construct and equip the Chamita fire station in Rio Arriba county;

187. eighty-five thousand dollars (\$85,000) to plan, design and construct phase 2 of the Alcalde multipurpose center in Alcalde in Rio Arriba county;

188. thirty-five thousand dollars (\$35,000) for phase 1 electrical improvements at the fairgrounds in Roosevelt county;

189. twenty-five thousand dollars (\$25,000) to purchase radio equipment for the sheriff's department in Roosevelt county;

190. two hundred twenty thousand dollars (\$220,000) to purchase a fire rescue truck for Bloomfield in San Juan county;

191. fifty thousand dollars (\$50,000) to construct a skate park facility at the Hartman park sports complex in Aztec in San Juan county;

192. eighty-three thousand seven hundred fifty dollars (\$83,750) to plan, design and construct a public library in Aztec in San Juan county;

193. eighty thousand dollars (\$80,000) to remodel the boys' and girls' club into a teen center in Aztec in San Juan county;

194. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip a municipal building in Pecos in San Miguel county;

195. one hundred thousand dollars (\$100,000) to purchase vehicles and ambulances for the police department in Las Vegas in San Miguel county;

196. ten thousand dollars (\$10,000) to plan, design and construct an addition to the community center in Tecolote in San Miguel county;

197. fifteen thousand dollars (\$15,000) to purchase a vehicle and equipment for the Cabo Lucero fire department in San Miguel county;

198. thirty-five thousand dollars (\$35,000) to plan, design, construct, furnish and equip a municipal building in Pecos in San Miguel county;

199. thirty thousand dollars (\$30,000) to purchase a vehicle for the detention facility in San Miguel county;

200. ten thousand dollars (\$10,000) for lighting at La Plaza little league fields in Las Vegas in San Miguel county;

201. ten thousand dollars (\$10,000) for improvements, including wiring, roof repairs, fencing and landscaping, at El Valle community center in San Miguel county;

202. ten thousand dollars (\$10,000) for improvements to Commerce Street park in Las Vegas in San Miguel county;

203. sixty thousand dollars (\$60,000) to make capital improvements, including the addition of bathrooms, a storage room and a game room, for an after-school homework center and library at the Star Heights recreation center in Rio Rancho in Sandoval county;

204. thirty thousand dollars (\$30,000) to purchase a prisoner transport van for Sandoval county;

205. fifty thousand dollars (\$50,000) for infrastructure and improvements, including lighting, at the Lovelace New Mexico soccer tournament complex in Sandoval county;

206. eighty-five thousand dollars (\$85,000) to purchase ambulances for the department of public safety in Rio Rancho in Sandoval county;

207. twenty-eight thousand seven hundred fifty dollars (\$28,750) to plan, design and construct an addition to and make improvements, in compliance with the requirements of the Americans with Disabilities Act of 1990, to the police and emergency medical services stations in Bernalillo in Sandoval county;

208. fifty thousand dollars (\$50,000) to make improvements, including compliance with the Americans with Disabilities Act of 1990, at the city hall in Bernalillo in Sandoval county;

209. thirty-three thousand seven hundred fifty dollars (\$33,750) for infrastructure and improvements, including lighting and bleachers, at the New Mexico soccer tournament complex in Sandoval county;

210. fifty thousand dollars (\$50,000) to purchase a medical response vehicle for the La Cueva volunteer fire department in Sandoval county;

211. eighty thousand dollars (\$80,000) for park upgrades, facilities improvements and landscaping of the Father Fitzgerald park in Jemez Springs in Sandoval county;

212. fifty thousand dollars (\$50,000) to plan, design, construct and equip additions and improvements to the Vista Grande library in Eldorado in Santa Fe county;

213. fifteen thousand dollars (\$15,000) to purchase a mobile health care van in Santa Fe county;

214. twenty thousand dollars (\$20,000) for improvements to the community park in Stanley in Santa Fe county;

215. forty-five thousand dollars (\$45,000) to make improvements, including restoring the grandstand and retaining walls, to the Oscar Huber memorial ballpark in Madrid in Santa Fe county;

216. ten thousand dollars (\$10,000) for a bronze monument for the Cuarto Centenario cathedral park in Santa Fe in Santa Fe county;

217. one hundred fifty thousand dollars (\$150,000) to design, construct and equip a branch library in the south area of Santa Fe in Santa Fe county;

218. twenty-nine thousand eight hundred ten dollars (\$29,810) to purchase a mobile health care van in Santa Fe county;

219. ten thousand dollars (\$10,000) for a bronze monument for the Cuarto Centenario cathedral park in Santa Fe in Santa Fe county;

220. thirty thousand dollars (\$30,000) to purchase a mobile health care van in Santa Fe county;

221. five thousand dollars (\$5,000) for a bronze monument for the Cuarto Centenario cathedral park in Santa Fe in Santa Fe county;

222. ten thousand dollars (\$10,000) for a bronze monument for the Cuarto Centenario cathedral park in Santa Fe in Santa Fe county;

223. fifty thousand dollars (\$50,000) to design, construct and equip a branch library in the south area of Santa Fe in Santa Fe county;

224. sixty-five thousand dollars (\$65,000) for phase 2 construction of the Movimiento teen center in Arroyo Seco in Santa Fe county;

225. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish a teen activity room at the boys' and girls' club in Santa Fe in Santa Fe county;

226. five thousand dollars (\$5,000) for a bronze monument for the Cuarto Centenario cathedral park in Santa Fe in Santa Fe county;

227. fourteen thousand seven hundred fifty dollars (\$14,750) to make improvements, including installation of playground equipment, at the park in Williamsburg in Sierra county;

228. fifty thousand dollars (\$50,000) for capital improvements to the community center in Hillsboro in Sierra county;

229. ten thousand dollars (\$10,000) to renovate and equip the old school gymnasium to be used as a recreation center in La Joya in Socorro county;

230. thirty-five thousand dollars (\$35,000) to construct an animal control facility in Socorro in Socorro county;

231. forty thousand dollars (\$40,000) for continuing improvements to Clark field and Finley gymnasium in Socorro in Socorro county;

232. twenty thousand dollars (\$20,000) for softball field improvements in the Alamo Navajo chapter in Socorro county;

233. twenty thousand dollars (\$20,000) to purchase and install water line extensions in the Alamo Navajo community in Socorro county;

234. ten thousand dollars (\$10,000) to plan, design, construct and equip a community center in northern Abeytas in Socorro county;

235. fifty thousand dollars (\$50,000) to design and construct improvements and perform asbestos abatement at the old general hospital in Socorro county;

236. fifty thousand dollars (\$50,000) to purchase road equipment for Taos county;

237. fifty thousand dollars (\$50,000) to construct an interpretive center in Red River in Taos county;

238. twenty-three thousand eight hundred ten dollars (\$23,810) to purchase, construct, repair, equip and furnish community centers and infrastructure, including the old Taos county courthouse, in Taos county;

239. twenty-five thousand dollars (\$25,000) to construct a recreational, rehabilitation and lap swimming pool in Taos in Taos county;

240. twenty-five thousand dollars (\$25,000) to renovate and equip the El Valle community building, including meeting the requirements of the Americans with Disabilities Act of 1990, in Taos county;

241. twenty thousand dollars (\$20,000) to purchase a one-hundred-foot radio tower for 911 dispatch in Torrance county;

242. twenty-three thousand eight hundred ten dollars (\$23,810) to purchase bullet-proof vests and other safety equipment for the county sheriff's department in Estancia in Torrance county;

243. five thousand dollars (\$5,000) to purchase bullet-proof vests and other safety equipment for the county sheriff's department in Estancia in Torrance county;

244. twenty-five thousand dollars (\$25,000) to purchase a one-hundred-foot radio tower for 911 dispatch in Torrance county;

245. fifty thousand dollars (\$50,000) to renovate the courthouse in Clayton in Union county;

246. fifteen thousand dollars (\$15,000) to plan, design and renovate the emergency medical services building in Des Moines in Union county;

247. thirty-five thousand dollars (\$35,000) to re-roof the armory in Clayton in Union county;

248. seventy-five thousand dollars (\$75,000) for parking lot improvements at the Tome-Adelino, Rio communities, Peralta and Valencia fire stations in Valencia county;

249. forty-five thousand dollars (\$45,000) to purchase new bunker gear and firefighting equipment for the El Cerro Mission fire department in Valencia county;

250. fifty thousand dollars (\$50,000) to plan, design and construct a community center in the Tome-Adelino area in Valencia county;

251. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip a park at El Cerro Mission community center in Valencia county;

252. fifty thousand dollars (\$50,000) to purchase a four-wheel drive vehicle for the Tome-Adelino volunteer fire department in Valencia county;

253. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to Heritage park in Los Lunas in Valencia county;

254. twenty-five thousand dollars (\$25,000) to cover a drainage ditch for the middle Rio Grande conservancy district in Belen in Valencia county;

255. twenty-five thousand dollars (\$25,000) for an addition to the Los Lunas library in Valencia county;

256. twenty-five thousand dollars (\$25,000) to make capital improvements in Bosque Farms in Valencia county;

257. twenty-five thousand dollars (\$25,000) for improvements to and equipment for the Bosque Farms community center and swimming pool in Valencia county;

258. one hundred thousand dollars (\$100,000) to furnish and equip the South Valley economic development center and small business incubator in Albuquerque in Bernalillo county;

259. twenty-five thousand dollars (\$25,000) to continue creating La Jornada memorial sculpture, which depicts the six-month journey of Don Juan de Onate and the Spanish settlers' struggle, in Albuquerque in Bernalillo county;

260. five thousand dollars (\$5,000) to purchase kitchen equipment for the Barelas community center in Albuquerque in Bernalillo county;

261. fifty thousand dollars (\$50,000) to repair the adobe exterior of the Barelas community center in Albuquerque in Bernalillo county;

262. thirty-five thousand dollars (\$35,000) to purchase passenger vans for the East San Jose community center in Albuquerque in Bernalillo county;

263. five thousand dollars (\$5,000) for lighting at the parking lots at the Isshin Ryu martial arts center in Albuquerque in Bernalillo county;

264. three thousand dollars (\$3,000) for landscaping at the Isshin Ryu martial arts center in Albuquerque in Bernalillo county;

265. two thousand five hundred dollars (\$2,500) for recreational equipment at the Jack Candelaria community center in Albuquerque in Bernalillo county;

266. five thousand dollars (\$5,000) to purchase equipment for the game room at the Thomas Bell community center in Albuquerque in Bernalillo county;

267. ten thousand dollars (\$10,000) for lighting improvements at the Mile High little league fields in Albuquerque in Bernalillo county;

268. fifty thousand dollars (\$50,000) to construct the Tijeras-East Mountain visitor information center in Bernalillo county;

269. ten thousand dollars (\$10,000) for a master plan for the Singing Arrow neighborhood park in Albuquerque in Bernalillo county;

270. forty thousand dollars (\$40,000) to renovate the old Hiland theater in Albuquerque in Bernalillo county;

271. twenty-five thousand dollars (\$25,000) to make improvements, including landscaping, upgrading the storm drainage and parking lot and relocating the national atomic museum from Kirtland air force base, to Balloon Fiesta park in Albuquerque in Bernalillo county;

272. twenty-five thousand dollars (\$25,000) for capital improvements at Roadrunner little league park in Albuquerque in Bernalillo county;

273. thirty thousand dollars (\$30,000) to make improvements, including landscaping, at Balloon Fiesta park in Albuquerque in Bernalillo county;

274. fifty-five thousand dollars (\$55,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment at the Explora science center and children's museum in Albuquerque in Bernalillo county;

275. thirty-five thousand dollars (\$35,000) to renovate the old Hiland theater in Albuquerque in Bernalillo county;

276. five thousand dollars (\$5,000) to purchase and install equipment for the job mentor program of the Albuquerque business education compact operated by the city of Albuquerque in Bernalillo county;

277. ten thousand dollars (\$10,000) for educational technology at Paradise Hills community center in Bernalillo county;

278. twenty-five thousand dollars (\$25,000) to purchase parts, supplies and other related equipment for the trailer for the remote tech andros mark 6A robot for the Albuquerque police department in Bernalillo county;

279. one hundred thousand dollars (\$100,000) to purchase equipment and improve the fields at the Altamont little league complex in Albuquerque in Bernalillo county;

280. one hundred twenty-five thousand dollars (\$125,000) to acquire land, design and construct improvements to North Domingo Baca park in Albuquerque in Bernalillo county;

281. thirty thousand dollars (\$30,000) for site development of a playground area at the North Domingo-Ben Greiner field in the north Albuquerque acres area of Bernalillo county;

282. fifty thousand dollars (\$50,000) to design and construct Sandia Heights park in Albuquerque in Bernalillo county;

283. fifty thousand dollars (\$50,000) to purchase and install exhibits and equipment at the Explora science center and children's museum in Albuquerque in Bernalillo county;

284. twenty-five thousand dollars (\$25,000) to make improvements, including landscaping, at Balloon Fiesta park in Albuquerque in Bernalillo county;

285. seventy thousand dollars (\$70,000) to xeriscape and landscape medians and freeway ramps at the intersection of interstate 40 and Rio Grande boulevard in Albuquerque in Bernalillo county;

286. five thousand dollars (\$5,000) to purchase and install equipment for the job mentor program of the Albuquerque business education compact operated by Albuquerque in Bernalillo county;

287. one hundred thousand dollars (\$100,000) for improvements, building renovations and construction in the public right of way as part of the North Fourth redevelopment project between Douglas MacArthur NW and Griegos road NW in Albuquerque in Bernalillo county;

288. fifty thousand dollars (\$50,000) to renovate the play area, replace equipment, irrigate, landscape and make other improvements at Goodrich park in the north valley of Albuquerque in Bernalillo county;

289. fifty thousand dollars (\$50,000) to design, construct and renovate the Albuquerque museum in Albuquerque in Bernalillo county;

290. fifty thousand dollars (\$50,000) to design, develop, fabricate, construct, purchase and install exhibits, furniture, fixtures and equipment at the Explora science center and children's museum in Albuquerque in Bernalillo county;

291. thirty thousand dollars (\$30,000) to construct the indoor and outdoor stage areas and provide lighting, curtains and a sound system for the Alameda community center addition in the north valley area of Bernalillo county;

292. five thousand dollars (\$5,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment at the Explora science center and children's museum in Albuquerque in Bernalillo county;

293. fifty-five thousand dollars (\$55,000) to purchase a fire truck for Los Ranchos de Albuquerque fire department in Bernalillo county;

294. twenty thousand dollars (\$20,000) to renovate, design, equip, landscape, irrigate and improve Jade park in Albuquerque in Bernalillo county;

295. two hundred sixteen thousand dollars (\$216,000) for improvements to roads and sewer and water infrastructure at North Domingo Baca park in Albuquerque in Bernalillo county;

296. four thousand dollars (\$4,000) to purchase and install equipment for the job mentor program of the Albuquerque business education compact operated by the city of Albuquerque in Bernalillo county;

297. twenty-five thousand dollars (\$25,000) to purchase and improve North Valley little league fields and facilities in Bernalillo county;

298. ten thousand dollars (\$10,000) for improvements to bicycle trails in senate district 10 in Bernalillo county;

299. five thousand dollars (\$5,000) to make improvements at Los Ranchos growers market in Albuquerque in Bernalillo county;

300. twenty thousand dollars (\$20,000) to make improvements, including landscaping, upgrading the storm drainage and parking lot and relocating the national atomic museum from Kirtland air force base, to Balloon Fiesta park in Albuquerque in Bernalillo county;

301. five thousand dollars (\$5,000) for sodding at Balloon Fiesta park in Albuquerque in Bernalillo county;

302. twenty-three thousand dollars (\$23,000) for sodding the launch and play fields at Balloon Fiesta park in Albuquerque in Bernalillo county;

303. three thousand dollars (\$3,000) to renovate the old Hiland theater in Albuquerque in Bernalillo county;

304. one hundred thousand dollars (\$100,000) to construct a health facility in the south valley area of Bernalillo county;

305. sixty thousand dollars (\$60,000) for park improvements to the Westgate area of Albuquerque in Bernalillo county;

306. fifty thousand dollars (\$50,000) to renovate the historic Hubbell property in the south valley area of Bernalillo county;
307. twenty-five thousand dollars (\$25,000) for phase 2 restoration of the historic Hubbell house in the south valley of Bernalillo county;
308. fifteen thousand dollars (\$15,000) for master planning and designing at Tom Tenorio park in Albuquerque in Bernalillo county;
309. five thousand dollars (\$5,000) to purchase equipment for the job mentor program in Albuquerque in Bernalillo county;
310. ten thousand dollars (\$10,000) for implementation of a comprehensive reforestation, irrigation and landscaping plan for the Silver Hill historic district in Bernalillo county;
311. fifty thousand dollars (\$50,000) to plan, design and construct a Holocaust museum in Albuquerque in Bernalillo county;
312. two hundred seventy-five thousand dollars (\$275,000) to renovate the old Hiland theater in Albuquerque in Bernalillo county;
313. twenty-five thousand dollars (\$25,000) to plan, design and construct a rape crisis center in Albuquerque in Bernalillo county;
314. ten thousand dollars (\$10,000) to design and construct a Bataan memorial in Bataan park in Albuquerque in Bernalillo county;
315. ten thousand dollars (\$10,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment at the Explora science center and children's museum in Albuquerque in Bernalillo county;
316. ten thousand dollars (\$10,000) to make improvements, including landscaping, at Balloon Fiesta park in Albuquerque in Bernalillo county;
317. seventy-five thousand dollars (\$75,000) for facility improvements at Roadrunner little league park in Albuquerque in Bernalillo county;
318. twenty-five thousand dollars (\$25,000) for facility improvements at the Mile High little league complex in Albuquerque in Bernalillo county;
319. fifteen thousand dollars (\$15,000) to design and construct the Bataan memorial in Bataan park in Albuquerque in Bernalillo county;
320. twenty-five thousand dollars (\$25,000) to renovate the old Hiland theater in Albuquerque in Bernalillo county;

321. twenty-five thousand dollars (\$25,000) to purchase and install exhibits and equipment at the Explora science center and children's museum in Albuquerque in Bernalillo county;
322. twenty-five thousand dollars (\$25,000) for improvements to the veterans' memorial at Bataan park in Albuquerque in Bernalillo county;
323. ten thousand dollars (\$10,000) for athletic equipment and furnishings at Cesar Chavez community center in Albuquerque in Bernalillo county;
324. thirty-five thousand dollars (\$35,000) for playing field and concession stand improvements at the Zia little league fields in Albuquerque in Bernalillo county;
325. thirty-five thousand dollars (\$35,000) to plan, design and construct a storage and concession building and to purchase and install lighting to two fields at the Mile High baseball and softball complex in Albuquerque in Bernalillo county;
326. fifty thousand dollars (\$50,000) to design and construct the maintenance yard and caretaker's quarters and improve the visitors' center and memorial garden at Phil Chacon park and veterans' memorial park in Albuquerque in Bernalillo county;
327. fifty thousand dollars (\$50,000) to purchase and install olympic power-lifting equipment at High Desert athletic club in Albuquerque in Bernalillo county;
328. forty thousand dollars (\$40,000) for building and infrastructure improvements at the Albuquerque Indian center in Bernalillo county;
329. fifty thousand dollars (\$50,000) for international market development capital projects for Albuquerque development services, a division of the city of Albuquerque, in Bernalillo county;
330. forty thousand dollars (\$40,000) for phase 2 landscaping in the Raynolds Addition neighborhood of Albuquerque in Bernalillo county;
331. three thousand six hundred dollars (\$3,600) to purchase computer technology for the Old Town development district in Albuquerque in Bernalillo county;
332. thirty thousand dollars (\$30,000) for implementation of a comprehensive reforestation, irrigation and landscaping plan for the Silver Hill historic district in Bernalillo county;
333. forty thousand dollars (\$40,000) to renovate a historic dinner theater in downtown Albuquerque in Bernalillo county;

334. fifteen thousand dollars (\$15,000) to purchase and install exhibits and equipment at the Explora science center and children's museum in Albuquerque in Bernalillo county;

335. twenty-five thousand dollars (\$25,000) to plan, design and construct a bell tower at the Barelás community center in Albuquerque in Bernalillo county;

336. four thousand five hundred dollars (\$4,500) to purchase and install equipment for the job mentor program of the Albuquerque business education compact operated by Albuquerque in Bernalillo county;

337. one hundred thousand dollars (\$100,000) to design, renovate, equip, landscape, irrigate and improve the site at Martineztown-Santa Barbara park and play area in Albuquerque in Bernalillo county;

338. one hundred two thousand nine hundred dollars (\$102,900) to remodel and expand the facility of peanut butter and jelly family services, incorporated, in Albuquerque in Bernalillo county;

339. forty-five thousand dollars (\$45,000) to acquire land and buildings, plan, develop and purchase artifacts for the Wheels museum, incorporated, in Albuquerque in Bernalillo county;

340. fifty thousand dollars (\$50,000) to renovate and equip the Esperanza family center in Albuquerque in Bernalillo county;

341. one hundred fifty thousand dollars (\$150,000) for phase 2 improvements at the West Mesa aquatic center in Albuquerque in Bernalillo county;

342. forty thousand dollars (\$40,000) to design, construct and equip little league fields for the Atrisco little league association, at the Serna property, in Albuquerque in Bernalillo county;

343. five thousand dollars (\$5,000) to purchase and install equipment for the job mentor program of the Albuquerque business education compact operated by the city of Albuquerque in Bernalillo county;

344. forty thousand dollars (\$40,000) for neon archways on Central avenue NW in Albuquerque in Bernalillo county;

345. forty thousand dollars (\$40,000) to construct and develop Rinconada park, including irrigation and landscaping, in Albuquerque in Bernalillo county;

346. fifteen thousand dollars (\$15,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment at the Explora science center and children's museum in Albuquerque in Bernalillo county;

347. forty-five thousand dollars (\$45,000) to complete phase 2 renovations of the Hiland performing arts theater in Albuquerque in Bernalillo county;

348. seventy-five thousand dollars (\$75,000) for acquiring and developing property for the Bel Air neighborhood park in Bernalillo county;

349. twenty thousand dollars (\$20,000) to design and renovate the play area, purchase equipment and landscape and irrigate the site at Alvarado park in Albuquerque in Bernalillo county;

350. fifteen thousand dollars (\$15,000) to design and construct the Bataan memorial in Bataan park in Albuquerque in Bernalillo county;

351. seventy-five thousand dollars (\$75,000) to construct the Elfego Baca memorial in Reserve in Catron county;

352. twenty-one thousand dollars (\$21,000) for an archive building for the historical center for southeastern New Mexico in Roswell in Chaves county;

353. thirty-five thousand dollars (\$35,000) for renovations to the Rogers Aston gallery of the Roswell museum and art center and other related projects in Roswell in Chaves county;

354. thirty-five thousand dollars (\$35,000) to renovate the Yucca recreation center in Roswell in Chaves county;

355. thirty-three thousand dollars (\$33,000) for phase 5 improvements, including installation of bleachers and drinking fountains, at the Cielo Grande sports complex in Roswell in Chaves county;

356. one hundred thousand dollars (\$100,000) to plan, design and construct a fire station in Dexter in Chaves county;

357. one hundred thousand dollars (\$100,000) to construct a sports complex for the little league in Hagerman in Chaves county;

358. thirty-five thousand dollars (\$35,000) to renovate the Yucca recreation center in Roswell in Chaves county;

359. sixty thousand dollars (\$60,000) to plan, design, construct and equip a new southeast New Mexico historical archives building in Roswell in Chaves county;

360. ten thousand dollars (\$10,000) to plan, design and construct a historic marker at Blackdom in Chaves county;

361. ninety thousand dollars (\$90,000) to purchase a tanker truck and storage tank for the Penasco volunteer fire department in Chaves county;

362. forty thousand dollars (\$40,000) to renovate the fire substation in Grants in Cibola county;

363. fifty thousand dollars (\$50,000) to equip and furnish the fire station in Cebolleta in Cibola county;

364. forty-five thousand dollars (\$45,000) to purchase frontage property on Santa Fe avenue for the main street project in Grants in Cibola county;

365. seventy-five thousand dollars (\$75,000) to continue improvements to the Alco building for telecommunications in Grants in Cibola county;

366. fifty thousand dollars (\$50,000) to replace and construct curbs, gutters and sidewalks and improve the parking lot at the general hospital in Cibola county;

367. fifty thousand dollars (\$50,000) to purchase vehicles for the police department in Grants in Cibola county;

368. fifty thousand dollars (\$50,000) to purchase vehicles for the Cibola county sheriff's department in Grants in Cibola county;

369. forty thousand dollars (\$40,000) to renovate the fire substation in Grants in Cibola county;

370. forty-five thousand dollars (\$45,000) to improve the chapel and grounds at the Vietnam veterans' memorial in Angel Fire in Colfax county;

371. fifty thousand dollars (\$50,000) to plan, design and construct an atrium at the convention and community center in Raton in Colfax county;

372. ten thousand dollars (\$10,000) to purchase and install playground equipment in Springer in Colfax county;

373. twenty-five thousand dollars (\$25,000) to re-roof the city hall complex in Springer in Colfax county;

374. twenty-five thousand dollars (\$25,000) to prepare the site for and to construct a warehouse for the life saver food bank in Clovis in Curry county;

375. twenty-five thousand dollars (\$25,000) to renovate county-owned property into office space in Curry county;

376. fifty thousand dollars (\$50,000) to make improvements at city hall in Fort Sumner in De Baca county;

377. twenty-five thousand dollars (\$25,000) to construct, equip and furnish an early childhood facility for homeless children in Las Cruces in Dona Ana county;

378. two hundred twenty-five thousand dollars (\$225,000) to plan, design and construct a plaza in front of Nuestra Senora de la Candelaria historic church, as part of a revitalization program, in Dona Ana in Dona Ana county;

379. seventy-five thousand dollars (\$75,000) to construct an emergency medical services building in Hatch in Dona Ana county;

380. twenty-five thousand dollars (\$25,000) to renovate the Mesilla park recreation center auditorium, including replacement of the heating, ventilation and air conditioning system, in Las Cruces in Dona Ana county;

381. two hundred thousand dollars (\$200,000) to construct a sports complex and swimming pool in Sunland Park in Dona Ana county;

382. seventy-five thousand dollars (\$75,000) to expand the Chaparral health clinic in Dona Ana county;

383. fifty thousand dollars (\$50,000) to construct a park in Santa Teresa in Dona Ana county;

384. fifty thousand dollars (\$50,000) for improvements to the ball park in Anthony in Dona Ana county;

385. twenty-five thousand dollars (\$25,000) for continuation of phase 2 construction of the Del Cerro park project in Dona Ana county;

386. twenty-five thousand dollars (\$25,000) to construct, equip and furnish an early childhood facility for homeless children in Las Cruces in Dona Ana county;

387. one hundred thousand dollars (\$100,000) to prepare the site for, plan, design and construct the municipal complex, which will include the town hall, public safety building, fire station and court and council chambers, in Mesilla in Dona Ana county;

388. ten thousand dollars (\$10,000) to renovate the court youth center in Las Cruces in Dona Ana county;

389. thirty thousand dollars (\$30,000) to purchase and install digital radios and related equipment at the sheriff's and fire departments in Dona Ana county;

390. one hundred thousand dollars (\$100,000) to purchase and install lighting and playground equipment at the ball park in Tortugas in Dona Ana county;

391. ten thousand dollars (\$10,000) to continue improvements, including replacement of the heating, ventilation and air conditioning system, at the museum of fine arts and culture in Las Cruces in Dona Ana county;

392. ten thousand dollars (\$10,000) to construct an asphalt path, landscape and install trash receptacles, mileage markers and kiosks for the Mesilla drain multi-use path project in Dona Ana county;

393. seven thousand five hundred dollars (\$7,500) for phase 2 construction of a large detention pond and continuation of drainage and roadway improvements in the El Molino area of Las Cruces in Dona Ana county;

394. one hundred thousand dollars (\$100,000) to purchase land and to construct additional courtrooms and office space to expand the third judicial district complex in Dona Ana county;

395. twenty-five thousand dollars (\$25,000) to renovate, furnish and equip the historic Rio Grande theater to be used as a performing arts center in Las Cruces in Dona Ana county;

396. twenty-five thousand dollars (\$25,000) to purchase and install fixtures, furnishings and equipment for the first step pediatrics and women's services center in Las Cruces in Dona Ana county;

397. one hundred thousand dollars (\$100,000) to construct and equip a park in the east mesa area of Dona Ana county;

398. fifty thousand dollars (\$50,000) to plan, design, construct and equip a convention center in Las Cruces in Dona Ana county;

399. thirty thousand dollars (\$30,000) for site development, landscaping and equipment purchase and installation for a neighborhood park on Hillrise drive in Las Cruces in Dona Ana county;

400. one thousand dollars (\$1,000) for an engineering feasibility study for the lower Rio Grande water users' organization sustainable water project in Dona Ana county;

401. thirty thousand dollars (\$30,000) to construct a skate park in Artesia in Eddy county;

402. thirty-five thousand dollars (\$35,000) to construct and equip a skate park in Artesia in Eddy county;

403. fifty thousand dollars (\$50,000) to plan, design and construct an activity field at Brainard park in Artesia in Eddy county;

404. ninety-five thousand dollars (\$95,000) to make improvements, including compliance with the requirements of the Americans with Disabilities Act of 1990, to the Walter Gerrells performing arts and exhibition center in Carlsbad in Eddy county;

405. sixty-thousand dollars (\$60,000) to construct a holding cell and police station in Hope in Eddy county;

406. ten thousand dollars (\$10,000) for main street projects in Carlsbad in Eddy county;

407. seventy-five thousand dollars (\$75,000) to design, construct and landscape the skate and hockey complex at the Riverwalk recreation center in Carlsbad in Eddy county;

408. forty thousand dollars (\$40,000) to make improvements, including construction of racquetball courts and a commercial kitchen, at the Riverwalk recreation center in Carlsbad in Eddy county;

409. fifty thousand dollars (\$50,000) to design, construct and landscape the skate and hockey complex at the Riverwalk recreation center in Carlsbad in Eddy county;

410. thirty thousand dollars (\$30,000) for phase 3 improvements, including installation of a pavilion shelter and picnic tables, at the Otis community center in Bannister park in Eddy county;

411. ninety thousand dollars (\$90,000) to renovate the village hall in Loving in Eddy county;

412. thirty thousand dollars (\$30,000) to improve the recreation center, including electrical upgrades, a new roof and construction, in Silver City in Grant county;

413. one hundred fifty thousand dollars (\$150,000) to remodel city hall and upgrade the heating, ventilation and air conditioning system in Silver City in Grant county;

414. thirty-five thousand dollars (\$35,000) to purchase police vehicles for the police department in Santa Clara in Grant county;

415. seventy-five thousand dollars (\$75,000) for Silver City to purchase the Life Quest building in Silver City in Grant county;

416. twenty thousand dollars (\$20,000) for an addition to the maintenance shop in Santa Clara in Grant county;

417. twenty-five thousand dollars (\$25,000) for improvements to the heating system at the courthouse in Harding county;

418. twenty thousand dollars (\$20,000) for repairs at the Animas-Hidalgo county community center in Animas in Hidalgo county;

419. one hundred fifty thousand dollars (\$150,000) to construct, equip and furnish the health center in Hidalgo county;

420. thirty thousand dollars (\$30,000) for roof and other repairs at the Lordsburg museum in Lordsburg in Hidalgo county;

421. eighty thousand dollars (\$80,000) to purchase ambulances in Lovington in Lea county;

422. forty thousand dollars (\$40,000) for new restrooms, camping hook-ups and other related improvements to the K.L. Towle rest area, including compliance with the requirements of the Americans with Disabilities Act of 1990, in Lea county;

423. twenty-five thousand dollars (\$25,000) to remove dangerous buildings and debris in Jal in Lea county;

424. forty thousand dollars (\$40,000) for a radio dispatch system for the sheriff's department in Lincoln county;

425. twenty-five thousand dollars (\$25,000) to upgrade computer and office technology at the Ruidoso Valley chamber of commerce in Lincoln county;

426. thirty-five thousand dollars (\$35,000) to construct and equip a new fire station in Ruidoso in Lincoln county;

427. thirty-five thousand dollars (\$35,000) to renovate the municipal building in Carrizozo in Lincoln county;

428. ten thousand dollars (\$10,000) to plan, design, construct, equip and furnish a visitor and interpretive center to be built on lands owned by Los Alamos county;

429. fifty thousand dollars (\$50,000) to construct the expansion of and to renovate the library in Deming in Luna county;

430. one hundred fifty thousand dollars (\$150,000) to construct a community facility and events area in Deming in Luna county;

431. fifty thousand dollars (\$50,000) to plan, design and construct a swimming pool in Columbus in Luna county;

432. one hundred fifty thousand dollars (\$150,000) to construct the expansion of and to equip the Mimbres Valley learning center in Luna county;

433. five thousand dollars (\$5,000) to construct restroom facilities and a concession stand, landscape and make other related improvements to the soccer field complex in Gallup in McKinley county;

434. ten thousand dollars (\$10,000) to construct a veterans' memorial for the public arts park in Gallup in McKinley county;

435. fifteen thousand dollars (\$15,000) to pave the parking lot at the Gallup community service center in Gallup in McKinley county;

436. thirty-five thousand dollars (\$35,000) to repair and stabilize the foundation of the alcohol crisis center facility in Gallup in McKinley county;

437. thirty-five thousand dollars (\$35,000) to construct a fire safety training tower in Gallup in McKinley county;

438. fifteen thousand dollars (\$15,000) to plan, develop and construct housing for senior citizens for the region 3 housing authority in McKinley county;

439. twenty-five thousand dollars (\$25,000) for renovating and expanding the courthouse in the eleventh judicial district, including installing wiring and equipment, in McKinley county;

440. twenty-five thousand dollars (\$25,000) to purchase office equipment in Wagon Mound in Mora county;

441. fifty thousand dollars (\$50,000) to construct a skate park in Corrales in Sandoval and Bernalillo counties;

442. twenty-five thousand dollars (\$25,000) to purchase buses for the head start program in Valencia county;

443. seventy-five thousand dollars (\$75,000) to replace the roof and make repairs and improvements at the volunteer fire department in Tularosa in Otero county;

444. one hundred thousand dollars (\$100,000) to construct a facility to house the police department, ambulance service facilities, municipal judge offices and a courtroom in Tularosa in Otero county;

445. one hundred thousand dollars (\$100,000) to design, equip and construct a road shop facility in Otero county;

446. thirty thousand dollars (\$30,000) to construct a gazebo and ramada in Vigil park in Tularosa in Otero county;

447. fifty thousand dollars (\$50,000) to pave the parking lot at the community center in Timberon in Otero county;

448. twenty-five thousand dollars (\$25,000) to purchase an ambulance in House in Quay county;

449. twenty-five thousand dollars (\$25,000) to purchase pickup trucks for the Arch Hurley conservancy district in Tucumcari in Quay county;

450. fifty thousand dollars (\$50,000) to reconstruct the primary care clinic in Quay county;

451. twenty-five thousand dollars (\$25,000) for a fire department building to store equipment for the Porter volunteer fire department in Quay county;

452. fifty thousand dollars (\$50,000) to purchase and install computer technology and equipment for the Quay county government;

453. twenty-five thousand dollars (\$25,000) to purchase a fire truck for Quay county;

454. forty thousand dollars (\$40,000) for furnishing the new building of the crisis center of northern New Mexico in Espanola in Rio Arriba county;

455. one hundred thousand dollars (\$100,000) to acquire the Pinon Hills property for a regional treatment and training center in Velarde in Rio Arriba county;

456. fifty thousand dollars (\$50,000) to continue expansion and renovation of a building in Espanola owned by Rio Arriba county and leased to Las Cumbres learning services, incorporated, in Rio Arriba county;

457. five thousand dollars (\$5,000) to equip the district court with a metal detector in Rio Arriba county;

458. forty thousand dollars (\$40,000) to construct a rural economic development center, including infrastructure, site and roadway development, buildings and office space, in Rio Arriba county;

459. fifty thousand dollars (\$50,000) to plan, design and construct a multipurpose community center in Dixon in Rio Arriba county;

460. nine thousand dollars (\$9,000) for a regional jail model study for Rio Arriba county;

461. seventy-five thousand dollars (\$75,000) to renovate the Espanola health center in Rio Arriba county;

462. one hundred thousand dollars (\$100,000) to renovate the courthouse in Portales in Roosevelt county;

463. twenty thousand dollars (\$20,000) to purchase a fire truck for the fire department in Causey in Roosevelt county;

464. thirty thousand dollars (\$30,000) to construct and equip the opportunity center in Roosevelt county;

465. fifty thousand dollars (\$50,000) to make improvements, including interior and exterior painting and re-roofing, to the community building in Kenna in Roosevelt county;

466. twenty thousand dollars (\$20,000) for playground and park equipment in Portales in Roosevelt county;

467. five thousand dollars (\$5,000) for office equipment for Floyd in Roosevelt county;

468. one hundred thousand dollars (\$100,000) to make capital improvements, including purchasing medical equipment and constructing a storage building, to Roosevelt general hospital in Portales in Roosevelt county;

469. eighty thousand dollars (\$80,000) to remodel the old boys' and girls' club into a teen center in Aztec in San Juan county;

470. eight thousand dollars (\$8,000) for computer technology for the chamber of commerce and visitors' center in Aztec in San Juan county;

471. fifty thousand dollars (\$50,000) to construct a skate park at the Hartman park sports complex in Aztec in San Juan county;

472. forty thousand dollars (\$40,000) to acquire land and develop it into a park in Bloomfield in San Juan county;

473. one hundred forty thousand dollars (\$140,000) for phase 2 renovations, including adding a restroom, at Ricketts ball park in Farmington in San Juan county;

474. twenty-five thousand dollars (\$25,000) to purchase a self-contained breathing apparatus for the fire department in Las Vegas in San Miguel county;

475. thirty-five thousand dollars (\$35,000) to purchase vehicles and ambulances for the police department in Las Vegas in San Miguel county;

476. thirty-five thousand dollars (\$35,000) to purchase and install lighting at the Las Vegas plaza little league ball field in San Miguel county;

477. five thousand dollars (\$5,000) to construct a sheltered school bus stop in San Jose in San Miguel county;

478. eighteen thousand dollars (\$18,000) for improvements to the San Juan community center in San Miguel county;

479. ten thousand dollars (\$10,000) to plan, design and construct an addition to the Tecolote community center in San Miguel county;

480. fifty thousand dollars (\$50,000) for infrastructure and improvements, including lighting, bleachers and trees, at the Lovelace New Mexico soccer tournament complex in Sandoval county;

481. fifty thousand dollars (\$50,000) for infrastructure and improvements, including lighting, at the New Mexico soccer tournament complex in Sandoval county;

482. twenty thousand dollars (\$20,000) for infrastructure and improvements, including lighting, at the Lovelace New Mexico soccer tournament complex in Sandoval county;

483. sixty thousand dollars (\$60,000) to make capital improvements, including the addition of bathrooms, a storage room and a game room, for an after-school homework center and library at the Star Heights recreation center in Rio Rancho in Sandoval county;

484. thirty-five thousand dollars (\$35,000) for fencing to protect the bosque preserve in Rio Rancho in Sandoval county;

485. five thousand dollars (\$5,000) for infrastructure and improvements, including lighting, at the New Mexico soccer tournament complex in Sandoval county;

486. one hundred twenty-five thousand dollars (\$125,000) to purchase a fire engine for the fire department in Corrales in Sandoval county;

487. twenty-five thousand dollars (\$25,000) for vehicles for the police department in Corrales in Sandoval county;

488. sixty-one thousand dollars (\$61,000) to make improvements, including compliance with the Americans with Disabilities Act of 1990, at the city hall in Bernalillo in Sandoval county;

489. fifty-four thousand seven hundred dollars (\$54,700) to construct jogging and walking paths at Rotary park in Bernalillo in Sandoval county;

490. fifty thousand dollars (\$50,000) to make improvements at parks and playgrounds throughout Bernalillo in Sandoval county;

491. ten thousand dollars (\$10,000) for infrastructure and improvements, including lighting, at the New Mexico soccer tournament complex in Sandoval county;

492. fifteen thousand dollars (\$15,000) for infrastructure and improvements, including lighting, at the Lovelace New Mexico soccer tournament complex in Sandoval county;

493. fifty thousand dollars (\$50,000) for infrastructure and improvements, including lighting, at the New Mexico soccer tournament complex in Sandoval county;

494. three thousand dollars (\$3,000) for infrastructure and improvements, including lighting, at the New Mexico soccer tournament complex in Sandoval county;

495. ten thousand dollars (\$10,000) to construct a Cuarto Centenario monument commemorating settlers in New Mexico at Saint Francis cathedral park in Santa Fe in Santa Fe county;

496. thirty thousand dollars (\$30,000) to purchase a mobile health care van in Santa Fe county;

497. five thousand dollars (\$5,000) for a monument in the Cuarto Centenario cathedral park in Santa Fe in Santa Fe county;

498. ten thousand dollars (\$10,000) for a bronze monument for the Cuarto Centenario cathedral park in Santa Fe in Santa Fe county;

499. five thousand dollars (\$5,000) to plan, design, construct and equip additions and improvements to the Vista Grande library in Eldorado in Santa Fe county;

500. thirty-seven thousand five hundred dollars (\$37,500) to purchase a mobile health care van in Santa Fe county;

501. ten thousand dollars (\$10,000) for a monument in the Cuarto Centenario cathedral park in Santa Fe in Santa Fe county;

502. ten thousand dollars (\$10,000) for a monument in the Cuarto Centenario cathedral park in Santa Fe in Santa Fe county;

503. fifty thousand dollars (\$50,000) to make improvements at the boys' and girls' club in Santa Fe county;

504. fifty thousand dollars (\$50,000) to plan, design and construct a youth and family shelter in Santa Fe county;

505. one hundred thousand dollars (\$100,000) to acquire land and to make necessary improvements to secure a fifty-foot protective corridor for the Camino Real river trail in Santa Fe county;

506. one hundred twenty thousand dollars (\$120,000) to plan, design and construct a community center in Agua Fria in Santa Fe county;

507. forty thousand dollars (\$40,000) to plan, engineer, design and construct phase 1 of the big brothers big sisters facility in Santa Fe county;

508. forty thousand dollars (\$40,000) to plan, design, construct, furnish and equip a building for the rape crisis center in Santa Fe in Santa Fe county;

509. forty thousand dollars (\$40,000) to upgrade the telecommunications infrastructure, including design, right-of-way acquisitions and upgrading of the city's internal network, on the Cerrillos road portion of the project in Santa Fe in Santa Fe county;

510. fifteen thousand dollars (\$15,000) to design, construct and equip a branch library in the south area of Santa Fe in Santa Fe county;

511. ten thousand dollars (\$10,000) to purchase a mobile health care van in Santa Fe county;

512. ten thousand dollars (\$10,000) for a monument in the Cuarto Centenario cathedral park in Santa Fe in Santa Fe county;

513. twenty-five thousand dollars (\$25,000) to plan, design, construct, furnish and equip a building for the rape crisis center in Santa Fe in Santa Fe county;

514. fifty thousand dollars (\$50,000) to upgrade the electrical distribution system in Truth or Consequences in Sierra county;

515. twenty-five thousand dollars (\$25,000) to continue renovating the Clark field site and the Finley gymnasium to add a skate park facility, snack bar site and performance area in Socorro in Socorro county;

516. one hundred forty thousand dollars (\$140,000) for additional construction at El Camino Real international heritage center in Socorro county;

517. forty thousand dollars (\$40,000) to construct an animal control facility in Socorro in Socorro county;

518. thirty thousand dollars (\$30,000) to expand and renovate the facility and to purchase and install playground equipment at Las Clinicas del Norte in Ojo Caliente in Taos county;

519. twenty-five thousand dollars (\$25,000) to make improvements, including expansion, at the Estancia medical and dental clinic in Estancia in Torrance county;

520. twenty-five thousand dollars (\$25,000) to purchase a vehicle and bullet-proof vests for the Torrance county sheriff's department;

521. twenty thousand dollars (\$20,000) to plan and design a medical and dental facility in Estancia in Torrance county;

522. twenty-five thousand dollars (\$25,000) to purchase recreational equipment for the Meadow Lake community center in Valencia county;

523. twenty-five thousand dollars (\$25,000) to purchase recreational equipment for the El Cerro community center in Valencia county;

524. twenty-five thousand dollars (\$25,000) for phase 2 parking lot improvements for the Las Maravillas and Rio communities' fire departments in Valencia county;

525. twenty-five thousand dollars (\$25,000) to purchase equipment for the El Cerro police substation in Valencia county;

526. fifty-five thousand dollars (\$55,000) to construct an addition for children and youth at the library in Bosque Farms in Valencia county;

527. one hundred thousand dollars (\$100,000) to plan, design and construct an addition to the library in Los Lunas in Valencia county;

528. five thousand dollars (\$5,000) to purchase an automatic external defibrillator for the multipurpose center in Belen in Valencia county;

529. seventy-five thousand dollars (\$75,000) to plan, design and construct a community center in Jarales in Valencia county;

530. one hundred thousand dollars (\$100,000) to purchase and install lighting at the multipurpose recreational park baseball and softball fields in Belen in Valencia county; and

531. fifty thousand dollars (\$50,000) to plan, design and construct a fire department-community center at Highland Meadows in the northwestern area of Valencia county.

Section 23. PUBLIC EDUCATION PROJECTS--STATE DEPARTMENT OF PUBLIC EDUCATION--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the state department of public education that the need exists for the issuance of the bonds, the following amounts are appropriated to the state department of public education for the following purposes:

1. five thousand three hundred dollars (\$5,300) to purchase and install a phone system at Kirtland elementary school in the Albuquerque public school district in Bernalillo county;

2. twenty-eight thousand dollars (\$28,000) for educational technology, including reading assessment software, and library books for the accelerated program at Kirtland elementary school in the Albuquerque public school district in Bernalillo county;

3. forty-eight thousand eight hundred ten dollars (\$48,810) to make capital improvements, including purchasing of playground equipment and landscaping, at Bandelier elementary school in the Albuquerque public school district in Bernalillo county;

4. thirty thousand dollars (\$30,000) to plan, design, construct, acquire or renovate a new facility for the Amy Biehl charter high school in the Albuquerque public school district in Bernalillo county;

5. forty thousand dollars (\$40,000) for educational technology at Albuquerque high school in the Albuquerque public school district in Bernalillo county;

6. forty-five thousand dollars (\$45,000) for educational technology, related upgrades and multimedia equipment at Eisenhower middle school in the Albuquerque public school district in Bernalillo county;

7. forty-five thousand dollars (\$45,000) for educational technology, related upgrades and two computer laboratories at Desert Ridge middle school in the Albuquerque public school district in Bernalillo county;

8. fifty-five thousand dollars (\$55,000) for educational technology and related upgrades at Dennis Chavez elementary school in the Albuquerque public school district in Bernalillo county;

9. forty-three thousand seven hundred fifty dollars (\$43,750) for educational technology, related upgrades and a multimedia production center at the Double Eagle elementary school in the Albuquerque public school district in Bernalillo county;

10. forty-five thousand dollars (\$45,000) for educational technology, related upgrades and multimedia equipment at Hubert H. Humphrey elementary school in the Albuquerque public school district in Bernalillo county;

11. one hundred thousand dollars (\$100,000) for educational technology, related upgrades and multimedia tools at La Cueva high school in the Albuquerque public school district in Bernalillo county;

12. twenty thousand dollars (\$20,000) to install furnishings and equipment for the "smart" studio learning environment at the Southwest Secondary learning center charter school in the Albuquerque public school district in Bernalillo county;

13. eighty thousand dollars (\$80,000) for a rifle range at Cibola high school in the Albuquerque public school district in Bernalillo county;

14. sixty thousand dollars (\$60,000) to purchase library books and install playground equipment at Armijo elementary school in the Albuquerque public school district in Bernalillo county;

15. fifty thousand dollars (\$50,000) for the library computer laboratory expansion project at Rio Grande high school in the Albuquerque public school district in Bernalillo county;

16. five thousand dollars (\$5,000) for security fencing and iron window frames at South Valley charter high school in the Albuquerque public school district in Bernalillo county;

17. one hundred twenty-one thousand five hundred dollars (\$121,500) to purchase library books, shelving and library furniture for East Mountain charter high school in the Albuquerque public school district in Bernalillo county;

18. twenty-five thousand dollars (\$25,000) for educational technology at Mark Twain elementary school in the Albuquerque public school district in Bernalillo county;

19. fifty thousand dollars (\$50,000) to resurface the all-weather track, construct drainage improvements and purchase and install bleachers at the Del Norte high school track and field in the Albuquerque public school district in Bernalillo county;

20. seventy-two thousand dollars (\$72,000) for educational technology for the new media center and for classrooms at Zuni elementary school in the Albuquerque public school district in Bernalillo county;

21. twenty-five thousand dollars (\$25,000) to improve the softball field at Sandia high school in the Albuquerque public school district in Bernalillo county;

22. fifty thousand dollars (\$50,000) for educational technology for a "smart laboratory" at Cleveland middle school in the Albuquerque public school district in Bernalillo county;

23. thirty-five thousand dollars (\$35,000) for educational technology, storage sheds and gymnasium locker rooms at Roosevelt middle school in the Albuquerque public school district in Bernalillo county;

24. nineteen thousand five hundred dollars (\$19,500) for educational technology at Comanche elementary school in the Albuquerque public school district in Albuquerque in Bernalillo county;

25. eighty thousand dollars (\$80,000) to construct bathrooms and locker rooms at Albuquerque high school in the Albuquerque public school district in Bernalillo county;

26. ninety-one thousand dollars (\$91,000) for educational technology, including electrical upgrades, at Chelwood elementary school in the Albuquerque public school district in Bernalillo county;

27. seventy-two thousand dollars (\$72,000) to upgrade and expand the phone system, including wiring, at Chelwood elementary school in the Albuquerque public school district in Bernalillo county;

28. ten thousand dollars (\$10,000) to purchase and install playground equipment at John Baker elementary school in the Albuquerque public school district in Bernalillo county;

29. ten thousand dollars (\$10,000) to purchase and install playground equipment at Ocate elementary school in the Albuquerque public school district in Bernalillo county;

30. thirty thousand dollars (\$30,000) to purchase and install an irrigation system and to landscape at John Baker elementary school in the Albuquerque public school district in Bernalillo county;

31. twenty-five thousand dollars (\$25,000) to purchase and install batting cages for Eldorado high school in the Albuquerque public school district in Bernalillo county;

32. ten thousand dollars (\$10,000) to acquire non-textbook books for the library at Acoma elementary school in the Albuquerque public school district in Bernalillo county;

33. ten thousand dollars (\$10,000) to acquire non-textbook books for the library at John Baker elementary school in the Albuquerque public school district in Bernalillo county;

34. ten thousand dollars (\$10,000) to acquire non-textbook books for the library at Matheson Park elementary school in the Albuquerque public school district in Bernalillo county;

35. ten thousand dollars (\$10,000) to acquire non-textbook books for the library at McCollum elementary school in the Albuquerque public school district in Bernalillo county;

36. ten thousand dollars (\$10,000) to acquire non-textbook books for the library at Onate elementary school in the Albuquerque public school district in Bernalillo county;

37. ten thousand dollars (\$10,000) to acquire non-textbook books for the library at Chelwood elementary school in the Albuquerque public school district in Bernalillo county;

38. ten thousand dollars (\$10,000) to acquire non-textbook books for the library at Hoover middle school in the Albuquerque public school district in Bernalillo county;

39. seventy-five thousand dollars (\$75,000) for educational technology and reference materials and literature for Inez elementary school in the Albuquerque public school district in Bernalillo county;

40. seventy-five thousand dollars (\$75,000) for educational technology at Hayes middle school in the Albuquerque public school district in Bernalillo county;

41. fifty thousand dollars (\$50,000) for upgrades and materials for the library at La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

42. fifty thousand dollars (\$50,000) for educational technology at La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

43. fifty thousand dollars (\$50,000) to purchase and install playground equipment at Bellehaven elementary school in the Albuquerque public school district in Bernalillo county;

44. seventy-five thousand dollars (\$75,000) for educational technology at Van Buren middle school in the Albuquerque public school district in Bernalillo county;

45. fifty thousand dollars (\$50,000) for educational technology at Mark Twain elementary school in the Albuquerque public school district in Bernalillo county;

46. twenty thousand dollars (\$20,000) for educational technology at Wherry elementary school in the Albuquerque public school district in Bernalillo county;

47. eighteen thousand eight hundred ten dollars (\$18,810) to develop the "smart lab" at the Southwest secondary learning center in the Albuquerque public school district in Bernalillo county;

48. one hundred five thousand dollars (\$105,000) to make improvements at Hodgin elementary school in the Albuquerque public school district in Bernalillo county;

49. one hundred fifty thousand dollars (\$150,000) for educational technology, including software and hardware peripherals, at Bel-Air elementary school in the Albuquerque public school district in Bernalillo county;

50. twenty-five thousand dollars (\$25,000) to purchase wrestling equipment for West Mesa high school in the Albuquerque public school district in Bernalillo county;

51. one hundred fifty thousand dollars (\$150,000) for playground equipment and improvements at Mountain View elementary school in the Albuquerque public school district in Bernalillo county;

52. fifty thousand dollars (\$50,000) for educational technology at east San Jose elementary school in the Albuquerque public school district in Bernalillo county;

53. one hundred fourteen thousand eight hundred ten dollars (\$114,810) for educational technology for Los Padillas elementary school in the Albuquerque public school district in Bernalillo county;

54. twenty-five thousand dollars (\$25,000) for educational technology at Edmund G. Ross elementary school in the Albuquerque public school district in Bernalillo county;

55. twenty-five thousand dollars (\$25,000) for educational technology, equipment and furniture for math, science and reading laboratories at Taylor middle school in the Albuquerque public school district in Bernalillo county;

56. twelve thousand five hundred dollars (\$12,500) for phase 1 capital improvements related to the excel literacy program in the library of Los Ranchos elementary school in the Albuquerque public school district in Bernalillo county;

57. twelve thousand five hundred dollars (\$12,500) for phase 2 capital improvements related to the excel literacy program in the library of Los Ranchos elementary school in the Albuquerque public school district in Bernalillo county;

58. twenty-five thousand dollars (\$25,000) for educational technology at Alameda elementary school in the Albuquerque public school district in Bernalillo county;

59. fifteen thousand dollars (\$15,000) to purchase and install studio equipment for KANW for program origination in Albuquerque in Bernalillo county;

60. ten thousand dollars (\$10,000) to purchase books to update and upgrade the library collection at Los Ranchos elementary school in the Albuquerque public school district in Bernalillo county;

61. ten thousand dollars (\$10,000) to purchase books to update and upgrade the library collection at La Luz elementary school in the Albuquerque public school district in Bernalillo county;

62. ten thousand dollars (\$10,000) to purchase books to update and upgrade the library collection at Douglas MacArthur elementary school in the Albuquerque public school district in Bernalillo county;

63. five thousand dollars (\$5,000) to purchase books to update and upgrade the library collection at Garfield middle school in the Albuquerque public school district in Bernalillo county;

64. fifteen thousand dollars (\$15,000) to purchase books to update and upgrade the library collection at Mission Avenue elementary school in the Albuquerque public school district in Bernalillo county;

65. ten thousand dollars (\$10,000) to purchase books to update and upgrade the library collection at Taft middle school in the Albuquerque public school district in Bernalillo county;

66. ten thousand dollars (\$10,000) to landscape the front and approach to La Luz elementary school in the Albuquerque public school district in Bernalillo county;

67. ten thousand dollars (\$10,000) to purchase books to update and upgrade the library collection at Cochiti elementary school in the Albuquerque public school district in Bernalillo county;

68. ten thousand dollars (\$10,000) to replace and upgrade the ceiling and lighting fixtures in the library at Los Ranchos elementary school in the Albuquerque public school district in Bernalillo county;

69. twenty-five thousand dollars (\$25,000) for athletic field improvements at Valley high school in the Albuquerque public school district in Bernalillo county;

70. ten thousand dollars (\$10,000) for phase 1 capital improvements to the excel literacy program at Los Ranchos elementary school in the Albuquerque public school district in Bernalillo county;

71. fifty thousand dollars (\$50,000) to install a grass field and track and shade structure at Mission Avenue elementary school in the Albuquerque public school district in Bernalillo county;

72. forty-five thousand dollars (\$45,000) to purchase and install playground equipment at Griegos elementary school in the Albuquerque public school district in Bernalillo county;

73. one hundred forty-eight thousand eight hundred ten dollars (\$148,810) to design and construct a facility for Nuestros Valores charter school in the Albuquerque public school district in Bernalillo county;

74. twenty thousand dollars (\$20,000) to purchase books, educational technology and accelerated reader kits for Wilson middle school in the Albuquerque public school district in Bernalillo county;

75. fifteen thousand dollars (\$15,000) for educational technology at Highland high school in the Albuquerque public school district in Bernalillo county;

76. fifteen thousand dollars (\$15,000) for educational technology at Kirtland elementary school in the Albuquerque public school district in Bernalillo county;

77. thirty thousand dollars (\$30,000) to improve the drainage system, parking lot and playground area and to purchase educational technology and books for Whittier elementary school in the Albuquerque public school district in Bernalillo county;

78. fifteen thousand dollars (\$15,000) for educational technology at Zia elementary school in the Albuquerque public school district in Bernalillo county;

79. fifteen thousand dollars (\$15,000) for educational technology at Emerson elementary school in the Albuquerque public school district in Bernalillo county;

80. fifteen thousand dollars (\$15,000) for educational technology at Mark Twain elementary school in the Albuquerque public school district in Bernalillo county;

81. fifteen thousand dollars (\$15,000) for educational technology at Bandelier elementary school in the Albuquerque public school district in Bernalillo county;

82. sixty thousand dollars (\$60,000) for educational technology and related equipment at Tomasita elementary school in the Albuquerque public school district in Bernalillo county;

83. forty-one thousand dollars (\$41,000) to upgrade the phone system at Kennedy middle school in the Albuquerque public school district in Bernalillo county;

84. twenty-nine thousand dollars (\$29,000) for phase 1 of a security video system at Kennedy middle school in the Albuquerque public school district in Bernalillo county;

85. ninety thousand eight hundred ten dollars (\$90,810) for infrastructure and hardware upgrades at Grant middle school in the Albuquerque public school district in Bernalillo county;

86. twenty-five thousand dollars (\$25,000) for grounds improvements, including drainage and site preparation, at Eubank elementary school in the Albuquerque public school district in Bernalillo county;

87. thirty thousand dollars (\$30,000) for curriculum software upgrades at Manzano high school in the Albuquerque public school district in Bernalillo county;

88. forty thousand dollars (\$40,000) for educational technology and infrastructure upgrades at McCollum elementary school in the Albuquerque public school district in Bernalillo county;

89. one hundred twenty-five thousand dollars (\$125,000) for continued improvements to the athletic facility, including the gymnasium, wrestling shower, baseball and softball field and field house, at Rio Grande high school in the Albuquerque public school district in Bernalillo county;

90. ten thousand dollars (\$10,000) for educational technology at Harrison middle school in the Albuquerque public school district in Bernalillo county;

91. ten thousand dollars (\$10,000) for educational technology at Navajo elementary school in the Albuquerque public school district in Bernalillo county;

92. ten thousand dollars (\$10,000) for educational technology at Kit Carson elementary school in the Albuquerque public school district in Bernalillo county;

93. ten thousand dollars (\$10,000) for educational technology at Barcelona elementary school in the Albuquerque public school district in Bernalillo county;

94. ten thousand dollars (\$10,000) for educational technology at Polk middle school in the Albuquerque public school district in Bernalillo county;

95. ten thousand dollars (\$10,000) for educational technology at Pajarito elementary school in the Albuquerque public school district in Bernalillo county;

96. ten thousand dollars (\$10,000) for educational technology at Adobe Acres elementary school in the Albuquerque public school district in Bernalillo county;

97. thirty-five thousand dollars (\$35,000) for site improvements and landscaping at Kit Carson elementary school in the Albuquerque public school district in Bernalillo county;

98. thirty thousand dollars (\$30,000) to purchase educational technology and related equipment for the media and publication laboratory at Rio Grande high school in the Albuquerque public school district in Bernalillo county;

99. fifteen thousand dollars (\$15,000) to purchase equipment for the choral department at Rio Grande high school in the Albuquerque public school district in Bernalillo county;

100. thirty thousand dollars (\$30,000) for the additional construction and engineering required for the tennis courts at Eldorado high school in the Albuquerque public school district in Bernalillo county;

101. ten thousand dollars (\$10,000) to acquire non-textbook books for the library at Eldorado high school in the Albuquerque public school district in Bernalillo county;

102. ten thousand dollars (\$10,000) to acquire non-textbook books for the library at Eisenhower middle school in the Albuquerque public school district in Bernalillo county;

103. ten thousand dollars (\$10,000) to acquire non-textbook books for the library at Georgia O'Keefe elementary school in the Albuquerque public school district in Bernalillo county;

104. ten thousand dollars (\$10,000) to acquire non-textbook books for the library at S.Y. Jackson elementary school in the Albuquerque public school district in Bernalillo county;

105. ten thousand dollars (\$10,000) to acquire non-textbook books for the library at John Baker elementary school in the Albuquerque public school district in Bernalillo county;

106. ninety-five thousand four hundred dollars (\$95,400) for "smart" studio learning environment islands and seating at the Southwest Secondary learning center charter school in the Albuquerque public school district in Bernalillo county;

107. twenty-five thousand dollars (\$25,000) to purchase and install new bleachers and awnings to meet the requirements of the Americans with Disabilities Act of 1990 at Eldorado high school in the Albuquerque public school district in Bernalillo county;

108. twenty-five thousand dollars (\$25,000) to re-roof Datil elementary school in the Quemado independent school district in Catron county;

109. ten thousand dollars (\$10,000) to purchase audio-visual equipment for the Goddard high school football program in the Roswell independent school district in Chaves county;

110. thirty-five thousand dollars (\$35,000) to purchase and install physical education and playground equipment at Del Norte elementary school in the Roswell independent school district in Chaves county;

111. thirty-five thousand dollars (\$35,000) for educational technology at Del Norte elementary school in the Roswell independent school district in Chaves county;

112. forty-nine thousand dollars (\$49,000) for capital improvements, including construction of a sprinkler system and purchase of televisions for classrooms and computers for enrichment programs, at Del Norte elementary school in the Roswell independent school district in Chaves county;

113. twenty-five thousand dollars (\$25,000) to plan, design and construct a distributive education clubs of America cookie sales facility at Goddard high school in the Roswell independent school district in Chaves county;

114. twenty-five thousand dollars (\$25,000) to improve the Coca-Cola baseball field in the Roswell independent school district in Chaves county;

115. forty thousand dollars (\$40,000) to improve the practice football field and purchase football equipment for Goddard high school in the Roswell independent school district in Chaves county;

116. ten thousand dollars (\$10,000) for educational technology at Nancy Lopez elementary school in the Roswell independent school district in Chaves county;

117. ten thousand dollars (\$10,000) for educational technology at Pecos elementary school in the Roswell independent school district in Chaves county;

118. twenty-five thousand dollars (\$25,000) to purchase playground equipment for Pecos elementary school in the Roswell independent school district in Chaves county;

119. ten thousand dollars (\$10,000) for educational technology at East Grand Plains elementary school in the Roswell independent school district in Chaves county;

120. ten thousand dollars (\$10,000) for educational technology at Chisum elementary school in the Roswell independent school district in Chaves county;

121. ten thousand dollars (\$10,000) for educational technology at Mesa middle school in the Roswell independent school district in Chaves county;

122. ten thousand dollars (\$10,000) for educational technology at Edgewood elementary school in the Roswell independent school district in Chaves county;

123. ten thousand dollars (\$10,000) for educational technology at Mountain View middle school in the Roswell independent school district in Chaves county;

124. five thousand dollars (\$5,000) to construct a memorial to Sandy Pickens at the administrative office of the Roswell independent school district in Chaves county;

125. thirty thousand eight hundred ten dollars (\$30,810) to furnish and equip a kindergarten wing at Dexter elementary school in the Dexter consolidated school district in Chaves county;

126. ten thousand dollars (\$10,000) to purchase classroom television and videocassette recorder sets for the Dexter consolidated school district in Chaves county;

127. ten thousand dollars (\$10,000) for educational technology at the Dexter consolidated school district in Chaves county;

128. twenty thousand dollars (\$20,000) to make improvements to and to purchase equipment for playgrounds in the Dexter consolidated school district in Chaves county;

129. thirty thousand dollars (\$30,000) to make capital improvements, including purchasing of playground equipment and surfacing, to Hagerman elementary school in the Hagerman municipal school district in Chaves county;

130. forty thousand dollars (\$40,000) to make capital improvements, including irrigation and installation of lighting, to athletic fields in the Lake Arthur municipal school district in Chaves county;

131. twenty-five thousand dollars (\$25,000) to purchase and install fencing and playground equipment at Parkview elementary school in the Roswell independent school district in Chaves county;

132. two thousand dollars (\$2,000) to construct a memorial to Sandy Pickens at the administrative office of the Roswell independent school district in Chaves county;

133. ten thousand dollars (\$10,000) to renovate and improve the Grants high school locker rooms and upgrade the gymnasium sound system in the Grants-Cibola county school district in Cibola county;

134. ten thousand dollars (\$10,000) to renovate and improve the Grants high school locker rooms and upgrade the gymnasium sound system in the Grants-Cibola county school district in Cibola county;

135. thirty thousand dollars (\$30,000) to purchase a forty-five-passenger activity bus for the Springer municipal school district in Colfax county;

136. fifteen thousand eight hundred ten dollars (\$15,810) to renovate the old administration building in the Clovis municipal school district in Curry county;

137. five thousand dollars (\$5,000) for educational technology at Hillrise elementary school in the Las Cruces public school district in Dona Ana county;

138. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip baseball and softball fields at the Las Cruces public school sports complex in Dona Ana county;

139. twenty thousand dollars (\$20,000) for an outdoor stage and amphitheater at Sierra middle school in the Las Cruces public school district in Dona Ana county;

140. fifteen thousand dollars (\$15,000) to improve and equip the playground at Tombaugh elementary school in the Las Cruces public school district in Dona Ana county;

141. twenty thousand six hundred ten dollars (\$20,610) to purchase and install outdoor tables, benches, aluminum bleachers, soccer goals and a fabric shade canopy at Riverside elementary school in the Gadsden independent school district in Dona Ana county;

142. thirty thousand dollars (\$30,000) to improve and equip the playground at Mesilla park elementary school in the Las Cruces public school district in Dona Ana county;

143. sixty-five thousand dollars (\$65,000) to improve and equip the playground at East Picacho elementary school in the Las Cruces public school district in Dona Ana county;

144. sixty-five thousand dollars (\$65,000) for irrigation and grounds improvements, including the removal of goat heads and the addition of walkways, at Hermosa Heights elementary school in the Las Cruces public school district in Dona Ana county;

145. twenty thousand dollars (\$20,000) to improve and equip the playground at Mesilla park elementary school in the Las Cruces public school district in Dona Ana county;

146. fifteen thousand dollars (\$15,000) to make improvements to the parking lot at Loving high school in the Loving municipal school district in Eddy county;

147. fifteen thousand dollars (\$15,000) to equip the culinary arts program at Carlsbad high school in the Carlsbad municipal school district in Eddy county;

148. fifty thousand dollars (\$50,000) to make safety improvements to elementary school playgrounds in the Carlsbad municipal school district in Eddy county;

149. twenty-five thousand dollars (\$25,000) to make improvements to the playground, including water runoff grading, at Loving elementary school in the Loving municipal school district in Eddy county;

150. thirty thousand dollars (\$30,000) for educational technology at Loving middle school in the Loving municipal school district in Eddy county;

151. thirty thousand dollars (\$30,000) to purchase and install playground equipment and make other related improvements at Yucca elementary school in the Artesia public school district in Eddy county;

152. ten thousand dollars (\$10,000) to renovate the heating, ventilation and air conditioning system at Monterrey elementary school in the Carlsbad municipal school district in Eddy county;

153. ten thousand dollars (\$10,000) to replace the furniture in the library at Carlsbad high school in the Carlsbad municipal school district in Eddy county;

154. fifteen thousand dollars (\$15,000) to equip the culinary arts program at Carlsbad high school in the Carlsbad municipal school district in Eddy county;

155. one hundred thousand dollars (\$100,000) to remodel vocational technology laboratories at Highland and Houston junior high schools in the Hobbs municipal school district in Lea county;

156. fifty thousand dollars (\$50,000) to remodel the field house at Lovington high school in the Lovington municipal school district in Lea county;

157. twenty-five thousand dollars (\$25,000) for roof and window replacements in the Tatum municipal school district in Lea county;

158. one hundred thousand dollars (\$100,000) to make improvements, including replacement of windows with insulated walls, at Jal elementary school in the Jal public school district in Lea county;

159. one hundred twenty-one thousand eight hundred ten dollars (\$121,810) to install phase 2 of the technology laboratory, including production studios, lighting and equipment, at Eunice high school in the Eunice public school district in Lea county;

160. seventy-five thousand dollars (\$75,000) to remodel current facilities and purchase and install technology laboratory equipment at Highland and Houston junior high schools in the Hobbs municipal school district in Lea county;

161. one hundred thousand dollars (\$100,000) to construct a multipurpose field and track in the Hondo Valley public school district in Lincoln county;

162. two hundred thousand dollars (\$200,000) to resurface the running track at Alamogordo high school in the Alamogordo public school district in Otero county;

163. twenty-eight thousand seven hundred fifty dollars (\$28,750) to build tennis courts at Alamogordo high school in the Alamogordo public school district in Otero county;

164. seventy-five thousand dollars (\$75,000) to construct and equip an addition to the Escalante high school gymnasium in the Chama valley independent school district in Rio Arriba county;

165. ten thousand dollars (\$10,000) to purchase an activity bus for the Espanola public school district in Rio Arriba county;

166. fifteen thousand dollars (\$15,000) to purchase an activity bus for the Espanola public school district in Rio Arriba county;

167. fifty thousand dollars (\$50,000) for lighting in the Portales high school auditorium in the Portales municipal school district in Roosevelt county;

168. seventy-eight thousand seven hundred fifty dollars (\$78,750) to renovate classrooms for art, choir and physical education at Farmington high school in the Farmington municipal school district in San Juan county;

169. ninety-eight thousand eight hundred ten dollars (\$98,810) to purchase a forty-seven-passenger bus and an eighty-four-passenger bus for the head start program in the west Las Vegas public school district in San Miguel county;

170. sixty thousand dollars (\$60,000) to purchase heavy equipment for the Las Vegas city public school district in San Miguel county;

171. fourteen thousand dollars (\$14,000) to purchase and install fencing and a scoreboard at the high school in the west Las Vegas public school district in San Miguel county;

172. sixty thousand dollars (\$60,000) to upgrade the heating, ventilation and air conditioning system at Lincoln middle school in the Rio Rancho public school district in Sandoval county;

173. eighteen thousand eight hundred ten dollars (\$18,810) for site improvements, including parking lot paving, landscaping and irrigation, at Independence high school in the Rio Rancho public school district in Sandoval county;

174. three thousand dollars (\$3,000) to purchase encyclopedias for Independence high school in the Rio Rancho public school district in Sandoval county;

175. seventy-one thousand dollars (\$71,000) to construct a connecting sidewalk from Western Hills boulevard to Broadmoor drive to provide pedestrian access for Lincoln middle school and Rio Rancho high school in the Rio Rancho public school district in Sandoval county;

176. fifty thousand dollars (\$50,000) to make improvements at the astronomy site, including restrooms, pedestrian and vehicular paths and extending

electrical services to the telescopes, at Rio Rancho high school in the Rio Rancho public school district in Sandoval county;

177. fifty thousand dollars (\$50,000) to remodel the locker rooms at Bernalillo high school in the Bernalillo public school district in Sandoval county;

178. fifty thousand dollars (\$50,000) for land acquisition at the Pojoaque campus in the Pojoaque Valley public school district in Santa Fe county;

179. sixty-five thousand dollars (\$65,000) for drainage improvements and land preparation for playing fields at Tony E. Quintana Sombrillo elementary school in the Espanola public school district in Santa Fe county;

180. one hundred twenty-three thousand eight hundred ten dollars (\$123,810) to construct or purchase and install benches, dugouts, batting cages and chainlink fencing and for other related improvements to the baseball facility at Santa Fe high school in the Santa Fe public school district in Santa Fe county;

181. one hundred eighty-five thousand dollars (\$185,000) to plan, design and construct improvements to the building, mainframe and file servers in the Santa Fe public school district in Santa Fe county;

182. twenty-five thousand dollars (\$25,000) for capital improvements in the Taos municipal school district in Taos county;

183. twenty-five thousand dollars (\$25,000) to expand the cafeteria at Questa high school in the Questa independent school district in Taos county;

184. twenty-five thousand dollars (\$25,000) to re-roof the multipurpose building in the Penasco independent school district in Taos county;

185. forty thousand dollars (\$40,000) for an asphalt and polyurethane running track in the Mountainair public school district in Torrance county;

186. twenty thousand dollars (\$20,000) to construct, furnish and equip a teacher resource center in the Los Lunas public school district in Valencia county;

187. twenty-five thousand dollars (\$25,000) to purchase and install a cover for the high school swimming pool to allow year-round use in the Los Lunas public school district in Valencia county;

188. sixty-five thousand dollars (\$65,000) for transmitters and towers, including construction of FM translator stations to serve the communities in New Mexico, for KANW station statewide;

189. one hundred thousand dollars (\$100,000) to purchase playground equipment for Mountain View elementary school in the Albuquerque public school district in Bernalillo county;

190. one hundred thousand dollars (\$100,000) for educational technology at Eugene Field elementary school in the Albuquerque public school district in Bernalillo county;

191. one hundred thousand dollars (\$100,000) for educational technology at Mountain View elementary school in the Albuquerque public school district in Bernalillo county;

192. thirty-five thousand dollars (\$35,000) for improvements to the Rio Grande high school baseball field in the Albuquerque public school district in Bernalillo county;

193. ten thousand dollars (\$10,000) to upgrade the outside patio area with permanent benches to provide eating areas at Highland high school in the Albuquerque public school district in Bernalillo county;

194. twenty-five thousand dollars (\$25,000) for educational technology at Roosevelt middle school in the Albuquerque public school district in Tijeras in Bernalillo county;

195. twenty-five thousand dollars (\$25,000) for educational technology at A. Montoya elementary school in the Albuquerque public school district in Bernalillo county;

196. twenty-five thousand dollars (\$25,000) for educational technology at Apache elementary school in the Albuquerque public school district in Bernalillo county;

197. fifty thousand dollars (\$50,000) for upgrading the wood shops and for educational technology at Manzano high school in the Albuquerque public school district in Bernalillo county;

198. forty thousand dollars (\$40,000) to extend infrastructure to new buildings at the South Valley charter high school in the Albuquerque public school district in Bernalillo county;

199. forty thousand dollars (\$40,000) to construct, purchase or remodel a permanent facility for Amy Biehl charter high school in the Albuquerque public school district in Bernalillo county;

200. sixty thousand dollars (\$60,000) for a collaboration zone and a seminar presentation zone in the "smart" studio learning environment at the Southwest

Secondary learning center charter school in the Albuquerque public school district in Bernalillo county;

201. forty thousand dollars (\$40,000) to construct facilities at East Mountain high school in the Albuquerque public school district in Cedar Crest in Bernalillo county;

202. thirty-five thousand dollars (\$35,000) to make capital improvements, including construction of the school patio and landscaping, at Collet Park elementary school in the Albuquerque public school district in Bernalillo county;

203. thirty-five thousand dollars (\$35,000) for grounds improvements at Eubank elementary school in the Albuquerque public school district in Bernalillo county;

204. thirty-five thousand dollars (\$35,000) for educational technology at Grant middle school in the Albuquerque public school district in Bernalillo county;

205. thirty-five thousand dollars (\$35,000) for the additional construction and engineering required to complete the tennis courts at Eldorado high school in the Albuquerque public school district in Bernalillo county;

206. thirty-five thousand dollars (\$35,000) for educational technology at Sombra del Monte elementary school in the Albuquerque public school district in Bernalillo county;

207. thirty-five thousand dollars (\$35,000) for playground improvements at Bellehaven elementary school in the Albuquerque public school district in Bernalillo county;

208. thirty-five thousand dollars (\$35,000) for phase 2 improvements to the athletic field at Hayes middle school in the Albuquerque public school district in Bernalillo county;

209. thirty-five thousand dollars (\$35,000) for playground improvements at Mitchell elementary school in the Albuquerque public school district in Bernalillo county;

210. thirty-five thousand dollars (\$35,000) for educational technology at Sandia high school in the Albuquerque public school district in Bernalillo county;

211. thirty-five thousand dollars (\$35,000) for educational technology at Madison middle school in the Albuquerque public school district in Bernalillo county;

212. thirty-five thousand dollars (\$35,000) for educational technology at Matheson Park elementary school in the Albuquerque public school district in Bernalillo county;

213. thirty-five thousand dollars (\$35,000) to landscape the courtyard at Inez elementary school in the Albuquerque public school district in Bernalillo county;

214. one hundred thousand dollars (\$100,000) to plan, design and construct a swimming pool at Cibola high school in the Albuquerque public school district in Bernalillo county;

215. twenty-five thousand dollars (\$25,000) for educational technology at Petroglyph elementary school in the Albuquerque public school district in Bernalillo county;

216. twenty-five thousand dollars (\$25,000) for educational technology at Sierra Vista elementary school in the Albuquerque public school district in Bernalillo county;

217. twenty-five thousand dollars (\$25,000) for educational technology at Lyndon B. Johnson middle school in the Albuquerque public school district in Bernalillo county;

218. thirty thousand dollars (\$30,000) for educational technology at Chamiza elementary school in the Albuquerque public school district in Bernalillo county;

219. twenty-five thousand dollars (\$25,000) for educational technology at Chaparral elementary school in the Albuquerque public school district in Bernalillo county;

220. twenty-five thousand dollars (\$25,000) for educational technology at James Monroe middle school in the Albuquerque public school district in Bernalillo county;

221. twenty-five thousand dollars (\$25,000) for educational technology at Seven-Bar elementary school in the Albuquerque public school district in Bernalillo county;

222. twenty-five thousand dollars (\$25,000) to purchase vocational shop equipment for Cibola high school in the Albuquerque public school district in Bernalillo county;

223. twenty-five thousand dollars (\$25,000) to make improvements to the playground at Petroglyph elementary school in the Albuquerque public school district in Bernalillo county;

224. one hundred thousand dollars (\$100,000) to develop the "smart lab" at the Southwest secondary learning center in the Albuquerque public school district in Bernalillo county;

225. twenty-five thousand dollars (\$25,000) to make improvements at South Valley charter high school in the Albuquerque public school district in Bernalillo county;

226. one hundred ten thousand dollars (\$110,000) to install a grass field and improve drainage at Douglas MacArthur elementary school in the Albuquerque public school district in Bernalillo county;

227. ten thousand dollars (\$10,000) to purchase library books for La Luz elementary school in the Albuquerque public school district in Bernalillo county;

228. ten thousand dollars (\$10,000) to purchase library books for Garfield middle school in the Albuquerque public school district in Bernalillo county;

229. ten thousand dollars (\$10,000) to purchase library books at Griegos elementary school in the Albuquerque public school district in Bernalillo county;

230. ten thousand dollars (\$10,000) to purchase library books at Reginald Chavez elementary school in the Albuquerque public school district in Bernalillo county;

231. one hundred thousand dollars (\$100,000) to purchase telephone equipment and install wiring infrastructure at Valley high school in the Albuquerque public school district in Bernalillo county;

232. ten thousand dollars (\$10,000) to purchase library books to upgrade the collection at the Duranes elementary school in the Albuquerque public school district in Bernalillo county;

233. one hundred thousand dollars (\$100,000) for track and field improvements and the purchase and installation of a shade structure at Mission Avenue elementary school in the Albuquerque public school district in Bernalillo county;

234. ten thousand dollars (\$10,000) to purchase library books at Cochiti elementary school in the Albuquerque public school district in Bernalillo county;

235. ten thousand dollars (\$10,000) to plan, design and construct a permanent classroom facility for the South Valley charter high school in the Albuquerque public school district in Bernalillo county;

236. twelve thousand dollars (\$12,000) for educational technology at Los Ranchos elementary school in the Albuquerque public school district in Bernalillo county;

237. eight thousand dollars (\$8,000) for educational technology at Corrales elementary school in the Albuquerque public school district in Bernalillo county;

238. seventeen thousand dollars (\$17,000) for educational technology at La Cueva high school in the Albuquerque public school district in Bernalillo county;

239. twenty thousand dollars (\$20,000) for the "smart" lab project at Cleveland middle school in the Albuquerque public school district in Bernalillo county;

240. seventeen thousand dollars (\$17,000) for educational technology at Del Norte high school in the Albuquerque public school district in Bernalillo county;

241. eight thousand dollars (\$8,000) for educational technology at Arroyo del Oso elementary school in the Albuquerque public school district in Bernalillo county;

242. eight thousand dollars (\$8,000) for educational technology at Cibola high school in the Albuquerque public school district in Bernalillo county;

243. seventeen thousand dollars (\$17,000) for improving the telephone system at Valley high school in the Albuquerque public school district in Bernalillo county;

244. seventeen thousand dollars (\$17,000) for educational technology at Madison middle school in the Albuquerque public school district in Bernalillo county;

245. twelve thousand dollars (\$12,000) for educational technology at Dennis Chavez elementary school in the Albuquerque public school district in Bernalillo county;

246. eight thousand dollars (\$8,000) for educational technology at Mission Avenue elementary school in the Albuquerque public school district in Bernalillo county;

247. seventeen thousand dollars (\$17,000) for educational technology at Taylor middle school in the Albuquerque public school district in Bernalillo county;

248. twelve thousand dollars (\$12,000) to upgrade the soccer field at Alameda elementary school in the Albuquerque public school district in Bernalillo county;

249. twelve thousand dollars (\$12,000) for educational technology at Edmund G. Ross elementary school in the Albuquerque public school district in Bernalillo county;

250. twelve thousand dollars (\$12,000) for educational technology at Double Eagle elementary school in the Albuquerque public school district in Bernalillo county;

251. seventeen thousand dollars (\$17,000) for educational technology at Taft middle school in the Albuquerque public school district in Bernalillo county;

252. seventeen thousand dollars (\$17,000) for educational technology at Desert Ridge middle school in the Albuquerque public school district in Bernalillo county;

253. seventeen thousand dollars (\$17,000) for educational technology at Petroglyph elementary school in the Albuquerque public school district in Bernalillo county;

254. twenty-five thousand dollars (\$25,000) for educational technology at McKinley middle school in the Albuquerque public school district in Bernalillo county;

255. twelve thousand dollars (\$12,000) to purchase or construct a covered play structure at Alvarado elementary school in the Albuquerque public school district in Bernalillo county;

256. five thousand dollars (\$5,000) for improvements to sports and extracurricular facilities at Taft middle school in the Albuquerque public school district in Bernalillo county;

257. five thousand dollars (\$5,000) for improvements to sports and extracurricular facilities at Taylor middle school in the Albuquerque public school district in Bernalillo county;

258. five thousand dollars (\$5,000) for improvements to sports and extracurricular facilities at McKinley middle school in the Albuquerque public school district in Bernalillo county;

259. five thousand dollars (\$5,000) for improvements to sports and extracurricular facilities at Madison middle school in the Albuquerque public school district in Bernalillo county;

260. thirty thousand dollars (\$30,000) to make improvements, including installing a cooling system and upgrading the electrical system, at East Mountain high school in the Albuquerque public school district in Bernalillo county;

261. twenty thousand dollars (\$20,000) for educational technology at Ernie Pyle middle school in the Albuquerque public school district in Bernalillo county;

262. fifteen thousand dollars (\$15,000) for educational technology at Adobe Acres elementary school in the Albuquerque public school district in Bernalillo county;

263. fifteen thousand dollars (\$15,000) for educational technology at Kit Carson elementary school in the Albuquerque public school district in Bernalillo county;

264. fifteen thousand dollars (\$15,000) for educational technology at Barcelona elementary school in the Albuquerque public school district in Bernalillo county;

265. fifteen thousand dollars (\$15,000) for educational technology at Navajo elementary school in the Albuquerque public school district in Bernalillo county;

266. fifteen thousand dollars (\$15,000) for educational technology at Pajarito elementary school in the Albuquerque public school district in Bernalillo county;

267. fifteen thousand dollars (\$15,000) for educational technology at Atrisco elementary school in the Albuquerque public school district in Bernalillo county;

268. twenty thousand dollars (\$20,000) for educational technology at Harrison middle school in the Albuquerque public school district in Bernalillo county;

269. forty thousand dollars (\$40,000) for improvements and playground equipment at Armijo elementary school in the Albuquerque public school district in Bernalillo county;

270. forty thousand dollars (\$40,000) for educational technology at West Mesa high school in the Albuquerque public school district in Bernalillo county;

271. forty thousand dollars (\$40,000) for educational technology at Rio Grande high school in the Albuquerque public school district in Bernalillo county;

272. twenty thousand dollars (\$20,000) for educational technology at Polk middle school in the Albuquerque public school district in Bernalillo county;

273. twenty thousand dollars (\$20,000) for educational technology at Truman middle school in the Albuquerque public school district in Bernalillo county;

274. fifteen thousand dollars (\$15,000) for educational technology at Mary Ann Binford elementary school in the Albuquerque public school district in Bernalillo county;

275. fifteen thousand dollars (\$15,000) for educational technology at Carlos Rey elementary school in the Albuquerque public school district in Bernalillo county;

276. one hundred five thousand dollars (\$105,000) for infrastructure improvements, including curbing, gutters, paving and water and sewer extensions, at South Valley charter high school in the Albuquerque public school district in Bernalillo county;

277. ten thousand dollars (\$10,000) to construct, remodel or purchase a facility for the Amy Biehl charter high school in the Albuquerque public school district in Bernalillo county;

278. ten thousand dollars (\$10,000) for educational technology at the Southwest Secondary learning center in the Albuquerque public school district in Bernalillo county;

279. twenty-five thousand dollars (\$25,000) for educational technology at Highland high school in the Albuquerque public school district in Bernalillo county;

280. twenty-five thousand dollars (\$25,000) for educational technology at Albuquerque high school in the Albuquerque public school district in Bernalillo county;

281. twenty-five thousand dollars (\$25,000) to plan, design, construct, acquire or renovate a new facility for the Amy Biehl charter high school in the Albuquerque public school district in Bernalillo county;

282. twenty-five thousand dollars (\$25,000) for educational technology at Zia elementary school in the Albuquerque public school district in Bernalillo county;

283. twelve thousand five hundred dollars (\$12,500) for educational technology at Bandelier elementary school in the Albuquerque public school district in Bernalillo county;

284. twenty-five thousand dollars (\$25,000) for educational technology at Monte Vista elementary school in the Albuquerque public school district in Bernalillo county;

285. twelve thousand five hundred dollars (\$12,500) to make improvements, including paving and fencing, to the playground at Bandelier elementary school in the Albuquerque public school district in Bernalillo county;

286. fifty thousand dollars (\$50,000) to improve and equip the baseball field at Eldorado high school in the Albuquerque public school district in Bernalillo county;

287. eighty thousand dollars (\$80,000) for educational technology at the Manzano high school cluster in the Albuquerque public school district in Bernalillo county;

288. one hundred fifty thousand dollars (\$150,000) for educational technology at the Eldorado high school cluster in the Albuquerque public school district in Bernalillo county;

289. seventy-five thousand dollars (\$75,000) for facility improvements at the Southwest Secondary learning center charter school in Albuquerque in Bernalillo county;

290. ninety thousand dollars (\$90,000) for improvements at the Eldorado high school cluster libraries in the Albuquerque public school district in Bernalillo county;

291. twenty-five thousand dollars (\$25,000) for educational technology at La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

292. twenty-five thousand dollars (\$25,000) for improvements to the girls' softball fields at Highland high school in the Albuquerque public school district in Bernalillo county;

293. twenty thousand dollars (\$20,000) for educational technology at Van Buren middle school in the Albuquerque public school district in Bernalillo county;

294. ten thousand dollars (\$10,000) for educational technology at Our Lady's Assumption school in Albuquerque in Bernalillo county;

295. ten thousand dollars (\$10,000) for educational technology at Holy Ghost school in Albuquerque in Bernalillo county;

296. ten thousand dollars (\$10,000) to purchase library books for Van Buren middle school in the Albuquerque public school district in Bernalillo county;

297. ten thousand dollars (\$10,000) to purchase library books for La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

298. forty thousand dollars (\$40,000) to extend utility infrastructure for the South Valley charter high school in the Albuquerque public school district in Bernalillo county;

299. forty thousand dollars (\$40,000) for technology infrastructure and associated equipment for the "smart lab" at the Southwest secondary learning center in the Albuquerque public school district in Bernalillo county;

300. fifty thousand dollars (\$50,000) to design and construct a facility for the Nuestros Valores charter school in Albuquerque in Bernalillo county;

301. forty thousand dollars (\$40,000) to construct, acquire or remodel a facility for the Amy Biehl charter high school in the Albuquerque public school district in Bernalillo county;

302. twenty thousand dollars (\$20,000) for educational technology at Freedom high school in the Albuquerque public school district in Bernalillo county;

303. forty thousand dollars (\$40,000) to complete the renovation of the playground at Atrisco elementary school in the Albuquerque public school district in Bernalillo county;

304. twenty thousand dollars (\$20,000) to purchase and install equipment for the media retrieval system at the media center at Atrisco elementary school in the Albuquerque public school district in Bernalillo county;

305. twenty thousand dollars (\$20,000) for educational technology at Susie R. Marmon elementary school in the Albuquerque public school district in Bernalillo county;

306. twenty thousand dollars (\$20,000) for educational technology at Chaparral elementary school in the Albuquerque public school district in Bernalillo county;

307. ninety-seven thousand four hundred fifty dollars (\$97,450) to construct a bus lane at West Mesa high school in the Albuquerque public school district in Bernalillo county;

308. twenty thousand dollars (\$20,000) to prepare the site for, plan, design, construct, purchase and install playground equipment at Lavaland elementary school in the Albuquerque public school district in Bernalillo county;

309. forty thousand dollars (\$40,000) for educational technology at John Adams middle school in the Albuquerque public school district in Bernalillo county;

310. twenty thousand dollars (\$20,000) for educational technology at Lyndon B. Johnson middle school in the Albuquerque public school district in Bernalillo county;

311. twenty thousand dollars (\$20,000) for educational technology at Alamosa elementary school in the Albuquerque public school district in Bernalillo county;

312. twenty thousand dollars (\$20,000) for educational technology at Jimmie E. Carter middle school in the Albuquerque public school district in Bernalillo county;

313. twenty thousand dollars (\$20,000) for educational technology at Chaparral elementary school in the Albuquerque public school district in Bernalillo county;

314. twenty thousand dollars (\$20,000) for educational technology at Painted Sky elementary school in the Albuquerque public school district in Bernalillo county;

315. twenty thousand dollars (\$20,000) for educational technology at Valle Vista elementary school in the Albuquerque public school district in Bernalillo county;

316. ten thousand dollars (\$10,000) to purchase and install playground equipment at Susie R. Marmon elementary school in the Albuquerque public school district in Bernalillo county;

317. twenty thousand dollars (\$20,000) for educational technology at Lavaland elementary school in the Albuquerque public school district in Bernalillo county;

318. ten thousand dollars (\$10,000) to purchase and install educational technology, furniture, equipment and books at Comanche elementary school in the Albuquerque public

school district in Bernalillo county;

319. ninety-five thousand dollars (\$95,000) to install plumbing and make related improvements to portable buildings at Governor Bent elementary school in the Albuquerque public school district in Bernalillo county;

320. one hundred seventy-seven thousand dollars (\$177,000) to equip playgrounds and make improvements to the running track, playing fields and gymnasium seating at Hodgin elementary school in the Albuquerque public school district in Bernalillo county;

321. seventy-five thousand dollars (\$75,000) for educational technology, digital cameras, scanners and related equipment for McKinley middle school in the Albuquerque public school district in Bernalillo county;

322. forty thousand dollars (\$40,000) to make improvements, including purchasing and installing batting cages and a scoreboard, to the baseball field at Del Norte high school in the Albuquerque public school district in Bernalillo county;

323. seventy-five thousand dollars (\$75,000) for the "smart" laboratory project at Cleveland middle school in the Albuquerque public school district in Bernalillo county;

324. one hundred ninety-four thousand dollars (\$194,000) for educational technology at Military Heights elementary school in the Roswell independent school district in Chaves county;

325. one hundred sixteen thousand dollars (\$116,000) for educational technology at Mountain View middle school in the Roswell independent school district in Chaves county;

326. ninety-one thousand dollars (\$91,000) for educational technology at Berrendo elementary school in the Roswell independent school district in Chaves county;

327. fifty-seven thousand dollars (\$57,000) for capital expenditures, including improvements to the practice football field and field house and the purchase of equipment, for the football program at Goddard high school in the Roswell independent school district in Chaves county;

328. twenty thousand dollars (\$20,000) to purchase audio-visual equipment for the Goddard high school football program in the Roswell independent school district in Chaves county;

329. fifty thousand dollars (\$50,000) for educational technology at Berrendo elementary school in the Roswell independent school district in Chaves county;

330. twenty thousand dollars (\$20,000) to purchase and install playground equipment for Dexter elementary and middle schools in the Dexter consolidated school district in Chaves county;

331. twenty thousand dollars (\$20,000) to make improvements, including installation of lighting, at playgrounds and athletic fields in the Lake Arthur municipal school district in Chaves county;

332. five thousand dollars (\$5,000) to construct a memorial to Sandy Pickens at the administrative office of the Roswell independent school district in Chaves county;

333. fifteen thousand dollars (\$15,000) for a math and science laboratory at Raton high school in the Raton public school district in Colfax county;

334. fifteen thousand dollars (\$15,000) for a math and science laboratory at Kearny elementary school in the Raton public school district in Colfax county;

335. fifty thousand dollars (\$50,000) to repair the roof at Eagle Nest elementary and middle school in the Cimarron municipal school district in Colfax county;

336. ten thousand dollars (\$10,000) to purchase an activity bus for the Springer municipal school district in Springer in Colfax county;

337. seventy thousand dollars (\$70,000) for additional construction in the Texico municipal school district in Curry county;

338. seventy-five thousand dollars (\$75,000) to purchase educational technology, including camcorders and video editing computers, for the media magnet program at Sierra middle school in the Las Cruces public school district in Dona Ana county;

339. fifty thousand dollars (\$50,000) to plan, design, construct, furnish and equip an outdoor theater at Sierra middle school in the Las Cruces public school district in Dona Ana county;

340. fifty thousand dollars (\$50,000) to sod the playground at Dona Ana elementary school in the Las Cruces public school district in Dona Ana county;

341. fifty thousand dollars (\$50,000) to improve and equip the playground at East Picacho elementary school in the Las Cruces public school district in Dona Ana county;

342. one hundred fifty thousand dollars (\$150,000) to purchase and install technology infrastructure to be used for intersessions in the Gadsden independent school district in Dona Ana county;

343. one hundred twenty-five thousand dollars (\$125,000) to make capital improvements at Anthony elementary school in the Gadsden independent school district in Dona Ana county;

344. twenty-five thousand dollars (\$25,000) to make improvements to the playground at Sunland Park elementary school in the Gadsden independent school district in Dona Ana county;

345. forty-five thousand dollars (\$45,000) to improve and equip the playground at Mesilla Park elementary school in the Las Cruces public school district in Dona Ana county;

346. five thousand dollars (\$5,000) for playground equipment for Fairacres elementary school in the Las Cruces public school district in Dona Ana county;

347. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip baseball and softball fields for the Las Cruces public school district field of dreams sports complex in Dona Ana county;

348. twenty-five thousand dollars (\$25,000) to plan, design, construct and equip baseball and softball fields for the Las Cruces public school district field of dreams sports complex in Dona Ana county;

349. fifty-four thousand dollars (\$54,000) for educational technology to support and enhance existing programs or new programs at Central elementary school in the Artesia public school district in Eddy county;

350. thirty thousand dollars (\$30,000) to purchase and install playground equipment and make other related improvements at Yucca elementary school in the Artesia public school district in Eddy county;

351. fifty thousand dollars (\$50,000) to purchase accelerated reading books and technology at Roselawn elementary school in the Artesia public school district in Eddy county;

352. fifty thousand dollars (\$50,000) to replace the furniture in the library at Carlsbad high school in the Carlsbad municipal school district in Eddy county;

353. fifty thousand dollars (\$50,000) to equip the culinary arts program at Carlsbad high school in the Carlsbad municipal school district in Eddy county;

354. fifty thousand dollars (\$50,000) to remodel a former school building in the Carlsbad municipal school district being leased by the college of the southwest in Eddy county;

355. twenty-five thousand dollars (\$25,000) to purchase and install equipment and fixtures at the technology laboratory at Loving middle school in the Loving municipal school district in Eddy county;

356. twenty-five thousand dollars (\$25,000) to replace the furniture in the library at Carlsbad high school in the Carlsbad municipal school district in Eddy county;

357. eighty thousand dollars (\$80,000) for site preparation, facade, construction and furnishing of the Cobre alternative school in the Cobre consolidated school district in Grant county;

358. thirty-five thousand dollars (\$35,000) for educational technology at the Cobre alternative school in the Cobre consolidated school district in Grant county;

359. fifty thousand dollars (\$50,000) for roof and window replacements in the Tatum municipal school district in Lea county;

360. one hundred thousand dollars (\$100,000) for technology laboratories at Highland and Houston junior high schools in the Hobbs municipal school district in Hobbs in Lea county;

361. fifty thousand dollars (\$50,000) to remodel the field house at Lovington high school in the Lovington municipal school district in Lea county;

362. one hundred twenty-five thousand dollars (\$125,000) to remodel the field house at Lovington high school in the Lovington municipal school district in Lea county;

363. seventy-five thousand dollars (\$75,000) to make improvements, including replacement of windows with insulated walls, at Jal elementary school in the Jal public school district in Lea county;

364. fifty thousand dollars (\$50,000) to remodel vocational technology laboratories at Highland and Houston junior high schools in the Hobbs municipal school district in Lea county;

365. thirty thousand dollars (\$30,000) for phase 2 installation of the technology laboratory at Eunice high school in the Eunice public school district in Lea county;

366. fifty thousand dollars (\$50,000) for a heating system at Red Rock elementary school in the Gallup-McKinley county public school district in McKinley county;

367. thirty-five thousand dollars (\$35,000) to pave the parking lot and driveway at Red Rock elementary school in the Gallup-McKinley county public school district in McKinley county;

368. forty-five thousand dollars (\$45,000) to purchase a van for the Gallup head start program in McKinley county;

369. ten thousand dollars (\$10,000) to make improvements, including purchasing playground equipment and installing fencing, at Crownpoint elementary school in the Gallup-McKinley county public school district in McKinley county;

370. one hundred thousand dollars (\$100,000) to re-roof the Cloudcroft elementary and middle school building in the Cloudcroft municipal school district in Otero county;

371. fifty-six thousand dollars (\$56,000) to replace the roof on the gymnasium at Tularosa elementary school in the Tularosa municipal school district in Otero county;

372. thirty-four thousand dollars (\$34,000) to replace the roof on the machine shop at Tularosa high school in the Tularosa municipal school district in Otero county;

373. one hundred thousand dollars (\$100,000) to re-roof the Cloudcroft elementary and middle school building in the Cloudcroft municipal school district in Otero county;

374. twenty-five thousand dollars (\$25,000) for track and field facilities improvements in the House municipal school district in Quay county;

375. fifty thousand dollars (\$50,000) for drainage improvements and land preparation for playing fields at Sombrillo elementary school in the Espanola public school district in Santa Fe county;

376. fifty thousand dollars (\$50,000) for repairs to roofs of schools in the Espanola public school district in Rio Arriba county;

377. twenty-five thousand dollars (\$25,000) for a school master planning study for the Chama valley independent school district in Rio Arriba county;

378. forty thousand dollars (\$40,000) to purchase an activity bus for the Espanola public school district in Rio Arriba county;

379. forty thousand dollars (\$40,000) to replace the lighting at the auditorium at Portales high school in the Portales municipal school district in Roosevelt county;

380. fifty thousand dollars (\$50,000) for educational technology at Steiner elementary school in the Portales municipal school district in Roosevelt county;

381. one hundred thousand dollars (\$100,000) to renovate classrooms for art, band, choir, orchestra, drama and physical education at Farmington high school in the Farmington municipal school district in San Juan county;

382. twenty-five thousand dollars (\$25,000) to construct a gymnasium at Valley elementary and middle school in the west Las Vegas public school district in San Miguel county;

383. fifty thousand dollars (\$50,000) to purchase a thirty-passenger activity bus for the Las Vegas city public school district in San Miguel county;

384. thirty-five thousand dollars (\$35,000) to purchase a twenty-passenger special services bus for the Las Vegas city public school district in San Miguel county;

385. twenty-five thousand dollars (\$25,000) for educational technology at Puesta del Sol elementary school in the Rio Rancho public school district in Sandoval county;

386. twenty-five thousand dollars (\$25,000) for educational technology at Lincoln middle school in the Rio Rancho public school district in Sandoval county;

387. twenty-five thousand dollars (\$25,000) for educational technology at Martin Luther King, Jr. elementary school in the Rio Rancho public school district in Sandoval county;

388. twenty-five thousand dollars (\$25,000) to purchase and install lockers at Rio Rancho high school in the Rio Rancho public school district in Sandoval county;

389. twenty-five thousand dollars (\$25,000) for educational technology at Colinas del Norte elementary school in the Rio Rancho public school district in Sandoval county;

390. ten thousand dollars (\$10,000) for educational technology at Independence high school in the Rio Rancho public school district in Sandoval county;

391. forty thousand dollars (\$40,000) to make improvements, including exterior painting and walkway renovation, at Rio Rancho elementary school in the Rio Rancho public school district in Sandoval county;

392. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements to the locker rooms at Bernalillo high school in the Bernalillo public school district in Sandoval county;

393. seventy-five thousand dollars (\$75,000) to renovate a school building to comply with health and safety standards and to comply with the requirements of the Americans with Disabilities Act of 1990 at the San Diego riverside public charter school in the pueblo of Jemez in Sandoval county;

394. one hundred twenty-five thousand dollars (\$125,000) to replace the roof at E.J. Martinez elementary school in the Santa Fe public school district in Santa Fe county;

395. fifty thousand dollars (\$50,000) to plan, design and construct facilities for Monte del Sol charter school in the Santa Fe public school district in Santa Fe county;

396. twenty thousand dollars (\$20,000) for repairs and replacement of the roof at Larragoite elementary school in the Santa Fe public school district in Santa Fe county;

397. fifty thousand dollars (\$50,000) for educational technology for the Taos municipal charter school in the Taos municipal school district in Taos county;

398. twenty-five thousand dollars (\$25,000) for educational technology at Edgewood elementary school in the Moriarty municipal school district in Tarrant county;

399. twenty-five thousand dollars (\$25,000) to purchase and install a cover for the high school swimming pool to allow year-round use in the Los Lunas public school district in Valencia county;

400. fifty thousand dollars (\$50,000) to purchase equipment for the resource center and training facility in the Los Lunas public school district in Valencia county;

401. seventy-five thousand dollars (\$75,000) to purchase and install lighting at the baseball and softball fields at the high school in the Los Lunas consolidated school district in Valencia county;

402. ninety thousand dollars (\$90,000) to continue the weight and locker room expansion project at the high school in the Belen consolidated school district in Valencia county;

403. fifteen thousand dollars (\$15,000) to purchase football equipment for the Belen middle school athletic department in the Belen consolidated school district in Valencia county; and

404. fifteen thousand dollars (\$15,000) to purchase a video editor, projector, multi-head video cassette recorder and headsets for the Belen high school athletic department in the Belen consolidated school district in Valencia county.

Section 24. STATE BUILDINGS--CAPITAL PROGRAM FUND--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the property control division of the general services department that the need exists for the issuance of the bonds, the following amounts are appropriated to the capital program fund for the following purposes:

1. fifty thousand dollars (\$50,000) to plan, design, construct and equip an addition to the New Mexico state police district seven office building in Espanola in Rio Arriba county;

2. three million dollars (\$3,000,000) to plan, design, construct and equip a state laboratory services building at the university of New Mexico in Albuquerque in Bernalillo county;

3. three million five hundred thousand dollars (\$3,500,000) to plan, design, construct, equip and furnish a mental health treatment center at the central New Mexico correctional facility in Los Lunas in Valencia county, contingent on a match of seven million seven hundred thousand dollars (\$7,700,000) from the federal violent offender incarceration trust in sentencing fund to the corrections department;

4. forty thousand dollars (\$40,000) to purchase materials for constructing and equipping a multipurpose visitation center for children and their inmate mothers at the New Mexico women's correctional facility in Grants in Cibola county;

5. fifty thousand dollars (\$50,000) to make capital improvements, including carpets, blinds, ceiling fans, painting and exterior stucco, and to purchase video and sound equipment at the New Mexico mining museum in Grants in Cibola county; and

6. seventy-five thousand dollars (\$75,000) to renovate the old north main prison buildings within a ten-acre perimeter at the penitentiary of New Mexico in Santa Fe county.

Section 25. TOURISM PROJECT--TOURISM DEPARTMENT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the tourism department that the need exists for the issuance of the bonds, twenty-five thousand dollars (\$25,000) is appropriated to the tourism department for an architecture and engineering study for the New Mexico welcome center in Manuelito in McKinley county.

Section 26. HIGHER EDUCATION PROJECT--COMMISSION ON HIGHER EDUCATION--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the commission on higher education that the need exists for the issuance of the bonds, forty-five thousand dollars (\$45,000) is appropriated to the commission on higher education for phase 2 construction of the east mesa center laboratories and classrooms at the Dona Ana branch of New Mexico state university in Dona Ana county.

Section 27. UNIVERSITIES AND COLLEGES--ALBUQUERQUE TECHNICAL-VOCATIONAL INSTITUTE--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the governing board of Albuquerque technical-vocational institute that the need exists for the issuance of the bonds, the following amounts are appropriated to the governing board of Albuquerque technical-vocational institute for the following purposes:

1. one hundred thousand dollars (\$100,000) to re-roof Ken Chappy hall at Albuquerque technical-vocational institute in Bernalillo county; and

2. twenty-five thousand dollars (\$25,000) to replace the heating, ventilation and air conditioning and electrical systems at Ken Chappy hall at Albuquerque technical-vocational institute in Bernalillo county.

Section 28. UNIVERSITIES AND COLLEGES--EASTERN NEW MEXICO UNIVERSITY--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of eastern New Mexico university that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of eastern New Mexico university for the following purposes:

1. forty-five thousand dollars (\$45,000) to purchase police cars at the Roswell campus of eastern New Mexico university in Roswell in Chaves county;

2. eighteen thousand seven hundred fifty dollars (\$18,750) for instructional television improvements, including constructing a tower, installing microwave equipment and developing a specialized classroom, to improve signal quality and enable the broadcast of courses throughout the eastern New Mexico university system in Roosevelt and Chaves counties;

3. twenty-five thousand dollars (\$25,000) for improvements, including constructing a tower and installing microwave equipment, at the instructional television station at eastern New Mexico university in Roosevelt county;

4. twenty-five thousand dollars (\$25,000) for improvements, including constructing a tower and installing microwave equipment, at the instructional television station at eastern New Mexico university in Roosevelt county;

5. twenty-five thousand dollars (\$25,000) for instructional television improvements, including constructing a tower, installing microwave equipment and developing a specialized classroom, to improve signal quality and enable the broadcast of courses throughout the eastern New Mexico university system in Roosevelt and Chaves counties;

6. twenty-five thousand dollars (\$25,000) to improve and equip, including the installation of instruction technology, the science laboratories and classrooms at eastern New Mexico university in Portales in Roosevelt county;

7. twenty-five thousand dollars (\$25,000) for instructional television improvements, including constructing a tower, installing microwave equipment and developing a specialized classroom, to improve signal quality and enable the broadcast of courses throughout the eastern New Mexico university system in Roosevelt and Chaves counties;

8. twenty-five thousand dollars (\$25,000) for instructional television improvements, including constructing a tower, installing microwave equipment and developing a specialized classroom, to improve signal quality and enable the broadcast of courses throughout the eastern New Mexico university system in Roosevelt, Lea and Chaves counties;

9. twenty-five thousand dollars (\$25,000) for instructional television improvements, including constructing a tower, installing microwave equipment and developing a specialized classroom to enable broadcasting throughout the eastern New Mexico university system in Roosevelt and Chaves counties;

10. twenty-five thousand dollars (\$25,000) for instructional television improvements, including constructing a tower, installing microwave equipment and developing a specialized classroom, to improve signal quality and enable the broadcast of courses throughout the eastern New Mexico university system in Roosevelt, Lea and Chaves counties;

11. twenty-five thousand dollars (\$25,000) for instructional television improvements, including constructing a tower, installing microwave equipment and developing a specialized classroom, to improve signal quality and enable the broadcast of courses throughout the eastern New Mexico university system in Roosevelt, Lea and Chaves counties;

12. twenty-five thousand dollars (\$25,000) for instructional television equipment and improvements, including two components, construction of a tower and installation of microwave equipment to enhance signal quality in the Hobbs area and development of a specialized classroom in Roswell in Chaves county for eastern New Mexico university;

13. one hundred fifty thousand dollars (\$150,000) to resurface the Greyhound track at eastern New Mexico university in Portales in Roosevelt county; and

14. ninety thousand dollars (\$90,000) to replace the bleachers at Greyhound stadium at eastern New Mexico university in Portales in Roosevelt county.

Section 29. UNIVERSITIES AND COLLEGES--LUNA VOCATIONAL-TECHNICAL INSTITUTE--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the governing board of Luna vocational-technical institute that the need exists for the issuance of the bonds, one hundred seventy-five thousand dollars (\$175,000) is appropriated to the governing board of Luna vocational-technical institute to plan and design a facility for the satellite campus of Luna vocational-technical institute in Santa Rosa in Guadalupe county.

Section 30. UNIVERSITIES AND COLLEGES--NEW MEXICO HIGHLANDS UNIVERSITY--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of New Mexico highlands university that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of New Mexico highlands university for the following purposes:

1. forty thousand dollars (\$40,000) to construct an alumni hall of honor at New Mexico highlands university in Las Vegas in San Miguel county; and

2. ten thousand dollars (\$10,000) to purchase intramural and recreational equipment for and to improve the student center at New Mexico highlands university in Las Vegas in San Miguel county.

Section 31. UNIVERSITIES AND COLLEGES--NEW MEXICO JUNIOR COLLEGE--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the governing board of New Mexico junior college that the need exists for the issuance of the bonds, two million dollars (\$2,000,000) is appropriated to the governing board of New Mexico junior college to construct the western heritage museum at New Mexico junior college in Hobbs in Lea county.

Section 32. UNIVERSITIES AND COLLEGES--NEW MEXICO MILITARY INSTITUTE--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of New Mexico military institute that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of New Mexico military institute for the following purposes:

1. thirty thousand dollars (\$30,000) to purchase audio-visual equipment for the football program at New Mexico military institute in Roswell in Chaves county;

2. twenty thousand dollars (\$20,000) for improvements to the pro shop at the golf course at New Mexico military institute in Roswell in Chaves county;

3. forty thousand dollars (\$40,000) for capital improvements, including construction and installation of bleachers and repair of flooring, at Godfrey center at New Mexico military institute in Roswell in Chaves county;

4. twenty-three thousand dollars (\$23,000) for capital improvements, including construction and installation of bleachers and repair of flooring, at Godfrey center at New Mexico military institute in Roswell in Chaves county; and

5. one hundred thousand dollars (\$100,000) to make improvements at New Mexico military institute in Roswell in Chaves county.

Section 33. UNIVERSITIES AND COLLEGES--NEW MEXICO STATE UNIVERSITY--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of New Mexico state university that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of New Mexico state university for the following purposes:

1. forty-five thousand five hundred dollars (\$45,500) to renovate Foster hall at New Mexico state university in Las Cruces in Dona Ana county;

2. four thousand five hundred dollars (\$4,500) to purchase musical instruments for the New Mexico state university band in Dona Ana county;

3. fifty thousand dollars (\$50,000) for improvements to the athletic facilities at New Mexico state university in Las Cruces in Dona Ana county;

4. twenty thousand dollars (\$20,000) for football equipment for the athletic program at New Mexico state university in Las Cruces in Dona Ana county;

5. fifteen thousand dollars (\$15,000) for improvements to the athletic facilities at New Mexico state university in Las Cruces in Dona Ana county;

6. fifty thousand dollars (\$50,000) for improvements to the athletic facilities at New Mexico state university in Las Cruces in Dona Ana county;

7. fifty thousand dollars (\$50,000) for improvements to the golf course at New Mexico state university in Dona Ana county;

8. twenty thousand dollars (\$20,000) for flood control renovation in the Hackberry draw watershed district in the Carlsbad soil and water conservation district in Eddy county;

9. fifteen thousand dollars (\$15,000) to make improvements to the Carlsbad soil and water conservation district facility, including compliance with the Americans with Disabilities Act of 1990, in Eddy county;

10. ninety thousand dollars (\$90,000) to purchase equipment to assist in efforts of hazard fuel reduction and watershed restoration for the Ciudad soil and water conservation district in Bernalillo county;

11. one hundred thousand dollars (\$100,000) to construct police and public safety training facilities at New Mexico state university in Las Cruces in Dona Ana county;

12. forty thousand dollars (\$40,000) for flood control renovation in the Hackberry draw watershed district in the Carlsbad soil and water conservation district in Eddy county;

13. thirty-five thousand dollars (\$35,000) to purchase production, recording, editing and other related equipment for the KRWG television news department at New Mexico state university in Las Cruces in Dona Ana county;

14. twenty-two thousand five hundred dollars (\$22,500) to purchase a digital field production camera and related equipment for the KRWG television news department at New Mexico state university in Las Cruces in Dona Ana county;

15. five thousand dollars (\$5,000) to upgrade the computer editing systems at KRWG television station at New Mexico state university in Las Cruces in Dona Ana county;

16. five thousand dollars (\$5,000) to renovate Foster hall at New Mexico state university in Las Cruces in Dona Ana county; and

17. fifty thousand dollars (\$50,000) for improvements to the athletic facilities at New Mexico state university in Las Cruces in Dona Ana county.

Section 34. UNIVERSITIES AND COLLEGES--SAN JUAN COLLEGE--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the governing board of San Juan college that the need exists for the issuance of the bonds, the following amounts are appropriated to the governing board of San Juan college for the following purposes:

1. three hundred forty-seven thousand five hundred dollars (\$347,500) to develop the site for, construct, equip and furnish classrooms for collaborative high school and college information technology instruction at the computer science shelled area of San Juan college in Farmington in San Juan county;

2. two hundred fifteen thousand dollars (\$215,000) to construct, furnish and equip classrooms and make other necessary improvements at the computer science building at San Juan college in Farmington in San Juan county;

3. four hundred sixty thousand dollars (\$460,000) to prepare the site for, plan, design, construct and equip a child-care drop-in center at San Juan college in Farmington in San Juan county; and

4. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a maintenance facility, including fencing, at San Juan college's Riverview education and recreational center in Kirtland in San Juan county.

Section 35. UNIVERSITIES AND COLLEGES--SANTA FE COMMUNITY COLLEGE--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the community college board of Santa Fe community college that the need exists for the issuance of the bonds, fifty thousand dollars (\$50,000) is appropriated to the community college board of Santa Fe community college for information technology infrastructure upgrades at Santa Fe community college in Santa Fe county.

Section 36. UNIVERSITIES AND COLLEGES--UNIVERSITY OF NEW MEXICO--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of the university of New Mexico that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of the university of New Mexico for the following purposes:

1. thirty-five thousand dollars (\$35,000) to purchase a cargo van for the "wemagination" center at the family development training institute at the university of New Mexico in Albuquerque in Bernalillo county;

2. ten thousand dollars (\$10,000) to purchase football equipment for the athletic program at the university of New Mexico in Albuquerque in Bernalillo county;

3. thirty-three thousand five hundred dollars (\$33,500) to purchase and install computers stations, including educational and entertainment software for the Jeff Apodaca celebration of life computer center, for the university of New Mexico children's hospital in Bernalillo county;

4. four hundred sixty thousand two hundred fifty dollars (\$460,250) to plan, design, construct, furnish and equip the centennial engineering complex at the university of New Mexico in Albuquerque in Bernalillo county;

5. five million dollars (\$5,000,000) for the health sciences center and education building at the university of New Mexico in Albuquerque in Bernalillo county;

6. fifteen thousand dollars (\$15,000) to equip the media arts program of the college of fine arts at the university of New Mexico in Albuquerque in Bernalillo county;

7. fifty thousand dollars (\$50,000) for constructing and installing equipment at the manufacturing training and technology center cleanroom at the university of New Mexico in Albuquerque in Bernalillo county;

8. seventy-five thousand dollars (\$75,000) for equipment and educational technology at the college of fine arts at the university of New Mexico in Albuquerque in Bernalillo county;

9. twenty-five thousand dollars (\$25,000) for library improvements, including purchasing of books, at the university of New Mexico school of law in Albuquerque in Bernalillo county;

10. seventy-five thousand dollars (\$75,000) to plan, design and construct a laboratory for the history department at the university of New Mexico in Albuquerque in Bernalillo county;

11. seventy-five thousand dollars (\$75,000) for improvements to the stadium parking lot at the university of New Mexico in Albuquerque in Bernalillo county;

12. twenty-five thousand dollars (\$25,000) for weight room improvements at the L.F. "Tow" Diehm athletic facility at the university of New Mexico in Albuquerque in Bernalillo county;

13. thirty thousand dollars (\$30,000) for improvements to the football practice fields at the university of New Mexico in Albuquerque in Bernalillo county; and

14. fifty thousand dollars (\$50,000) to purchase and install a synthetic mat for the exterior of the L.F. "Tow" Diehm athletic facility at the university of New Mexico in Albuquerque in Bernalillo county.

Section 37. DAM REHABILITATION STATEWIDE--WATER PROJECT FUND--OFFICE OF THE STATE ENGINEER--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the office of the state engineer that the need exists for the issuance of the bonds, five million dollars (\$5,000,000) is appropriated to the water project fund for rehabilitation of existing earthen or concrete dams throughout the state that may be ordered breached by the state engineer because of dam safety considerations.

Section 38. STATE BUILDING PROJECTS--PUBLIC BUILDINGS REPAIR FUND--SEVERANCE TAX BONDS--APPROPRIATION FROM FUND TO CAPITAL PROGRAM FUND.--

1. Pursuant to the provisions of Section 1 of this act, upon certification by the property control division of the general services department that the need exists for the issuance of the bonds, three million three hundred thirty-three thousand three hundred thirty-three dollars (\$3,333,333) is appropriated to the public buildings repair fund for various capital improvements at public buildings throughout the state.

2. Three million three hundred thirty-three thousand three hundred thirty-three dollars (\$3,333,333) is appropriated from the public buildings repair fund to the capital program fund for expenditure in fiscal years 2002 through 2007 for various capital improvements at public buildings throughout the state. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the public buildings repair fund.

Section 39. APPROPRIATION FROM GENERAL FUND TO CAPITAL PROJECTS FUND.--Seventy-two million four hundred forty-one thousand six hundred eighty-four dollars (\$72,441,684) is appropriated from the general fund to the capital projects fund for expenditure in fiscal years 2002 through 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the capital projects fund. Money in the capital projects fund shall not revert to any other fund at the end of a fiscal year.

Section 40. MUSEUM AND CULTURAL PROJECTS--OFFICE OF CULTURAL AFFAIRS--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the office of cultural affairs for expenditure in fiscal years 2002 through 2007, unless otherwise provided in Section 2 of this act, for the following purposes:

1. two million five hundred thousand dollars (\$2,500,000) to acquire land for and construct a learning center and parking lot at the national Hispanic cultural center of New Mexico in Albuquerque in Bernalillo county;

2. seven million dollars (\$7,000,000) to design, construct, furnish and equip the palace of the governors project, including the annex site and the statewide services building portion of the project, in Santa Fe in Santa Fe county; and

3. five hundred thousand dollars (\$500,000) to plan, design and construct the Bosque de Redondo memorial in De Baca county.

Section 41. ENERGY, MINERALS AND NATURAL RESOURCES PROJECTS--ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the energy, minerals and natural resources department for expenditure in fiscal years 2002 through 2007, unless otherwise provided in Section 2 of this act, for the following purposes:

1. four hundred sixty thousand dollars (\$460,000) to purchase fire engines for fighting wildland fires statewide; and

2. five hundred thousand dollars (\$500,000) to make improvements at Eagle Nest Lake park in Colfax county.

Section 42. ENVIRONMENT PROJECTS--DEPARTMENT OF ENVIRONMENT--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the department of environment for expenditure in fiscal years 2002 through 2007, unless otherwise provided in Section 2 of this act, for the following purposes:

1. fifty thousand dollars (\$50,000) for capital improvements to the Dilia mutual domestic water consumers association water system in Guadalupe county; and

2. fifty thousand dollars (\$50,000) to construct improvements to the water system of the Upper Dilia mutual domestic water consumers association in Guadalupe county.

Section 43. LOCAL GOVERNMENT PROJECT--CAPITAL PROJECTS FUND.--Two hundred twenty thousand dollars (\$220,000) is appropriated from the capital projects fund to the local government division of the department of finance and administration for expenditure in fiscal years 2002 through 2007, unless otherwise provided for in Section 2 of this act, for improvements and construction at the Anderson-Abruzzo international balloon museum at the Balloon Fiesta park in Albuquerque in Bernalillo county.

Section 44. EDUCATION PROJECT--STATE DEPARTMENT OF PUBLIC EDUCATION--CAPITAL PROJECTS FUND.--One million dollars (\$1,000,000) is appropriated from the capital projects fund to the state department of public education for expenditure in fiscal years 2002 through 2007, unless otherwise provided for in Section 2 of this act, to make improvements at Santa Teresa high school in the Gadsden independent school district in Dona Ana county.

Section 45. UNIVERSITY OF NEW MEXICO PROJECTS--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the board of regents of the university of New Mexico for expenditure in fiscal years 2002 through 2007, unless otherwise provided in Section 2 of this act, for the following purposes:

1. three hundred thousand dollars (\$300,000) to plan and design a branch community college in Taos in Taos county; and

2. five hundred thousand dollars (\$500,000) to plan and design a genomic research facility at the university of New Mexico in Albuquerque in Bernalillo county.

Section 46. SECRETARY OF STATE PROJECT--CAPITAL PROJECTS FUND.--Seventy thousand dollars (\$70,000) is appropriated from the capital projects fund to the secretary of state for expenditure in fiscal years 2002 through 2007, unless otherwise provided for in Section 2 of this act, for an electronic reporting system for receiving and for public inspection of reports of expenditures and contributions and statements of exception to the Campaign Reporting Act.

Section 47. WATER PROJECT FUND--CAPITAL PROJECTS FUND--WATER PROJECT FINANCE ACT PROVISIONS.--Ten million dollars (\$10,000,000) is appropriated from the capital projects fund to the water project fund for expenditure in fiscal years 2002 through 2007, unless otherwise provided for in Section 2 of this act, to carry out the provisions of the Water Project Finance Act.

Section 48. WATER AND WASTEWATER PROJECT GRANT FUND--GRANTS FOR WATER AND WASTEWATER PROJECTS--CAPITAL PROJECTS FUND.--Fifteen million dollars (\$15,000,000) is

appropriated from the capital projects fund to the water and wastewater project grant fund for the purpose of making grants to water and wastewater projects, [contingent on Senate Finance Committee Substitute for Senate Bill 50 of the forty-fifth legislature, second session, becoming law.]

Section 49. OFFICE BUILDINGS FOR THE WORKERS' COMPENSATION ADMINISTRATION IN DONA ANA AND SAN JUAN COUNTIES--WORKERS' COMPENSATION ADMINISTRATION FUND.--Two million eight hundred thousand dollars (\$2,800,000) is appropriated from the workers' compensation administration fund to the capital program fund for expenditure in fiscal years 2002 through 2007 to acquire land, design, plan, construct or remodel, equip and furnish office buildings in Las Cruces in Dona Ana county and in Farmington in San Juan county. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the workers' compensation administration fund.

Section 50. WEATHERIZATION ASSISTANCE PROJECT--DEPARTMENT OF FINANCE AND ADMINISTRATION--CAPITAL PROJECTS FUND.--Six hundred sixty-six thousand six hundred sixty-six dollars (\$666,666) is appropriated from the capital projects fund to the department of finance and administration for expenditure in fiscal years 2002 through 2007, unless otherwise provided for in Section 2 of this act, to provide funding to make energy-efficient improvements to dwellings owned or occupied by low-income persons.

Section 51. DIGITAL TECHNOLOGY PROJECT--GENERAL SERVICES DEPARTMENT--CAPITAL PROJECTS FUND.--Six million six hundred sixty-six thousand six hundred sixty-seven dollars (\$6,666,667) is appropriated from the capital projects fund to the general services department for expenditure in fiscal years 2002 through 2007, unless otherwise provided in Section 2 of this act, to continue converting the state's microwave radio system to digital technology.

Section 52. PORT OF ENTRY PROJECTS--DEPARTMENT OF PUBLIC SAFETY--CAPITAL PROJECTS FUND.--The following

amounts are appropriated from the capital projects fund to the department of public safety for expenditure in fiscal years 2002 through 2007, unless otherwise provided in Section 2 of this act, for the following purposes:

1. one million five hundred fourteen thousand three hundred eighty-three dollars (\$1,514,383) to complete phase 2 construction and equip and install a platform static scale at the Santa Teresa port of entry in Dona Ana county; and

2. three million two hundred seventy-seven thousand three hundred one dollars (\$3,277,301) to plan, design, construct and equip a new port of entry in Orogrande in Otero county.

Section 53. DAM REHABILITATION PROJECT--OFFICE OF THE STATE ENGINEER--CAPITAL PROJECTS FUND.--Three million five hundred thousand dollars (\$3,500,000) is appropriated from the capital projects fund to the office of the state engineer for expenditure in fiscal years 2002 through 2007, unless otherwise provided in Section 2 of this act, for dam rehabilitation for Eagle Nest lake in Colfax county.

Section 54. DAM REHABILITATION PROJECT--OFFICE OF THE STATE ENGINEER--CAPITAL PROJECTS FUND.--Two million five hundred thousand dollars (\$2,500,000) is appropriated from the capital projects fund to the office of the state engineer for expenditure in fiscal years 2002 through 2007, unless otherwise provided in Section 2 of this act, for dam rehabilitation for Eagle Nest lake in Colfax county, contingent on the state obtaining long-term use of the lake.

Section 55. WATER SUPPLY AND ENDANGERED SPECIES COLLABORATION PROJECTS--WATER PROJECT FUND--CAPITAL PROJECTS FUND.--Seven million five hundred thousand dollars (\$7,500,000) is appropriated from the capital projects fund to the water project fund for expenditure in fiscal years 2002 through 2007, unless otherwise provided for in Section 2 of this act, in the following amounts for the following purposes:

1. two million dollars (\$2,000,000) for capital improvements on the San Juan river for endangered fish species recovery in San Juan county;

2. one million five hundred thousand dollars (\$1,500,000) for capital improvements on the Rio Grande for endangered fish species recovery;

3. two million dollars (\$2,000,000) for capital improvements related to the Ute dam water supply infrastructure project;

4. one million dollars (\$1,000,000) for capital improvements related to the Navajo-Gallup water supply project; and

5. one million dollars (\$1,000,000) for capital improvements related to the Pojoaque Valley regional water supply project.

Section 56. STATE BUILDING PROJECTS--PUBLIC BUILDINGS REPAIR FUND--CAPITAL PROJECTS FUND--APPROPRIATION FROM PUBLIC BUILDINGS REPAIR FUND TO CAPITAL PROGRAM FUND.--

1. Six million six hundred sixty-six thousand six hundred sixty-seven dollars (\$6,666,667) is appropriated from the capital projects fund to the public buildings repair fund for expenditure in fiscal years 2002 through 2007, unless otherwise provided in Section 2 of this act, for various capital improvements at public buildings throughout the state.

2. Six million six hundred sixty-six thousand six hundred sixty-seven dollars (\$6,666,667) is appropriated from the public buildings repair fund to the capital program fund for expenditure in fiscal years 2002 through 2007 for various capital improvements at public buildings throughout the state. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the public buildings repair fund.

Section 57. WASTEWATER FACILITY CONSTRUCTION LOAN FUND--DEPARTMENT OF ENVIRONMENT--CAPITAL PROJECTS FUND.--Two million dollars (\$2,000,000) is appropriated from the capital projects fund to the wastewater facility construction loan fund for expenditure in fiscal years 2002 through 2007, unless otherwise provided in Section 2 of this act, to carry out the provisions of the Wastewater Facility Construction Loan Act.

Section 58. EDUCATIONAL RETIREMENT BOARD BUILDING--EDUCATIONAL RETIREMENT FUND.--Five hundred thousand dollars (\$500,000) is appropriated from the educational retirement fund to the educational retirement board for expenditure in fiscal years 2002 through 2007 to plan, design, remodel and make

improvements and an addition to the educational retirement board building in Santa Fe county. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the educational retirement fund.

Section 59. DEPARTMENT OF GAME AND FISH PROJECTS--GAME PROTECTION FUND.--The following amounts are appropriated from the game protection fund to the department of game and fish for expenditure in fiscal years 2002 through 2007 for the following purposes:

1. two million dollars (\$2,000,000) to purchase Eagle Nest lake and environs in Colfax county;
2. five hundred thousand dollars (\$500,000) to complete restoration of the Bear Canyon lake in Grant county;
3. five hundred thousand dollars (\$500,000) for phase 1 design, land acquisition and water rights for the construction of a warm water fish hatchery facility in Guadalupe county; and
4. seven hundred fifty thousand dollars (\$750,000) to improve the filtration system to prevent whirling disease at the Red River fish hatchery in Taos county.

Section 60. WATER PROJECTS--NEW MEXICO IRRIGATION WORKS CONSTRUCTION FUND.--The following amounts are appropriated from the New Mexico irrigation works construction fund to the office of the state engineer for expenditure in fiscal years 2002 through 2007 for the following projects:

1. three hundred thousand dollars (\$300,000) for phase 1 of the reconstruction of the irrigation reservoir in Cebolleta in Cibola county;
2. five hundred seventy-one thousand two hundred dollars (\$571,200) to construct a concrete-lined ditch and water pipe system extension for the Bluewater-Toltec irrigation district in Milan in Cibola county;
3. one hundred fifty thousand dollars (\$150,000) to replace or repair the ditch lining of the west and east Puerto de Luna acequia in Guadalupe county;
4. forty thousand dollars (\$40,000) for improvements to the Anton del Gato acequia in San Miguel county;

5. three hundred fifty thousand dollars (\$350,000) to plan, design and construct improvements to the existing water delivery system of the La Joya acequia in Socorro county; and

6. forty-five thousand dollars (\$45,000) for improvements to the La Joya community ditch as part of the La Joya acequia rehabilitation project in Socorro county.

Section 61. MINERS' COLFAX MEDICAL CENTER--MINERS' TRUST FUND.--One million two hundred thousand dollars (\$1,200,000) is appropriated from the miners' trust fund to the board of trustees of miners' Colfax medical center for expenditure in fiscal years 2002 through 2007 to plan and design renovations and an addition to the miners' Colfax medical center in Colfax county. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the miners' trust fund.

Section 62. PUEBLO OF TESUQUE SENIOR CENTER--EXTEND EXPENDITURE PERIOD.--The period of time in which severance tax bond proceeds appropriated to the department of environment pursuant to Subsection D of Section 10 of Chapter 148 of Laws 1994 and reauthorized in Laws 1996, Chapter 14, Section 33 to the state agency on aging for the purpose of planning, designing, constructing and equipping a senior center at Tesuque pueblo in Santa Fe county may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 63. LONE MOUNTAIN AND TWIN SISTERS WELLFIELDS--EXPAND PURPOSE FOR WATER SYSTEM IMPROVEMENTS IN SANTA CLARA IN GRANT COUNTY--EXTEND EXPENDITURE PERIOD.--The proceeds from the sale of severance tax bonds appropriated to the department of environment pursuant to Subsection A of Section 8 of Chapter 7 of Laws 1998 and Subsection I of Section 9 of Chapter 118 of Laws 1998 for improvements to the Lone Mountain and Twin Sisters wellfields in Santa Clara in Grant county may also be expended to make improvements to the water system in Santa Clara in Grant county. The period of time in which this appropriation may be expended is extended through fiscal year 2007. Any unexpended or

unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 64. STATE LIBRARY, RECORDS AND ARCHIVES BUILDING--CHANGE PURPOSE AND AGENCY FOR SANTA FE COUNTY REGIONAL WATER SYSTEM FEASIBILITY STUDY--EXTEND EXPENDITURE PERIOD.--The balance of the general fund appropriation to the property control division of the general services department pursuant to Subsection N of Section 3 of Chapter 366 of Laws 1993 and extended in Subparagraph (a) of Paragraph (3) of Subsection A of Section 71 of Chapter 148 of Laws 1994 to fund a state library, records and archives building study committee and a comprehensive state library, records and archives building plan and further extended with an expansion of purpose in Laws 1996, Chapter 14, Section 11 to include construction of the state library, records and archives building shall not be expended for the original or expanded purposes but is appropriated to the department of environment for a regional water system feasibility study for the communities of La Puebla, Sombrillo, Cuartelez and El Valle de Arroyo Seco in Santa Fe county. The period of time in which this appropriation may be expended is extended through fiscal year 2006. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the general fund.

Section 65. PINON HILLS COUNTY ROAD 70A IMPROVEMENTS--CHANGE PURPOSE TO IMPROVE CALLE ENRIQUE AND COUNTY ROAD 70A IN SANTA FE COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the state highway and transportation department pursuant to Subsection FFF of Section 14 of Chapter 2 of Laws 1999 (1st S.S.) to improve Pinon Hills county road 70A in Santa Fe county shall not be expended for the original purpose but are reauthorized and appropriated to improve Calle Enrique in the Pinon Hills subdivision and county road 70A in Santa Fe county.

Section 66. TAOS RELIEF ROUTE--EXTEND EXPENDITURE PERIOD.--The period of time in which the state road fund appropriation to the state highway and transportation department

pursuant to Paragraph (3) of Subsection A of Section 38 of Chapter 118 of Laws 1998 for the Taos relief route may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the state road fund.

Section 67. ATRISCO-FIVE POINTS AREA MULTIPURPOSE SERVICE CENTER IN BERNALILLO COUNTY--EXTEND EXPENDITURE PERIOD.--The period of time in which the proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection M of Section 11 of Chapter 118 of Laws 1998 to plan, design and construct a multipurpose service center in the Atrisco-Five Points area of the south valley in Bernalillo county may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 68. YOUNG AMERICAN FOOTBALL LEAGUE--CHANGE PURPOSE FOR A RECREATION BUILDING IN ALBUQUERQUE IN BERNALILLO COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsections N, O and R of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) to design and construct a facility to be used to house the young American football league in Albuquerque in Bernalillo county shall not be expended for the original purpose but are reauthorized and appropriated for design and construction of a recreation building in Albuquerque in Bernalillo county.

Section 69. PAT HURLEY PARK MODULARS--CHANGE PURPOSE TO PAT HURLEY PARK PEDESTRIAN STAIRWAY IN ALBUQUERQUE IN BERNALILLO COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection C of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) to remodel and furnish both modular buildings at Pat Hurley park in Albuquerque in Bernalillo county shall not be expended for the

original purpose but are reauthorized and appropriated to plan, design and construct an outdoor pedestrian stairway at Pat Hurley park in Albuquerque in Bernalillo county.

Section 70. PAT HURLEY PARK MODULARS--CHANGE PURPOSE OF GENERAL FUND APPROPRIATION TO PAT HURLEY PARK PEDESTRIAN STAIRWAY IN ALBUQUERQUE IN BERNALILLO COUNTY.--The general fund appropriation made to the local government division of the department of finance and administration pursuant to Subsection A of Section 44 of Chapter 23 of Laws 2000 (2nd S.S.) to remodel and furnish both modular buildings at Pat Hurley park in Albuquerque in Bernalillo county shall not be expended for the original purpose but is appropriated to plan, design and construct an outdoor pedestrian stairway at Pat Hurley park in Albuquerque in Bernalillo county.

Section 71. LOS RANCHOS COMMUNITY CENTER--EXPAND PURPOSE TO INCLUDE LAND ACQUISITION, PLANNING AND DESIGN.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection BBBBBBBBBB of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) for the construction of the community center in Los Ranchos in Bernalillo county may also be expended to plan, acquire land for and design the center.

Section 72. LOS RANCHOS BICYCLE TRAIL--EXPAND PURPOSE OF GENERAL FUND APPROPRIATION FOR REAL ESTATE, PLANNING AND DESIGN.--The general fund appropriation made to the local government division of the department of finance and administration pursuant to Subsection U of Section 44 of Chapter 23 of Laws 2000 (2nd S.S.) for bicycle trail construction and improvements in Los Ranchos de Albuquerque in Bernalillo county may also be expended to plan, acquire real estate for and design the trail.

Section 73. CHAVES COUNTY COURTHOUSE COMPLEX--EXPAND PURPOSE FOR DESIGN AND CONSTRUCTION--EXTEND EXPENDITURE PERIOD.--The proceeds from the sale of severance

tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection NN of Section 11 of Chapter 118 of Laws 1998 to equip and furnish the Chaves county courthouse complex in Chaves county may also be expended to design and construct the Chaves county courthouse complex in Chaves county. The period of time in which this appropriation may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 74. SPRINGER PUBLIC LIBRARY IN COLFAX COUNTY--CHANGE PURPOSE TO UPGRADE INTERIOR SPACES OF LIBRARY.--On the effective date of this act, the balance of the unencumbered proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection QQQQQQQQQQ of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) to re-roof the public library in Springer in Colfax county shall not be expended for the original purpose but is reauthorized and appropriated to upgrade the interior spaces of the library, including replacing ceiling and floor tiles and making improvements to meet the requirements of the Americans with Disabilities Act of 1990, in Springer in Colfax county.

Section 75. HOSPITALITY HOUSE SENIOR CENTER--CHANGE PURPOSE AND AGENCY TO RENOVATE EASTSIDE COMMUNITY CENTER IN DONA ANA COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the state agency on aging pursuant to Subsection B of Section 4 of Chapter 23 of Laws 2000 (2nd S.S.) to renovate the kitchen, replace the roof and update the bathrooms at Hospitality House senior center in Las Cruces in Dona Ana county shall not be expended for the original purpose but are reauthorized and appropriated to the local government division of the department of finance and administration to renovate the Eastside community center in Dona Ana county.

Section 76. MORA COUNTY JAIL--CHANGE PURPOSE TO RENOVATE FORMER COUNTY JAIL TO CONVERT TO OFFICE

SPACE.--On the effective date of this act, the balance of the unencumbered proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection LLLL of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) to renovate the county jail in Mora county shall not be expended for the original purpose but is reauthorized and appropriated to renovate the former county jail and convert it into office space in Mora county.

Section 77. NANCY'S TRAIL ROAD--CHANGE PURPOSE FOR SUNRISE ROAD IMPROVEMENTS IN SANTA FE COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the state highway and transportation department pursuant to Subsection XXX of Section 14 of Chapter 2 of Laws 1999 (1st S.S.) to improve Nancy's trail road in Santa Fe county shall not be expended for the original purpose but are reauthorized and appropriated to improve Sunrise road in Santa Fe county.

Section 78. EL CAMINO REAL STATE MONUMENT IN SOCORRO COUNTY--EXTEND EXPENDITURE PERIOD.--The period of time in which the proceeds from the sale of severance tax bonds appropriated to the office of cultural affairs pursuant to Subsection A of Section 3 of Chapter 4 of Laws 1996 (S.S.) and extended in Laws 1998, Chapter 118, Section 41 to construct El Camino Real state monument for the museum of New Mexico in Socorro county may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 79. TORREON STAR LAKE CHAPTER ADMINISTRATIVE COMPLEX--CHANGE PURPOSE FOR PURCHASE AND TRANSPORT OF A MODULAR BUILDING.--The balance of the unencumbered proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to Subsection CC of Section 15 of Chapter 2 of Laws 1999 (1st S.S.) for developing and constructing building sites and infrastructure, plumbing and sewer system installation and the purchase of manufactured housing to be used as an administrative office complex for the Torreon Star Lake chapter in Sandoval and

McKinley counties shall not be expended for the original purpose, but is reauthorized and appropriated to purchase and transport a modular building for the Torreon Star Lake chapter in Sandoval and McKinley counties. The period of time in which the appropriation may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 80. BLANCO CANYON BATHROOM ADDITIONS--CHANGE PURPOSE FOR BATHROOM ADDITIONS AND IMPROVEMENTS IN THE CARSON SOUTH AREA OF HUERFANO IN SAN JUAN COUNTY.--The balance of the proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to Subsection OO of Section 13 of Chapter 23 of Laws 2000 (2nd S.S.) for bathroom additions at Blanco canyon in the Huerfano chapter in San Juan county shall not be expended for its original purpose but is reauthorized and appropriated to construct bathroom additions, install plumbing and improve substandard bathrooms in the homes of indigent families in the Carson south area of Huerfano in San Juan county.

Section 81. OTIS SOUTH AREA OF HUERFANO BATHROOM ADDITIONS--CHANGE PURPOSE OF GENERAL FUND APPROPRIATION FOR BATHROOM ADDITIONS AND IMPROVEMENTS IN THE CARSON SOUTH AREA OF HUERFANO IN SAN JUAN COUNTY.--The balance of the general fund appropriation made to the New Mexico office of Indian affairs pursuant to Subsection R of Section 42 of Chapter 23 of Laws 2000 (2nd S.S.) to construct bathroom additions and install plumbing in homes of indigent families in the Otis south area of Huerfano in San Juan county shall not be expended for its original purpose but is appropriated to construct bathroom additions, install plumbing and improve substandard bathrooms in the homes of indigent families in the Carson south area of Huerfano in San Juan county.

Section 82. PUEBLO OF SAN ILDEFONSO CAPITAL PROJECTS--CHANGE PURPOSE TO RENOVATE COMMUNITY CENTER--EXTEND EXPENDITURE PERIOD.--The proceeds from the sale of severance tax bonds appropriated to the New Mexico office of

Indian affairs pursuant to Subsection N of Section 18 of Chapter 118 of Laws 1998 and reauthorized in Subsections A, B and C of Section 90 of Chapter 2 of Laws 1999 (1st S.S.) for various capital projects at the pueblo of San Ildefonso in Santa Fe county shall not be expended for the original purposes but are reauthorized and appropriated to renovate a community center at the pueblo of San Ildefonso in Santa Fe county. The period of time in which this appropriation may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Section 83. ALAMO COURT BUILDING IN SOCORRO COUNTY--EXPAND PURPOSE.--The proceeds from the sale of severance tax bonds appropriated to the corrections department pursuant to Laws 1995, Chapter 214, Section 3, reauthorized in Paragraph (15) of Subsection A of Section 23 of Chapter 14 of Laws 1996 to the New Mexico office of Indian affairs for designing, constructing and equipping a court building for the Navajo Nation in Alamo in Socorro county and further reauthorized to extend the expenditure period pursuant to Laws 2000 (2nd S.S.), Chapter 23, Section 89, may also be expended to plan, purchase, install, furnish and landscape a building for court purposes in Alamo in Socorro county.

Section 84. CLAYTON PUBLIC SCHOOL DISTRICT ALTERNATIVE SCHOOL IN UNION COUNTY--CHANGE PURPOSE TO PURCHASE EQUIPMENT FOR SCHOOL DISTRICT.--On the effective date of this act, the balance of the unencumbered proceeds from the sale of severance tax bonds appropriated to the state department of public education pursuant to Subsection TTTT of Section 16 of Chapter 23 of Laws 2000 (2nd S.S.) to construct or renovate a facility to be used as an alternative school for the Clayton public school district in Union county shall not be expended for the original purpose, but is reauthorized and appropriated to purchase equipment for the Clayton public school district in Union county.

Section 85. CLAYTON PUBLIC SCHOOL DISTRICT ALTERNATIVE SCHOOL IN UNION COUNTY--CHANGE PURPOSE OF GENERAL

FUND APPROPRIATION TO PURCHASE EQUIPMENT FOR SCHOOL DISTRICT.--The balance of the general fund appropriation made pursuant to Subsection TT of Section 45 of Chapter 23 of Laws 2000 (2nd S.S.) to construct or renovate a facility to be used as an alternative school for the Clayton public school district in Union county shall not be expended for the original purpose but is appropriated to purchase equipment for the Clayton public school district in Union county.

Section 86. REPEAL.--Laws 2000 (2nd S.S.), Chapter 23, Section 84 is repealed.

Section 87. PROJECT SCOPE--EXPENDITURES.--If an appropriation for a project authorized in this act is not sufficient to complete all the purposes specified, the appropriation may be expended for any portion of the purposes specified in the appropriation. Expenditures shall not be made for purposes other than those specified in the appropriation.

Section 88. ART IN PUBLIC PLACES.--Pursuant to

Section 13-4A-4 NMSA 1978 and where applicable, the appropriations authorized in this act include one percent for the art in public places fund.

Section 89. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HOUSE TAXATION AND REVENUE COMMITTEE

SUBSTITUTE FOR HOUSE BILL 88, AS AMENDED WITH

EMERGENCY CLAUSE AND CERTIFICATE OF CORRECTIONS

SIGNED MARCH 6, 2002

HOUSE JOINT RESOLUTION 5

HJR 5, LAWS 2002

A JOINT RESOLUTION

AUTHORIZING EXCHANGE OF LAND AT THE SOUTHEAST CORNER OF ST. MICHAEL'S DRIVE AT ST. FRANCIS DRIVE IN SANTA FE AS PART OF THE PURCHASE OF THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION BUILDING IN SANTA FE COUNTY.

WHEREAS, Section 13-6-3 NMSA 1978 requires ratification and approval of any sale, trade or lease of state property for a period exceeding twenty-five years and of over one hundred thousand dollars (\$100,000) in value; and

WHEREAS, Paragraph (3) of Subsection A of Section 1 of Chapter 166 of Laws 2001 authorized the property control division of the general services department to purchase and renovate, equip and furnish the public employees retirement association building on Paseo de Peralta in the city of Santa Fe in Santa Fe county; and

WHEREAS, in 1994, House Joint Resolution 11 of the first session of the forty-first legislature authorized the property control division of the general services department to sell property at the southeast corner of St. Michael's drive at St. Francis drive in the city of Santa Fe, which was purchased pursuant to Paragraph (12) of Subsection B of Section 2 of Chapter 315 of Laws 1989; and

WHEREAS, a tract of approximately three and nine-tenths acres of the property at the southeast corner of St. Michael's drive at St. Francis drive in the city of Santa Fe has not been sold; and

WHEREAS, the tract of land of approximately three and nine-tenths acres is more particularly described as Tract B2-A1-A Larsen West Tract Subdivision within Section 35, T. 17 N., R. 9 E., Santa Fe, New Mexico; and

WHEREAS, the public employees retirement association will construct a new building to house its operation; and

WHEREAS, the property at the southeast corner of St. Michael's drive at St. Francis drive is undeveloped and has convenient public access; and

WHEREAS, the public employees retirement association may desire the vacant property at the southeast corner of St. Michael's drive at St. Francis drive as part of the purchase of the public employees retirement association building by the state; and

WHEREAS, the proposed exchange would result in less cash outlay for the state to purchase the public employees retirement association building;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that an exchange of the property at the southeast corner of St. Michael's drive at St. Francis drive in the city of Santa Fe may be included in the purchase of the public employees retirement association building and is hereby authorized and approved pursuant to the provisions of Section 13-6-3 NMSA 1978; and

BE IT FURTHER RESOLVED that if the purchase of the public employees retirement association building includes the trade of the property at the southeast corner of St. Michael's drive at St. Francis drive, the value of that property attributable toward the purchase price of the public employees retirement association building shall not be less than the value of the property established by the taxation and revenue department using generally accepted appraisal techniques for the type of property purchased; and

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the public employees retirement association and the property control division of the general services department.

HJR 5

HOUSE JOINT RESOLUTION 23

HJR 23, LAWS 2002

A JOINT RESOLUTION

PROPOSING A LONG-TERM LEASE OF STATE-OWNED LAND IN VALENCIA COUNTY FOR A CONSTRUCTED WETLANDS WASTEWATER TREATMENT SYSTEM.

WHEREAS, Section 13-6-3 NMSA 1978 requires the ratification and approval of the state legislature of any sale, trade or lease of state property for a consideration of one hundred thousand dollars (\$100,000) or more; and

WHEREAS, the property control division of the general services department wishes to retain ownership of state-owned land in Valencia county and to lease it for a period not to exceed fifteen years with two options to renew for an additional fifteen years each; and

WHEREAS, the joint operation by lease to a qualified operator of a constructed wetlands wastewater treatment system would produce economic, recreational and social benefits to the residents of the area and the state; and

WHEREAS, the lease is contingent upon Valencia county and the village of Los Lunas providing a facility-use plan to and for the approval of the property control division of the general services department; and

WHEREAS, the real property consists of thirty and seven thousand seven hundred twenty-five ten-thousandths acres with improvements and is described as tracts 26-A-5 and 26-A-1-A-2 MRGCD Map 75, projected section 33, township 7 north, range 2 east NMPM, Los Lunas, Valencia county, New Mexico; and

WHEREAS, the state of New Mexico shall retain appropriate right-of-way easements and provide ingress and egress to Valencia county and the village of Los Lunas; and

WHEREAS, the constructed wetlands wastewater treatment system may be eligible for federal grant programs following the submission of applications by the state of New Mexico; and

WHEREAS, the constructed wetlands wastewater treatment system may be eligible for federal domestic assistance programs following the submission of applications by the joint-use operators;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the proposed lease of state-owned land in Valencia county for a constructed wetlands wastewater treatment system be hereby approved pursuant to the provisions of Section 13-6-3 NMSA 1978; and

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the property control division of the general services department and the mayor of the village of Los Lunas.

HJR 23

SENATE JOINT RESOLUTION 19

SENATE JOINT RESOLUTION 19

45TH LEGISLATURE, SECOND SESSION, 2002

A JOINT RESOLUTION

PROPOSING A LONG-TERM LEASE OF STATE-OWNED LAND IN VALENCIA COUNTY FOR A CONSTRUCTED WETLANDS WASTEWATER TREATMENT SYSTEM.

WHEREAS, Section 13-6-3 NMSA 1978 requires the ratification and approval of the state legislature of any sale, trade or lease of state property for a consideration of one hundred thousand dollars (\$100,000) or more; and

WHEREAS, the property control division of the general services department wishes to retain ownership of state-owned land in Valencia county and to lease it for a period not to exceed fifteen years with two options to renew for an additional fifteen years each; and

WHEREAS, the joint operation by lease to a qualified operator of a constructed wetlands wastewater treatment system would produce economic, recreational and social benefits to the residents of the area and the state; and

WHEREAS, the lease is contingent upon Valencia county and the village of Los Lunas providing a facility-use plan to and for the approval of the property control division of the general services department; and

WHEREAS, the real property consists of thirty and seven thousand seven hundred twenty-five ten-thousandths acres with improvements and is described as tracts 26-A-5 and 26-A-1-A-2 MRGCD Map 75, projected section 33, township 7 north, range 2 east NMPM, Los Lunas, Valencia county, New Mexico; and

WHEREAS, the state of New Mexico shall retain appropriate right-of-way easements and provide ingress and egress to Valencia county and the village of Los Lunas; and

WHEREAS, the constructed wetlands wastewater treatment system may be eligible for federal grant programs following the submission of applications by the state of New Mexico; and

WHEREAS, the constructed wetlands wastewater treatment system may be eligible for federal domestic assistance programs following the submission of applications by the joint-use operators;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the proposed lease of state-owned land in Valencia county for a constructed wetlands wastewater treatment system be hereby approved pursuant to the provisions of Section 13-6-3 NMSA 1978; and

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the property control division of the general services department and the mayor of the village of Los Lunas.

SENATE JOINT RESOLUTION 19

2001/2002 STATE OF NEW MEXICO ROSTER

CONGRESSIONAL, STATE, LEGISLATIVE,

DISTRICT & COUNTY OFFICIALS

UNITED STATES SENATORS

JEFF BINGAMAN (D)

Silver City 2001-2006

625 Silver Ave. SW, Ste. 130

Albuquerque 87102 (505) 346-6601

703 Hart Senate Office Bldg.

Washington, DC 20510-3102 (202) 224-5521

119 E. Marcy, Ste. 101

Santa Fé 87501 (505) 988-6647

505 S. Main St., 148 Loretto Towne Centre

Las Cruces 88001 (505) 523-6561

J.P. White Bldg., 105 West Third St., Ste. 409

Roswell 88201 (505) 622-7113

118 Bridge St., Ste. 3, P.O. Box 1977

Las Vegas 87701 (505) 454-8824

PETE V. DOMENICI (R)

Albuquerque 1997-2002

625 Silver Ave. SW, Rm. 330

Albuquerque 87102 (505) 346-6791

328 Hart Senate Office Bldg.

Washington, DC 20510-3101 (202) 224-6621

120 S. Federal Place, Rm. 302

Santa Fé 87501 (505) 988-6511

Sunbelt Plaza, 1065 S. Main, Ste. 1

Bldg. D, Box 13, Las Cruces 88005 (505) 526-5475

140 Federal Bldg. & U.S. Courthouse

Roswell 88201 (505) 623-6170

UNITED STATES REPRESENTATIVES

HEATHER A. WILSON (R)

1st Congressional District - Albuquerque 2001-2002

625 Silver Ave. SW, Ste. 340

Albuquerque 87102 (505) 346-6781

226 Cannon Office Bldg.

Washington, DC 20515 (202) 225-6316

JOSEPH R. SKEEN (R)

2nd Congressional District - Picacho 2001-2002

2302 Rayburn House Office Bldg.

Washington, DC 20515 (202) 225-2365

1065 S. Main, Ste. A

Las Cruces 88005 (505) 527-1771

1717 W. Second St., Ste 100

Roswell 88201 (505) 622-0055

TOM UDALL (D)

3rd Congressional District - Santa Fé 2001-2002

592 Cannon Office Bldg., Rm. 502

Washington, DC 20515 (202) 225-6190

Joseph M. Montoya Federal Bldg, Rm 106, 120 So. Federal Place

Santa Fé 87501 (505) 984-8950

Rio Rancho City Hall, 3900 Southern Blvd. SE

Rio Rancho 87124 (505) 994-0499

Gallup Municipal Building, 110 W. Aztec

Gallup 87301 (505) 863-0582

Farmington City Hall, 800 Municipal Drive

Farmington 87401 (505) 324-1005

Clovis City Hall, 321 North Connelly

Clovis 88101 (505) 763-7616

STATE OFFICIALS

Term/Phone

GOVERNOR

Gary Johnson (R) 1999-2002

State Capitol, Room 400, Santa Fé 87503 827-3000

LT. GOVERNOR

Walter D. Bradley (R) 1999-2002

State Capitol, Room 417, Santa Fé 87503 827-3050

SECRETARY OF STATE

Rebecca Vigil-Giron (D) 1999-2002

325 Don Gaspar, Ste. 300, Santa Fé 87503 827-3600

STATE AUDITOR

Domingo P. Martinez (D) 1999-2002

2113 Warner Cir., Santa Fe, NM 87505-5499 827-3500

STATE TREASURER

Michael A. Montoya (D) 1999-2002

2019 Galisteo Bldg. K, Santa Fé 87505 955-1120

ATTORNEY GENERAL

Patricia A. Madrid (D) 1999-2002

Bataan Memorial Bldg., P.O. Drawer 1508, Santa Fé 87504-1508 827-6000

COMMISSIONER OF PUBLIC LANDS

Ray Powell (D) 1999-2002

State Land Office Bldg., Santa Fé 87503827-5760

JUSTICES OF THE SUPREME COURT

Box 848, Santa Fé, New Mexico 87504-0848

Telephone Term

Patricio M. Serna (D) - *Chief Justice* 827-4886 2001-2008

Joseph F. Baca (D) 827-4892 1997-2004

Gene Franchini (D) 827-4880 1999-2006

Pamela B. Minzner (D) 827-4889 1995-2002

Petra J. Maes (D) 827-4883 *1999-2002

Kathleen Jo Gibson, Chief Clerk

Box 848, Santa Fé, New Mexico 87504-0848

827-4860

JUDGES OF THE COURT OF APPEALS

Box 2008, Santa Fé, New Mexico 87504-2008

Telephone Term

Richard C. Bosson (D) - *Chief Judge* 827-4906 1997-2004

A. Joseph Alarid (R) 841-4612 2001-2008

Lynn Pickard (D) 827-4903 1999-2006

James J. Wechsler (D) 827-4908 1999-2006

Michael D. Bustamante (D) 841-4650 *1996-2002

M. Christina Armijo (R) 827-4912 1997-2004

Jonathan B. Sutin (D) 841-4609 2001-2008

Cynthia A. Fry (D) 827-4626 *2001-2006

Ira Robinson (D) 827-4914 2001-2008

Celia Foy Castillo (D) 523-8261 *2001-2002

Patricia R. Wallace, Chief Appellate Court Clerk

Box 2008, Santa Fé, New Mexico 87504

827-4925

*Elected to fill unexpired term

PUBLIC REGULATION COMMISSION

DISTRICT 1 Term/Phone

Bernalillo

Herb Hughes (R) 2001-2004

P.O. Box 1269, Santa Fé 87504 827-8015

DISTRICT 2

Chavez, Colfax, Curry, De Baca, Eddy, Harding,

Lea, Otero, Quay, Roosevelt & Union

Rory McMinn (R) **2001-2002

P.O. Box 1269, Santa Fé 87504 827-4531

DISTRICT 3

Bernalillo, Colfax, Guadalupe, Los Alamos, Mora,

Rio Arriba, San Miguel, Sandoval, Santa Fé & Taos

Jerome D. Block (D) 2001-2004

P.O. Box 1269, Santa Fé 87504 827-4533

DISTRICT 4

Bernalillo, Cibola, McKinley, Rio Arriba, San Juan,

Sandoval, Socorro & Valencia

Lynda M. Lovejoy (D) 1999-2002

P.O. Box 1269, Santa Fé 87504 827-8019

DISTRICT 5

Bernalillo, Catron, Dona Ana, Grant, Hidalgo, Lincoln, Luna,

Santa Fé, Sierra, Socorro, Torraine & Valencia

Tony Schaefer (R) 1999-2002

P.O. Box 1269, Santa Fé 87504 827-8020

Administrative Services Division Director

Bernie Padilla

P.O. Box 1269, Santa Fé 87504 827-4084

LEGISLATIVE LEADERSHIP

SENATE

Officers for

DEMOCRATS REPUBLICANS

Richard M. Romero

President Pro Tempore

Timothy Z. Jennings Stuart Ingle

Majority Floor Leader Minority Floor Leader

Mary Jane M. Garcia Leonard Lee Rawson

Majority Whip Minority Whip

Linda M. Lopez Patrick H. Lyons

Caucus Chair Caucus Chair

Margaret Larragoite, *Chief Clerk*

State Capitol, Rm. 115

986-4714

Robert Giannini, *Sergeant at Arms*

HOUSE OF REPRESENTATIVES

Officers for

DEMOCRATS REPUBLICANS

Ben Lujan

Speaker of the House

Danice Picraux Ted Hobbs

Majority Floor Leader Minority Floor Leader

James G. Taylor Earlene Roberts

Majority Whip Minority Whip

John A. Heaton Larry A. Larrañaga

Caucus Chair Caucus Chair

Stephen R. Arias, *Chief Clerk*

State Capitol, Rm. 100

986-4751

Gilbert Baca, *Sergeant at Arms*

Party Composition of New Mexico Legislature

Democratic State Senators.....24

Republican State Senators.....18

Democratic State Representatives..... 40

Republican State Representatives.....30

Legislative Council Service

State Capitol, Rm. 411

Santa Fé, NM 87503

986-4600

STATE SENATORS

1 San Juan William E. Sharer (R)

Box 203, Farmington 87499 2001-2004

2 San Juan Allen V. Hurt (R)

Box 639, Waterflow, 87421 2001-2004

†3 McKinley & San Juan John Pinto (D)

Box 163, Tohatchi 87325 2001-2004

†4 Cibola & McKinley Lidio G. Rainaldi (D)

1101 Martinelli, Gallup 87301 2001-2004

†5 Los Alamos, Rio Arriba & Sandoval Richard C. Martinez (D)

Box 934, Espanola 87532 2001-2004

†6 Mora, Taos & Santa Fé Carlos R. Cisneros (D)

Box 1129, Questa 87556 2001-2004

†7 Colfax, Harding, Quay,

Union, San Miguel & Curry Patrick H. Lyons (R)

IMA Rt. Box 26, Cuervo 88417 2001-2004

†8 De Baca, Guadalupe,

Lincoln & San Miguel Pete Campos (D)

500 Reynolds Ave., Las Vegas 87701 2001-2004

†9 Bernalillo & Sandoval Steve Komadina (R)

Box 2085, Corrales 87048 2001-2004

10 Bernalillo Ramsay L. Gorham (R)

805 Salamanca NW, Albuquerque 87107 2001-2004

11 Bernalillo Linda M. Lopez (D)

9132 Suncrest SW, Albuquerque 87121 2001-2004

12 Bernalillo Richard M. Romero (D)

907 Silver Ave. SW, Albuquerque 87102 2001-2004

13 Bernalillo Dede Feldman (D)

1821 Meadowview Dr. NW, Albuquerque 87104 2001-2004

†14 Bernalillo & Valencia Manny M. Aragon (D)

Drawer Z, Albuquerque 87103 2001-2004

15 Bernalillo H. Diane Snyder (R)

4012 Delamar Avenue NE, Albuquerque 87110 2001-2004

16 Bernalillo Cisco McSorley (D)

500 Tijeras NE, Albuquerque 87102 2001-2004

17 Bernalillo Shannon Robinson (D)

503 Slate NW, Albuquerque 87102 2001-2004

18 Bernalillo Mark Boitano (R)

4108 Asper Ct. NE, Albuquerque 87111 2001-2004

†19 Bernalillo, Santa Fé & Torrance Sue F. Wilson Beffort (R)

812 Sagebrush Ct. SE, Albuquerque 87123 2001-2004

20 Bernalillo William H. Payne (R)

Box 14823, Albuquerque 87191 2001-2004

21 Bernalillo Kent L. Cravens (R)

10717 Richfield Avenue NE, Albuquerque 87122 2001-2004

†22 Bernalillo, Los Alamos, McKinley

Rio Arriba & Sandoval Leonard Tsosie (D)

Box 1003, Crownpoint 87313 2001-2004

†23 Bernalillo & Sandoval Joseph J. Carraro (R)

10216 Carraro Pl. NW, Albuquerque 87114 2001-2004

24 Santa Fé Nancy Rodriguez (D)
1838 Camino La Canada, Santa Fé 87501 2001-2004

25 Santa Fé Roman M. Maes III (D)
1488B St. Francis Drive, Santa Fé 87501 2001-2004

26 Bernalillo Bernadette M. Sanchez (D)
7712 Ranchwood NW, Albuquerque 87120 2001-2004

†27 Chaves, Curry & Roosevelt Stuart Ingle (R)
2106 W. University Dr., Portales 88130 2001-2004

†28 Catron, Grant & Socorro Ben D. Altamirano (D)
1123 Santa Rita St., Silver City 88061 2001-2004

29 Valencia Michael S. Sanchez (D)
3 Bunton Road, Belen 87002 2001-2004

†30 Cibola, Socorro & Valencia Joseph A. Fidel (D)
Box 968, Grants 87020 2001-2004

31 Doña Ana Cynthia Nava (D)
3002 Broadmoor, Las Cruces 88001 2001-2004

†32 Chaves, Eddy & Otero Timothy Z. Jennings (D)
Box 1797, Roswell 88202 2001-2004

†33 Chaves & Eddy Rod Adair (R)
Box 96, Roswell 88202 2001-2004

†34 Eddy, Lea & Otero Don Kidd (R)
Box 1358, Carlsbad 88221 2001-2004

†35 Doña Ana, Hidalgo, Luna & Sierra John Arthur Smith (D)
Box 998, Deming 88031 2001-2004

36 Doña Ana Mary Jane M. Garcia (D)

Box 22, Doña Ana 88032 2001-2004

†37 Doña Ana, Otero & Sierra Leonard Lee Rawson (R)

Box 996, Las Cruces 88004 2001-2004

38 Doña Ana Mary Kay Papen (D)

904 Conway, Las Cruces 88005 2001-2004

†39 Bernalillo, Los Alamos, Sandoval, San Miguel,

Santa Fé & Torrance Phil A. Griego (D)

Box 10, San Jose 87565 2001-2004

40 Otero Dianna J. Duran (R)

909 Eighth St., Tularosa 88352 2001-2004

†41 Eddy & Lea Carroll H. Leavell (R)

Drawer D, Jal 88252 2001-2004

†42 Curry, Lea & Roosevelt Shirley M. Bailey (R)

14305 Shady Lane, Hobbs 88242 2001-2004

† Multi-County Districts

STATE REPRESENTATIVES

1 San Juan Nick Tinnin (R)

217 East Comanche, Farmington 87401 2001-2002

2 San Juan Thomas C. Taylor (R)

5909 Rinconada, Farmington 87402 2001-2002

†3 Rio Arriba & San Juan Sandra L. Townsend (R)

Box 1292, Aztec 87410 2001-2002

4 San Juan Ray Begaye (D)

Box 609, Shiprock 87420 2001-2002

5 McKinley Patricia A. Lundstrom(D)
3406 Bluehill, Gallup 87301 2001-2002

†6 Cibola & McKinley George J. Hanosh (D)
Box 1299, Grants 87020 2001-2002

7 Valencia Kandy Cordova (D)
613 Frederico Blvd., Belen 87002 2001-2002

8 Valencia Fred Luna (D)
1651 Los Lentos NE, Los Lunas 87031 2001-2002

†9 McKinley & San Juan Leo C. Watchman, Jr.(D)
Box 1278, Navajo 87328 2001-2002

†10 Bernalillo & Valencia Henry "Kiki" Saavedra (D)
2838 2nd St. SW, Albuquerque 87102 2001-2002

11 Bernalillo Rick Miera (D)
1011 Forrester NW, Albuquerque 87102 2001-2002

12 Bernalillo James G. Taylor (D)
3909 Camino Del Valle SW, Albuquerque 87105 2001-2002

13 Bernalillo Daniel P. Silva (D)
1323 Canyon Trail SW, Albuquerque 87121 2001-2002

14 Bernalillo Miguel P. Garcia (D)
1118 La Font Rd. SW, Albuquerque 87105 2001-2002

15 Bernalillo John A. Sanchez (R)
8421 Guadalupe Tr. NW, Albuquerque 87114 2001-2002

16 Bernalillo Raymond M. Ruiz (D)
4901 El Aguila NW, Albuquerque 87120-1009 2001-2002

17 Bernalillo Edward C. Sandoval (D)

5102 12th St. NW, Albuquerque 87107 2001-2002

18 Bernalillo Gail C. Beam (D)
425 Aliso Dr. NE, Albuquerque 87108 2001-2002

19 Bernalillo Sheryl M. Williams Stapleton (D)
Box 25385, Albuquerque 87125 2001-2002

20 Bernalillo Ted Hobbs (R)
1415 Catron Ave. SE, Albuquerque 87123 2001-2002

21 Bernalillo Mimi Stewart (D)
313 Moon NE, Albuquerque 87123 2001-2002

22 Bernalillo Ron Godbey (R)
Box 50625, Albuquerque 87181 2001-2002

23 Bernalillo Robert M. Burpo (R)
10101 Anaheim Ave. NE, Albuquerque 87122 2001-2002

24 Bernalillo George D. Buffett (R)
8212 Harwood NE, Albuquerque 87110 2001-2002

25 Bernalillo Danice Picraux (D)
4308 Avenida La Resolana NE, Albuquerque 87110 2001-2002

26 Bernalillo Al Park (D)
P.O. Drawer AA, Albuquerque 87103 2001-2002

27 Bernalillo Larry A. Larrañaga (R)
7716 Lamplighter NE, Albuquerque 87109 2001-2002

28 Bernalillo Joe Mohorovic (R)
Box 23307, Albuquerque 87192 2001-2002

29 Bernalillo William W. Fuller (R)
6000 Unitas Lane NW, Albuquerque 87114 2001-2002

30 Bernalillo Pauline K. Gubbels (R)
2818 Las Cruces NE, Albuquerque 87110 2001-2002

31 Bernalillo Joe Thompson (R)
Box 22082, Albuquerque 87154 2001-2002

†32 Doña Ana, Luna & Sierra Dona G. Irwin (D)
420 South Slate, Deming 88030 2001-2002

33 Doña Ana J. Paul Taylor (D)
Box 133, Mesilla 88046 2001-2002

34 Doña Ana Mary Helen Garcia (D)
5271 State Highway 28, Las Cruces 88005 2001-2002

35 Doña Ana Benjamin B. Rios (D)
233 S. San Pedro St., Las Cruces 88001 2001-2002

36 Doña Ana Andy Nuñez (D)
Box 746, Hatch 87937 2001-2002

37 Doña Ana William "Ed" Boykin (R)
3035 Hillrise Dr., Las Cruces 88011 2001-2002

†38 Grant, Luna & Sierra Dianne Miller Hamilton (R)
4132 N. Gold St., Silver City 88061 2002-2002

†39 Hidalgo & Grant Manuel G. Herrera (D)
300 N. Franey, Bayard 88023 2001-2002

†40 Mora, Rio Arriba, San Miguel, Santa Fé & Taos Nick L. Salazar (D)
Box 1076, San Juan Pueblo 87566 2001-2002

†41 Rio Arriba, Sandoval & Taos Debbie A. Rodella (D)
Box 1074, San Juan Pueblo 87566 2001-2004

42 Taos Roberto J. Gonzales (D)

Box 6193 NDCBU, Taos 87571 2001-2002

†43 Los Alamos & Sandoval Jeannette O. Wallace (R)

1913 Spruce St., Los Alamos 87544 2001-2002

44 Sandoval Judy Vanderstar Russell (R)

Box 45641, Rio Rancho 87174 2001-2002

45 Santa Fé Patsy G. Trujillo Knauer (D)

Box 15532, Santa Fé 87506 2001-2002

46 Santa Fé Ben Lujan (D)

Rt. 1, Box 102, Santa Fé 87501 2001-2002

47 Santa Fé Max Coll (D)

1430 Canyon Rd. Santa Fé 87501-6134 2001-2002

48 Santa Fé Luciano "Lucky" Varela (D)

1709 Callejon Zenaida, Santa Fé 87501 2001-2002

†49 Catron, Sierra, Socorro & Valencia Don Tripp (R)

Box 1369, Socorro 87801 2001-2002

†50 Torrance, Bernalillo & Santa Fé Rhonda S. King (D)

Box 6, Stanley 87056 2001-2002

51 Otero Gloria C. Vaughn (R)

503 E. 16th St., Alamogordo 88310 2001-2002

52 Doña Ana Joseph Cervantes (D)

*150 West Lisa, Chaparral 88021 **2001-2002*

53 Otero Terry T. Marquardt (R)

903 New York Ave., Alamogordo 88310 2001-2002

*** Appointed to serve until next general election*

54 Eddy Joe M Stell (D)

22 Colwell Ranch Rd., Carlsbad 88220 2001-2002

55 Eddy John A. Heaton (D)

102 S. Canyon, Carlsbad 88220 2001-2002

†56 Lincoln, Chaves & Otero W.C. "Dub" Williams (R)

HC 66, Box 10, Glencoe 88324 2001-2002

†57 Chaves, Eddy, Lea & Roosevelt Daniel R. Foley (R)

Box 3194, Roswell 88202 2001-2002

†58 Chaves & Eddy Pauline J. Ponce (D)

1020 South Mulberry, Rosewell 88201 2001-2002

59 Chaves Avon W. Wilson (R)

Box 381, Roswell 88202 2001-2002

60 Sandoval Marsha C. Atkin (R)

3116 21st Avenue, Rio Rancho 87124 2001-2002

61 Lea Donald L. Whitaker (D)

Box 556, Eunice 88231 2001-2002

62 Lea Donald E. Bratton (R)

2012 N. McKinley, Hobbs 88240 2001-2002

†63 Curry & Roosevelt Mario Urioste (D)

2105 East Brady, Clovis 88101 2001-2002

64 Curry Anna M. Crook (R)

1041 Fairway Terrace, Clovis 88101 2001-2002

†65 Bernalillo, Cibola, Sandoval James Roger Madalena (D)

Box 255, Jemez Pueblo 87024 2001-2002

†66 Curry, Lea & Roosevelt Earlene Roberts (R)

Box 39, Lovington 88260 2001-2002

†67 De Baca, Harding, Quay, Union,

Curry & Roosevelt Brian K. Moore (R)

Box 56, Clayton 88415 2001-2002

†68 Colfax, Guadalupe, Mora &

San Miguel Bengie Regensberg (D)

Box 246, Cleveland 87715 2001-2002

†69 Cibola, McKinley & Sandoval W. Ken Martinez (D)

Box 10, Grants 87020 2001-2002

70 San Miguel Richard D. Vigil (D)

P.O. Box 456, Ribera 87560 2001-2002

† Multi-County Districts

DISTRICT JUDGES

Telephone Term

FIRST JUDICIAL DISTRICT

Santa Fé, Los Alamos & Rio Arriba

Barbara J. Vigil (D) 827-4195 **2001-2002

Div. I, Santa Fé

Jim Hall (D) 827-5044 1997-2002

Div. II, Santa Fé

Carol J. Vigil (D) 827-5083 *1999-2002

Div. III, Santa Fé

Michael Vigil (D) 827-5053 1997-2002

Div. IV, Santa Fé

Art Encinias (D) 827-5059 1997-2002

Div. V, Santa Fé

Stephen D. Pfeffer (D) 827-5047 *1999-2002

Div. VI, Santa Fé

Daniel Sanchez (D) 827-5056 *1999-2002

Div. VII, Santa Fé

District Court Clerk

Joanne Vigil-Quintana 476-0134

Box 2268, Santa Fé 87504-2268

SECOND JUDICIAL DISTRICT

Bernalillo

Michael E. Martinez (D) 841-7602 1997-2002

Div. I, Albuquerque

James F. Blackmer (R) 841-7521 1997-2002

Div. II, Albuquerque

Tommy Jewell (D) 841-7392 1997-2002

Div. III, Albuquerque

Frank Allen, Jr. (D) 841-7456 1997-2002

Div. IV, Albuquerque

Ted C. Baca (D) 841-7522 *1999-2002

Div. V, Albuquerque

Neil C. Candelaria (R) 841-7484 *2001-2002

Div. VI, Albuquerque

W. Daniel Schneider (R) 841-7494 1997-2002

Div. VII, Albuquerque

Ross C. Sanchez (D) 841-7476 1997-2002

Div. VIII, Albuquerque

| | | |
|--------------------------------|----------|------------|
| Mark A. Macaron (R) | 841-7480 | *1999-2002 |
| <i>Div. IX, Albuquerque</i> | | |
| Theresa Baca (D) | 841-7513 | 1997-2002 |
| <i>Div. X, Albuquerque</i> | | |
| Vacant | 841-7502 | 1997-2002 |
| <i>Div. XI, Albuquerque</i> | | |
| Wendy E. York (D) | 841-7434 | *1999-2002 |
| <i>Div. XII, Albuquerque</i> | | |
| Robert Hayes Scott (R) | 841-7529 | 1997-2002 |
| <i>Div. XIII, Albuquerque</i> | | |
| W. John Brennan (D) | 841-7500 | 1997-2002 |
| <i>Div. XIV, Albuquerque</i> | | |
| Richard J. Knowles (R) | 841-7474 | 1997-2002 |
| <i>Div. XV, Albuquerque</i> | | |
| Robert L. Thompson (D) | 841-7515 | 1997-2002 |
| <i>Div. XVI, Albuquerque</i> | | |
| Anne M. Kass (D) | 841-7532 | 1997-2002 |
| <i>Div. XVII, Albuquerque</i> | | |
| Susan M. Conway (D) | 841-7535 | 1997-2002 |
| <i>Div. XVIII, Albuquerque</i> | | |
| Albert S. "Pat" Murdoch (D) | 841-7538 | 1997-2002 |
| <i>Div. XIX, Albuquerque</i> | | |
| William F. Lang (D) | 841-7563 | 1997-2002 |
| <i>Div. XX, Albuquerque</i> | | |
| Angela Jewell (D) | 841-6748 | 1997-2002 |

Div. XXI, Albuquerque

Deborah Davis Walker (D) 841-6778 *1999-2002

Div. XXII, Albuquerque

Geraldine E. Rivera (R) 841-7311 *1999-2002

Div. XXIII, Albuquerque

District Court Clerk

Bennina G. Armijo-Sisneros 841-7425

Box 488, Albuquerque 87103

THIRD JUDICIAL DISTRICT

Doña Ana

Robert E. Robles (D) 523-8225 1997-2002

Div. I, Las Cruces

Stephen Bridgforth (D) 523-8230 *2001-2002

Div. II, Las Cruces

Lou Martinez (D) 523-8220 *1999-2002

Div. III, Las Cruces

Jerald A. Valentine (D) 523-8235 1997-2002

Div. IV, Las Cruces

Thomas G. Cornish, Jr. (R) 523-8240 1997-2002

Div. V, Las Cruces

Grace Duran (D) 523-8292 1997-2002

Div. VI, Las Cruces

District Court Clerk

Nadine Sanchez 523-8200

201 W. Picacho, Ste. A, Las Cruces 88005

FOURTH JUDICIAL DISTRICT

Guadalupe, Mora & San Miguel

Eugenio S. Mathis (D) 425-7131 1997-2002

Div. I, Las Vegas

Jay Gwynne Harris (D) 425-3900 1997-2002

Div. II, Las Vegas

District Court Clerk

Marcy Sandoval, Administrator 425-7281

P.O. Box 1540, Las Vegas 87701

FIFTH JUDICIAL DISTRICT

Lea, Eddy & Chaves

Jay W. Forbes (D) 885-4828 1997-2002

Div. I, Carlsbad

Alvin F. Jones (D) 625-2411 1997-2002

Div. II, Roswell

Ralph W. Gallini (R) 396-8573 1997-2002

Div. III, Lovington

Don Maddox (R) 396-4430 *2001-2002

Div. IV, Lovington

James L. Shuler (D) 887-7101 1997-2002

Div. V, Carlsbad

William P. Lynch (D) 624-0859 1997-2002

Div. VI, Roswell

Gary Linn Clingman (R) 396-4768 *1999-2002

Div. VII, Lovington

William P. "Chip" Johnson(R) 622-0536 1997-2002

Div. VIII, Roswell

District Court Clerks

Bee J. Clem 622-2212

Box 1776, Roswell 88201

Eleanor Jarnagin 885-4740 or 8681

Box 1838, Carlsbad 88220

Janie G. Hernandez 396-8571

100 N. Main, Box 6-C, Lovington 88260

SIXTH JUDICIAL DISTRICT

Grant, Hidalgo & Luna

V. Lee Vesely (D) 538-2975 1997-2002

Div. I, Silver City

Gary Jeffreys (R) 546-2344 *1998-2002

Div. II, Deming

District Court Clerks

Dennis Estrada, Administrator 542-3411

P.O. Box 608, Lordsburg 88045

Velia C. Miranda 538-3250

Box 2339, Silver City 88062

Patricia K. Williams 542-3411

P.O. Box 608, Lordsburg 88045

Kay C. Hull 546-9611

Luna Co. Courthouse, Rm. 40, Deming 88030

SEVENTH JUDICIAL DISTRICT

Catron, Sierra, Socorro & Torrance

Edmund H. Kase III (D) 835-0050 1997-2002

Div. I, Socorro

Thomas G. Fitch (R) 835-0050 1997-2002

Div. II, Socorro

Vacant 835-0050 1997-2002

Div. III, Socorro

District Court Clerks

Kathy McClean 894-7167

311 Date St., T. or C. 87901

Kim C. Padilla 835-0050

Drawer 1129, Socorro 87801

Vacant 384-2974

Box 78, Estancia 87016

EIGHTH JUDICIAL DISTRICT

Colfax, Union & Taos

Peggy Jean Nelson (D) 758-3173 1997-2002

Div. I, Taos

Sam B. Sanchez (D) 455-5584 *1999-2002

Div. II, Raton

District Court Clerks

Janett Martinez, Court Admin. Clerk 758-3173

105 Albright, Ste. H, Taos 87571

AnaBelle Pena, Court Clerk 445-5585

Colfax County Courthouse, Raton 87740

Sally V. Sanchez 374-9577

Union County Courthouse, Clayton 88415

NINTH JUDICIAL DISTRICT

Curry & Roosevelt

Stephen Quinn (R) 762-9529 1997-2002

Div. I, Clovis

Robert C. Brack (R) 762-4185 *1999-2002

Div. II, Clovis

David W. Bonem (D) 1997-2002

Div. III, Clovis, Portales

Clovis 769-0963

Portales 356-4464

District Court Clerks

Claudia L. Wallace, Court Administrator 762-9148

Curry County Courthouse, Clovis 88101

Vacant 356-4463

Roosevelt County Courthouse, Portales 88130

TENTH JUDICIAL DISTRICT

Quay, De Baca & Harding

Ricky D. Purcell (D) 461-4422 1997-2002

Div. I, Tucumcari

District Court Clerks

Donna Curnutt 461-2764

Box 1067, Tucumcari 88401

Janean Grissom 355-2896

Box 910, Fort Sumner 88119

Lina I. Weisdorfer 673-2252

Harding County Courthouse, Mosquero 87733

ELEVENTH JUDICIAL DISTRICT

McKinley & San Juan

William C. Birdsall (D) 334-4893 *1999-2002

Div. I, Aztec

Joseph L. Rich (D) 722-4342 1997-2002

Div. II, Gallup

Byron Caton (D) 564-3017 1997-2002

Div. III, Farmington

Paul R. Onuska (D) 326-2256 1997-2002

Div. IV, Farmington

Grant Foutz (D) 722-4341 1997-2002

Div. V, Gallup

George A. Harrison (D) 334-4895 1997-2002

Div. VI, Aztec

District Court Clerks

Fran Palochak 863-6816

McKinley County Courthouse

201 W. Hill St., Rm. 21, Gallup 87301

Weldon Neff 334-6151

103 S. Oliver, Aztec 87410

TWELFTH JUDICIAL DISTRICT

Lincoln & Otero

Jerry H. Ritter Jr. (R) 437-3030 *1999-2002

Div. I, Alamogordo

James Waylon Counts (R) 434-0573 *2001-2002

Div. II, Alamogordo

Karen Parsons (R) 648-2902 *1999-2002

Div. III, Carrizozo

Frank K. Wilson (R) 439-1333 1997-2002

Div. IV, Alamogordo

District Court Clerks

Alice Baca Baxter 437-7310 ext. 31

Otero County Courthouse, Rm. 209 Alamogordo 88310-6940

Eugenia Vega 648-2432

Box 725, Carrizozo 88301

THIRTEENTH JUDICIAL DISTRICT

Cibola, Sandoval & Valencia

John W. Pope (D) 865-9654 1997-2002

Div. I, Los Lunas

Kenneth G. Brown (D) 867-2861 1997-2002

Div. II, Bernalillo

William A. Sanchez (D) 865-4010 1997-2002

Div. III, Los Lunas

R. Lar Thomas (R) 287-2104 *2001-2002

Div. IV, Grants

Louis P. McDonald (D) 867-0563 1997-2002

Div. V, Bernalillo

District Court Clerks

Roxann Thomas 865-4639

Box 1089, Los Lunas 87031

Theresa Valencia 867-2376

Box 130, Bernalillo 87004

Elisa Bro 287-8831

Box 758, Grants 87020

Administrative Office of the Courts

John Greacen, Director

237 Don Gaspar, Room 25

Santa Fé, New Mexico 87501

827-4800

* Elected to fill unexpired term

**Appointed to serve until next general election

DISTRICT ATTORNEYS

Telephone Term

FIRST JUDICIAL DISTRICT

Santa Fé, Rio Arriba & Los Alamos

Henry R. Valdez (D) 2001-2004

P.O. Box 2041, Santa Fé 87504-2041

Santa Fé County - Main 827-5000

Los Alamos County 662-1430

Rio Arriba County 753-7131

SECOND JUDICIAL DISTRICT

Bernalillo

Kari E. Brandenburg (D) 841-7100 2001-2004

520 Lomas NW, Albuquerque 87102

THIRD JUDICIAL DISTRICT

Doña Ana

Susana Martinez (R) 524-6370 2001-2004

201 West Picacho, Ste. B, Las Cruces 88005

FOURTH JUDICIAL DISTRICT

Guadalupe, Mora & San Miguel

Matthew J. Sandoval (D) 2001- 2004

P.O. Box 2025, Las Vegas 87701

San Miguel County - Main 425-6746

Mora County 387-2277

Guadalupe County 472-3230

FIFTH JUDICIAL DISTRICT

Chaves, Eddy & Lea

Thomas A. Rutledge (R) 2001-2004

101 S. Canal, Carlsbad 88220

Eddy County - Main 885-8822

Chaves County 622-4121

Lea County (Lovington) 396-7616

(Hobbs) 397-2471

SIXTH JUDICIAL DISTRICT

Grant, Hidalgo & Luna

Jim Foy (D) 2001-2004

Box 1025, Silver City 88062

Grant County - Main 388-1941

Hidalgo County 542-3260

Luna County 546-6526

SEVENTH JUDICIAL DISTRICT

Catron, Sierra, Socorro & Torrance

Clint Wellborn (R) 2001-2004

Box 1099, Socorro 87801

Socorro County - Main 835-0052

Sierra County 894-9033

Torrance County 384-2800

EIGHTH JUDICIAL DISTRICT

Colfax, Taos & Union

Donald A. Gallegos (D) 2001-2004

P.O. Drawer E, Taos 87571

Taos County - Main 758-8683

Colfax County 445-5516

Union County 374-2569

NINTH JUDICIAL DISTRICT

Curry & Roosevelt

Randall M. Harris (R) 2001-2004

700 North Main, Ste. 16, Clovis 88101

Curry County - Main 769-2246

Roosevelt County 356-4434

TENTH JUDICIAL DISTRICT

Quay, De Baca & Harding

Ronald W. Reeves (D) 2001-2004

Box 1141, Tucumcari 88401-1141

Quay County - Main 461-2075

ELEVENTH JUDICIAL DISTRICT

McKinley & San Juan

Gregory M. Tucker (R) 2001-2004

Division 1

7450 E. Main St., Farmington 87402

San Juan County - Main 325-7555

Karl Gillson (D) 2001-2004

Division 2

409 So. Second St., Gallup 87301

McKinley County - Main 722-2281

TWELFTH JUDICIAL DISTRICT

Lincoln & Otero

Scot D. Key (R) 2001-2004

1000 New York Ave. Rm. 301,

Alamogordo 88310-6998

Otero County - Main 437-3640

Lincoln County 648-2383

THIRTEENTH JUDICIAL DISTRICT

Cibola, Sandoval & Valencia

Lemuel L. Martinez (D) 2001-2004

Box 1919, Los Lunas 87031

Valencia County - Main 865-9643

Cibola County 285-4627

Sandoval County (Bernalillo) 867-2386

(Rio Rancho) 896-3952

Administrative Office of the District Attorneys

Joyce Bustos, Director

1313 Saint Francis Drive

Santa Fé, New Mexico 87505

827-3789

STATE BOARD OF EDUCATION

Telephone Term

DISTRICT 1

Bernalillo

Flora M. Sanchez (D)

Albuquerque 873-3913 2001-2004

DISTRICT 2

Bernalillo

Marshall Berman (R)

Albuquerque 843-4229 1999-2002

DISTRICT 3

Bernalillo

Christine Trujillo (D)

Albuquerque 265-4208 1999-2002

DISTRICT 4

Bernalillo, Sandoval & Santa Fé

Eleanor B. Ortiz (D)

Santa Fé 982-4742 2001-2004

DISTRICT 5

McKinley, Sandoval & San Juan

Wallace D. Davis (D)

Burnham 696-3323 1999-2002

Shiprock 368-4752

DISTRICT 6

Bernalillo, Catron, Cibola, Grant, Hidalgo

Luna, Socorro, Torrance & Valencia

Catherine M. Smith (D)

Mimbres 536-9550 1999-2002

DISTRICT 7

Doña Ana, Sierra & Otero

Frances A. Stevens (R)

Las Cruces 523-7124 1999-2002

STATE BOARD OF EDUCATION

DISTRICT 8 Telephone Term

Chaves, De Baca, Eddy, Guadalupe,

Lincoln, Otero, Roosevelt,

Santa Fé & Torrance

2001-2004

Roswell 622-5234

DISTRICT 9

Curry, Eddy, Lea, Quay & Roosevelt

2001-2004

Tatum 675-2345

DISTRICT 10

Colfax, Guadalupe, Harding, Los Alamos

Mora, Rio Arriba, San Juan, San Miguel,

Sandoval, Santa Fé, Taos & Union

2001-2004

Espanola 753-7833

Department of Education

Education Building

Mary Jo Bradley

Santa Fé, NM 87501-2786

827-6571

BERNALILLO COUNTY

Albuquerque/Bernalillo County Government Center

One Civic Plaza, NW

Albuquerque, New Mexico 87102

COUNTY COMMISSIONERS Telephone Term

768-4217 1999-2002

2 Steve D. Gallegos (D) 2001-2004

2001-2004

4 E. Tim Cummins (R) 2001-2004

5 Les Houston (R) 1999-2002

County Manager

Juan Vigil

One Civic Plaza NW, 10th FL. Albuquerque 87102 768-4000

COUNTY CLERK

2001-2004

One Civic Plaza NW, 6th FL., Albuquerque 87102 768-4464

COUNTY TREASURER

2001-2004

One Civic Plaza NW, Basement, Albuquerque 87102 768-4031

COUNTY ASSESSOR

1999-2002

501 Tijeras, NW Albuquerque 87102 222-3700

COUNTY SHERIFF

1999-2002

401 Roma NW, Albuquerque 87102 768-4100

PROBATE JUDGE

1999-2002

One Civic Plaza NW, 6th FL., Albuquerque 87102 768-4247

BERNALILLO COUNTY

Bernalillo County Metropolitan Court

401 Roma, NW

Albuquerque, New Mexico 87102

METROPOLITAN COURT JUDGES

Division Telephone Term

1 Denise Barela Shepherd (R) 841-8263 1999-2002

2 Kevin L. Fitzwater (R) 841-8281 1999-2002

| | | | |
|----|---------------------------------|----------|------------|
| 3 | Barbara A. Brown (D) | 841-8283 | 1999-2002 |
| 4 | Charles R. Barnhart (R) | 841-8285 | 1999-2002 |
| 5 | Frank A. Sedillo (D) | 841-8287 | *2001-2002 |
| 6 | Keesha M. Ashanti (R) | 841-8289 | 1999-2002 |
| 7 | Sandra J. Clinton (R) | 841-8276 | *2001-2002 |
| 8 | Judith K. Nakamura (R) | 841-8293 | 1999-2002 |
| 9 | Victoria J. Grant-Jaramillo (D) | 841-8261 | 1999-2002 |
| 10 | Frank William Gentry (R) | 841-8297 | 1999-2002 |
| 11 | Cecilia Niemczyk (D) | 841-8225 | 1999-2002 |
| 12 | Marie A. Baca (D) | 841-8220 | 1999-2002 |
| 13 | J. Michael Kavanaugh (D) | 841-8193 | 1999-2002 |
| 14 | Theresa A. Gomez (D) | 841-8196 | 1999-2002 |
| 15 | Anna G. Martinez (D) | 841-8291 | 1999-2002 |
| | | 841-8247 | 2001-2002 |

Court Administrator

Tobias C. Martinez 841-8105

* Elected to fill unexpired term

CATRON COUNTY

Catron County Courthouse

Box 197

Reserve, New Mexico 87830

COUNTY COMMISSIONERS Telephone Term

1999-2002

1999-2002

2001-2004

County Manager

Adam Polley

Catron County Courthouse

Box 507, Reserve 87830 533-6423

COUNTY CLERK

2001-2004

Catron County Courthouse 533-6400

Box 197, Reserve 87830

COUNTY TREASURER

2001-2004

Box 407, Reserve 87830 533-6384

COUNTY ASSESSOR

1999-2002

Box 416, Reserve 87830 533-6577

COUNTY SHERIFF

1999-2002

Box 467, Reserve 87830 533-6222

PROBATE JUDGE

1999-2002

Catron County Courthouse 533-6400

Box 197, Reserve 87830

MAGISTRATE

1999-2002

Box 447, Reserve 87830 533-6474

Box 283, Quemado 87829 773-4604

CHAVES COUNTY

Chaves County Courthouse

P.O. Box 1817

Roswell, New Mexico 88201

COUNTY COMMISSIONERS Telephone Term

1999-2002

2001-2004

**2001-2004

2001-2004

1999-2002

County Manager

Hubert Quintana

Box 1817, Roswell 88202 624-6600

COUNTY CLERK

2001-2004

Box 580, Roswell 88202 624-6614

COUNTY TREASURER

2001-2004

Box 1772, Roswell 88202 624-6618

COUNTY ASSESSOR

1999-2002

401 N. Main, Roswell 88201 624-6603

COUNTY SHERIFF

1999-2002

Box 1396, Roswell 88202 624-6500

PROBATE JUDGE

1999-2002

Box 820, Roswell 88202 623-2222

MAGISTRATES

Division

1999-2002

200 E. 4th, Roswell 88201 624-6088

1999-2002

200 E. 4th, Roswell 88201 624-6088

CIBOLA COUNTY

515 W. High

Grants, New Mexico 87020

COUNTY COMMISSIONERS Telephone Term

1 Freddie John Scott (D) 285-2511 1999-2002

2001-2004

1999-2002

2001-2004

2001-2004

County Manager

285-2510

515 W. High, Grants 87020

COUNTY CLERK

2001-2004

515 W. High, Grants 87020

285-2535

COUNTY TREASURER

Norma Vigil Dominguez (D) 285-2520 2001-2004

515 W. High, Grants 87020

COUNTY ASSESSOR

Theresa A. Garcia (D) 285-2526 1999-2002

515 W. High, Grants 87020

COUNTY SHERIFF

Manuel N. Lujan (D) 287-9476 1999-2002

515 W. High, Grants 87020

PROBATE JUDGE

Susie T. Gallegos (D) 285-2510 1999-2002

515 W. High, Grants 87020

MAGISTRATES

Division

1999-2002

515 W. High, Grants 87020 285-4605

1999-2002

515 W. High, Grants 87020 285-4605

COLFAX COUNTY

Colfax County Courthouse

Raton, New Mexico 87740

COUNTY COMMISSIONERS Telephone Term

1 Johnny S. Volpato (D) 455-9661 1999-2002

1999-2002

2001-2004

County Manager

Kathy M. Trujillo

Box 1498, Raton 87740 445-2906

COUNTY CLERK

2001-2004

Box 159, Raton 87740 445-5551

COUNTY TREASURER

2001-2004

Box 98, Raton 87740 445-3171

COUNTY ASSESSOR

1999-2002

Box 427, Raton 87740 445-2314

COUNTY SHERIFF

1999-2002

Box 39, Raton 87740 445-5561

PROBATE JUDGE

1999-2002

Box 159, Raton 87740 445-9565

MAGISTRATES

Division

**2001-2002

Box 68, Raton 87740 455-2220

1999-2002

P.O. Box 778, Springer 87747 483-2417

CURRY COUNTY

Curry County Courthouse

700 N. Main Street

Clovis, New Mexico 88101

COUNTY COMMISSIONERS Telephone Term

1999-2002

2001-2004

1999-2002

2001-2004

2001-2004

County Manager

Geneva Cooper

700 N. Main St, Ste. 10, Clovis 88101 763-6016

COUNTY CLERK

2001-2004

P.O. Box 1168, Clovis 88102-1168 763-5591

COUNTY TREASURER

2001-2004

P.O. Box 897, Clovis 88102-0897 763-3931

COUNTY ASSESSOR

1999-2002

700 N. Main St., Ste. 6

Curry County Courthouse, Clovis 88101 763-5731

COUNTY SHERIFF

1999-2002

P.O. Box 1043, Clovis 88102-1043 769-2335

PROBATE JUDGE

1999-2002

P.O. Box 1168, Clovis 88102-1168 763-5591

MAGISTRATES

Division

1999-2002

820 Main St., Clovis 88101 762-3766

1999-2002

820 Main St., Clovis 88101 762-3766

** Appointed to fill unexpired term.

DE BACA COUNTY

De Baca County Courthouse

Fort Sumner, New Mexico 88119

COUNTY COMMISSIONERS Telephone Term

1 Edward A. Sena (D) 355-2601 1999-2002

1999-2002

2001-2004

COUNTY CLERK

2001-2004

Box 347, Fort Sumner 88119 355-2601

COUNTY TREASURER

2001-2004

Box 389, Fort Sumner 88119 355-7395

COUNTY ASSESSOR

1999-2002

Box 906, Fort Sumner 88119 355-7448

COUNTY SHERIFF

*2000-2002

Box 927, Fort Sumner 88119 355-2405

PROBATE JUDGE

1999-2002

Box 941, Fort Sumner 88119 355-7389

MAGISTRATE

1999-2002

Box 24, Fort Sumner 88119 355-7371

*Appointed to fill unexpired term.

DOÑA ANA COUNTY

Doña Ana County Courthouse

251 W. Amador Avenue

Las Cruces, New Mexico 88005

COUNTY COMMISSIONERS Telephone Term

1999-2002

2001-2004

1999-2002

2001-2004

2001-2004

County Manager

Doña Ana County Manager's Complex

180 W. Amador Avenue, Las Cruces 88005 647-7201

COUNTY CLERK

2001-2004

Doña Ana County Courthouse 647-7420

COUNTY TREASURER

2001-2004

Doña Ana County Courthouse 647-7433

COUNTY ASSESSOR

1999-2002

Doña Ana County Courthouse 647-7404

COUNTY SHERIFF

1999-2002

125 Marquess 647-7801

PROBATE JUDGE

1999-2002

Doña Ana County Courthouse 647-7419

MAGISTRATES

Division

1999-2002

125 S. Downtown Mall, Las Cruces 88005 524-2814

1999-2002

125 S. Downtown Mall, Las Cruces 88005 524-2814

1999-2002

125 S. Downtown Mall, Las Cruces 88005 524-2814

2001-2004

125 S. Downtown Mall, Las Cruces 88005 524-2814

5 Silva E. Cano-Garcia (R) 524-2814 *2001-2002

125 S. Downtown Mall, Las Cruces 88005

*Appointed to serve until next general election.

EDDY COUNTY

Eddy County Courthouse

Carlsbad, New Mexico 88221

COUNTY COMMISSIONERS Telephone Term

1999-2002

2001-2004

2001-2004

1999-2002

2001-2004

County Manager

Stephen Massey

101 W. Greene, Ste. 110, Carlsbad 88220 887-9511

COUNTY CLERK

1999-2002

101 W. Greene, Ste. 312, Carlsbad 88220 885-3383

COUNTY TREASURER

2001-2004

101 W. Greene, Ste. 117, Carlsbad 88220 885-3913

COUNTY ASSESSOR

1999-2002

101 W. Greene, Ste. 319, Carlsbad 88220 885-3813

COUNTY SHERIFF

2001-2004

Box 1240, Carlsbad 88221-1240 887-7553

PROBATE JUDGE

1999-2002

101 W. Greene, Carlsbad 88220 885-4008

MAGISTRATES

Division

1999-2002

302 N. Main, Carlsbad 88220 885-3218

1999-2002

302 N. Main, Carlsbad 88220 885-3218

1999-2002

611 Mahone Dr., Artesia 88210 746-2481

GRANT COUNTY

Grant County Courthouse

Silver City, New Mexico 88061

| COUNTY COMMISSIONERS | Telephone | Term |
|-----------------------------|-----------|------|
|-----------------------------|-----------|------|

1999-2002

1999-2002

2001-2004

County Manager

Luis Cardoza

Box 898, Silver City 88062

COUNTY CLERK

2001-2004

Box 898, Silver City 88062 574-0042

COUNTY TREASURER

2001-2004

Box 89, Silver City 88062 388-1938

COUNTY ASSESSOR

1999-2002

Box 972, Silver City 88062 388-1525

COUNTY SHERIFF

1999-2002

Box 3020, Silver City 88062 538-3797

PROBATE JUDGE

1999-2002

Box 898, Silver City 88062 538-5240

MAGISTRATES

Division

1999-2002

Box 937, Silver City 88062 538-3811

1999-2002

Box 125, Bayard 88023 537-3042

GUADALUPE COUNTY

Guadalupe County Courthouse

420 Parker Avenue

Santa Rosa, New Mexico 88435

COUNTY COMMISSIONERS Telephone Term

1999-2002

1999-2002

2001-2004

County Manager

Roman Garcia

Guadalupe County Courthouse 472-3306

420 Parker Ave., Santa Rosa 88435

COUNTY CLERK

2001-2004

Guadalupe County Courthouse 472-3791

420 Parker Ave., Santa Rosa 88435

COUNTY TREASURER

2001-2004

Guadalupe County Courthouse 472-3133

420 Parker Ave., Santa Rosa 88435

COUNTY ASSESSOR

1999-2002

Guadalupe County Courthouse 472-3738

420 Parker Ave., Santa Rosa 88435

COUNTY SHERIFF

1999-2002

117 S. Fifth St., Santa Rosa 88435 472-3711

PROBATE JUDGE

1999-2002

Guadalupe County Courthouse 472-3277

420 Parker Ave., Santa Rosa 88435

MAGISTRATE

1999-2002

141 S. Fifth Street, Santa Rosa 88435 472-3237

HARDING COUNTY

Harding County Courthouse

Box 1002

Mosquero, New Mexico 87733

COUNTY COMMISSIONERS Telephone Term

1999-2002

1999-2002

2001-2004

Commission Secretary

Barbara Shaw

Harding County Courthouse 673-2927

COUNTY CLERK

2001-2004

Harding County Courthouse 673-2301

COUNTY TREASURER

2001-2004

Harding County Courthouse 673-2928

COUNTY ASSESSOR

1999-2002

Harding County Courthouse 673-2926

COUNTY SHERIFF

1999-2002

Harding County Courthouse 673-2231

PROBATE JUDGE

1999-2002

HC 73, Box 157, Roy 87743 485-2504

MAGISTRATE JUDGE

1999-2002

Box 224, Roy 87743 485-2549

HIDALGO COUNTY

Hidalgo County Courthouse

300 S. Shakespeare St.

Lordsburg, New Mexico 88045

COUNTY COMMISSIONERS Telephone Term

1999-2002

1999-2002

2001-2004

County Manager

Tom Anderson

Hidalgo County Courthouse 542-9428

COUNTY CLERK

2001-2004

Hidalgo County Courthouse 542-9213

COUNTY TREASURER

2001-2004

Hidalgo County Courthouse 542-9313

COUNTY ASSESSOR

1999-2002

Hidalgo County Courthouse 542-3433

COUNTY SHERIFF

1999-2002

213 E. 2nd St., Lordsburg 88045 542-3833

PROBATE JUDGE

1999-2002

Hidalgo County Courthouse 542-9512

MAGISTRATE

1999-2002

420 Wabash Ave., Lordsburg 88045 542-3582

LEA COUNTY

Lea County Courthouse

Lovington, New Mexico 88260

COUNTY COMMISSIONERS Telephone Terms

1 Ross Warren Black (R) 396-8544 2001-2004

2 Troy H. Teague (D) 392-7747 1999-2002

3 Kenneth K. Batson (R) 393-6020 1999-2002

4 Zeak L. Williams, Jr. (D) 397-1655 2001-2004

5 Darrold E. Stephenson (R) 225-2026 2001-2004

County Manager

Dennis Holmberg

Lea County Courthouse, Box 4-C, Lovington 88260 396-8521

COUNTY CLERK

2001-2004

Box 1507, Lovington 88260 396-8531

COUNTY TREASURER

2001-2004

Lea County Courthouse, Box 3-C, Lovington 88260 396-8534

COUNTY ASSESSOR

1999-2002

Lea County Courthouse, Box 2-C, Lovington 88260 396-8527

COUNTY SHERIFF

1999-2002

215 E. Central, Lovington 88260 396-3611

PROBATE JUDGE

1999-2002

Box 1507, Lovington 88260 396-8521

MAGISTRATES

Division

1999-2002

100 W. Central, Ste. D, Lovington 88260 396-6677

1999-2002

2116 N. Alto, Hobbs 88240 397-3621

1999-2002

2200 W. Avenue O, P.O. Box 240, Eunice 88231 394-3368

400 S. Highway 18, P.O. Box 507, Jal 88252 395-2740

1999-2002

Box 918, Tatum 88267 398-5300

1999-2002

2116 N. Alto, Hobbs 88240 397-3621

LINCOLN COUNTY

Lincoln County Courthouse

Carrizozo, New Mexico 88301

COUNTY COMMISSIONERS Telephone Terms

2001-2004

1999-2002

2001-2004

1999-2002

1999-2002

County Manager

Tom Stewart

Box 711, Carrizozo 88301 648-2385

COUNTY CLERK

1999-2002

Box 338, Carrizozo 88301 648-2394

COUNTY TREASURER

1999-2002

Box 709, Carrizozo 88301 648-2397

COUNTY ASSESSOR

2001-2004

Box 38, Carrizozo 88301 648-2306

COUNTY SHERIFF

2001-2004

Box 278, Carrizozo 88301 648-2342

PROBATE JUDGE

2001-2004

Box 338, Carrizozo 88301 648-2814

MAGISTRATES

Division

1999-2002

Box 488, Carrizozo 88301 648-2389

1999-2002

301 W. Hwy 70 #2, Ruidoso 88345 378-7022

LOS ALAMOS COUNTY

Los Alamos County Municipal Bldg.

2300 Trinity Drive

P.O. Box 30

Los Alamos, New Mexico 87544

| COUNTY COUNCIL | Telephone | Terms |
|-----------------------------------|-----------|-----------|
| Diane E. Albert (D) | 662-8080 | 2001-2004 |
| Patricia Rogers (D) | 662-8080 | 1999-2002 |
| Geoffrey M. Rodgers (R) | 662-8080 | 2001-2004 |
| Frances M. Berting (R) | 662-8080 | 2001-2004 |
| | 662-8080 | 1999-2002 |
| Lawry W. Mann (R) | 662-8080 | 1999-2002 |
| | 662-8080 | 1999-2002 |
| County Administrator | | |
| Max Baker - Interim Administrator | | |
| Los Alamos County Municipal Bldg. | 662-8080 | |

COUNTY CLERK

2001-2004

Los Alamos County Municipal Bldg. 662-8010

COUNTY ASSESSOR

1999-2002

Los Alamos County Municipal Bldg. 662-8030

COUNTY SHERIFF

1999-2002

Los Alamos County Municipal Bldg. 662-8028

PROBATE JUDGE

1999-2002

Los Alamos County Municipal Bldg. 662-8013

MAGISTRATE

1999-2002

1319 Trinity Drive, Los Alamos 87544 662-2727

MUNICIPAL JUDGE

Alan S. Kirk (R) 1999-2002

Los Alamos County Municipal Bldg. 662-8025

LUNA COUNTY

Luna County Courthouse

700 S. Silver St.

Deming, New Mexico 88030

COUNTY COMMISSIONERS Telephone Term

1999-2002

1999-2002

2001-2004

County Manager

Scott Vinson

P.O. Box 551, Deming 88031 546-0494

COUNTY CLERK

2001-2004

Box 1838, Deming 88031 546-0491

COUNTY TREASURER

2001-2004

Box 1758, Deming 88031 546-0401

COUNTY ASSESSOR

1999-2002

700 S. Silver St., Deming 88030 546-0404

COUNTY SHERIFF

1999-2002

116 E. Poplar, Deming 88030 546-2655

PROBATE JUDGE

1999-2002

Box 1838, Deming, 88031 546-0491

MAGISTRATE

1999-2002

912 S. Silver St., Deming 88031 546-9321

McKINLEY COUNTY

McKinley County Courthouse

Gallup, New Mexico 87301

COUNTY COMMISSIONERS Telephone Term

1 Bennie Shelly (D) 863-1400 1999-2002

1999-2002

2001-2004

County Manager

Irvin Harrison

Box 70, Gallup 87305 722-3868

COUNTY CLERK

2001-2004

Box 1268, Gallup 87305 863-6866

COUNTY TREASURER

2001-2004

McKinley County Courthouse 722-4459

COUNTY ASSESSOR

1999-2002

McKinley County Courthouse 863-3032

COUNTY SHERIFF

1999-2002

Box 1209, Gallup 87305 863-3132

PROBATE JUDGE

1999-2002

McKinley County Courthouse 863-6866

MAGISTRATES

Division

1999-2002

285 Boardman Dr., Gallup 87301 722-6636

1999-2002

285 Boardman Dr., Gallup 87301 722-6636

1999-2002

Box 37, Thoreau 87323 722-6636

MORA COUNTY

Mora County Courthouse

Mora, New Mexico 87732

COUNTY COMMISSIONERS Telephone Term

1999-2002

1999-2002

2001-2004

County Manager

Box 580, Mora 87732 387-5279

COUNTY CLERK

2001-2004

Box 360, Mora 87732 387-2448

COUNTY TREASURER

2001-2004

Box 210, Mora 87732 387-2756

COUNTY ASSESSOR

1999-2002

Box 609, Mora 87732-0609 387-5289

COUNTY SHERIFF

1999-2002

Box 659, Mora 87732-0659 387-2222

PROBATE JUDGE

1999-2002

Box 360, Mora 87732 387-5702

MAGISTRATE

1999-2002

Box 131, Mora 87732 387-2937

OTERO COUNTY

Otero County Courthouse

Alamogordo, New Mexico 88310

COUNTY COMMISSIONERS Telephone Term

1 Richard L. Zierlein (R) 1999-2002

1999-2002

2001-2004

County Administrator

Ruth Hooser

1000 New York Ave., Room 101

Alamogordo 88310-6935 437-7427

COUNTY CLERK

2001-2004

1000 New York Ave., Room 108

Alamogordo 88310-6932 437-4942

COUNTY TREASURER

2001-2004

1000 New York Ave., Room 110

Alamogordo 88310-6934 437-2030

COUNTY ASSESSOR

1999-2002

1000 New York Ave., Room 109

Alamogordo 88310-6994 437-5310

COUNTY SHERIFF

1999-2002

1013 New York Ave.

Alamogordo 88310-6995 437-2210

PROBATE JUDGE

1999-2002

1000 New York Ave., Room 108

Alamogordo 88310-6932 437-4943

MAGISTRATES

Division

1999-2002

1106 New York Ave., Alamogordo 88310 437-9000

1999-2002

1106 New York Ave., Alamogordo 88310 437-9000

QUAY COUNTY

Quay County Courthouse

Box 1246

Tucumcari, New Mexico 88401

COUNTY COMMISSIONERS Telephone Term

2001-2004

2001-2004

**2001-2002

County Manager

Roberta A. Lamm

Box 1246, Tucumcari 88401 461-2112

COUNTY CLERK

2001-2004

Box 1225, Tucumcari 88401 461-0510

COUNTY TREASURER

2001-2004

Box 1226, Tucumcari 88401 461-0470

COUNTY ASSESSOR

1999-2002

Box 1227, Tucumcari 88401 461-1760

COUNTY SHERIFF

1999-2002

Box 943, Tucumcari 88401 461-2720

PROBATE JUDGE

1999-2002

1943 Quay Rd. 65, San Jon 88434 576-2227

MAGISTRATE

*2001-2002

Box 1301, Tucumcari 88401 461-1700

*Appointed to serve until next general election.

RIO ARRIBA COUNTY

Rio Arriba County Courthouse

Tierra Amarilla, New Mexico 87575

COUNTY COMMISSIONERS Telephone Term

- 1 Ray R. Tafoya (D) 753-2992 1999-2002
- 2 Alfred L. Montoya (D) 753-2992 1999-2002
- 3 Moises A. Morales, Jr. (D) 588-7254 2001-2004

County Manager

Lorenzo Valdez

Box 127, Tierra Amarilla 87575 588-7254

Box 1256, Española 87532

COUNTY CLERK

2001-2004

Box 100, Española 87532 753-1780

Box 158, Tierra Amarilla 87575 588-7724

COUNTY TREASURER

2001-2004

Box 548, Tierra Amarilla 87575 588-7727

Box 1256, Española 87532 753-1663

COUNTY ASSESSOR

1999-2002

Box 277, Tierra Amarilla 87575 588-7726

Box 1256, Española 75532 753-7019

COUNTY SHERIFF

1999-2002

Box 98, Tierra Amarilla 87575 588-7271

Box 1256, Española 87532 753-3320

COUNTY SURVEYOR

Rio Arriba County Courthouse 588-7862

PROBATE JUDGE

1999-2002

Box 158, Tierra Amarilla 87575 588-7724

MAGISTRATES

Division

1999-2002

Box 538, Chama 87520 756-2278

*2001-2002

Box 1271, Española 87532 753-2532

* Elected to fill unexpired term.

ROOSEVELT COUNTY

Roosevelt County Courthouse

Portales, New Mexico 88130

COUNTY COMMISSIONERS Telephone Term

359-1221 2001-2004

276-8301 2001-2004

273-4354 1999-2002

276-8555 1999-2002

356-3098 1999-2002

County Manager

Kendall Terry

Roosevelt County Courthouse 356-5307

COUNTY CLERK

2001-2004

Roosevelt County Courthouse 356-8562

COUNTY TREASURER

2001-2004

Roosevelt County Courthouse 356-4081

COUNTY ASSESSOR

1999-2002

Roosevelt County Courthouse 356-6971

COUNTY SHERIFF

1999-2002

c/o Law Enforcement Center

1700 N. Boston, Portales 88130 356-4409

PROBATE JUDGE

Nancy H. Gentry (D) 2001-2004

Roosevelt County Courthouse 359-1273

MAGISTRATE

1999-2002

42427 U.S. Hwy. 70, Portales 88130 356-8569

SAN JUAN COUNTY

100 S. Oliver Drive

Aztec, New Mexico 87410

COUNTY COMMISSIONERS Telephone Term

1999-2002

1999-2002

2001-2004

2001-2004

2001-2004

County Manager

Tony Atkinson

100 S. Oliver Dr., Aztec 87410-2432 334-9481

COUNTY CLERK

2001-2004

Box 550, Aztec 87410 334-9471

COUNTY TREASURER

2001-2004

100 S. Oliver Dr., Ste. 300, Aztec 87410-2434 334-9421

COUNTY ASSESSOR

1999-2002

100 S. Oliver Dr., Ste. 400, Aztec 87410-2435 334-6157

COUNTY SHERIFF

1999-2002

105 S. Oliver Dr., Aztec 87410 334-6107

PROBATE JUDGE

1999-2002

Box 550, Aztec 87410 334-9471

MAGISTRATES

Division

1999-2002

200 Gossett Dr., Aztec 87410 334-9479

**2001-2002

950 W. Apache, Farmington 87401 326-4338

1999-2002

950 W. Apache, Farmington 87401 326-4338

2001-2004

200 Gossett Dr., Aztec 87410 334-9479

SAN MIGUEL COUNTY

San Miguel County Courthouse

500 W. National Ave.

Las Vegas, New Mexico 87701

COUNTY COMMISSIONERS Telephone Term

1999-2002

2001-2004

1999-2002

2001-2004

2001-2004

County Manager

Les Montoya

San Miguel County Courthouse 425-9333

425-9334

COUNTY CLERK

2001-2004

San Miguel County Courthouse 425-9331

COUNTY TREASURER

2001-2004

San Miguel County Courthouse 425-9376

COUNTY ASSESSOR

1999-2002

San Miguel County Courthouse 454-1439

COUNTY SHERIFF

1999-2002

300 Mills Ave., Las Vegas 87701 425-7589

PROBATE JUDGE

1999-2002

San Miguel County Courthouse 425-9331

MAGISTRATES

Division

1999-2002

1900 Hot Springs Blvd., Las Vegas 87701 425-5204

1999-2002

1900 Hot Springs Blvd., Las Vegas 87701 425-5204

SANDOVAL COUNTY

Sandoval County Courthouse

Bernalillo, New Mexico 87004

COUNTY COMMISSIONERS Telephone Term

1999-2002

2001-2004

1999-2002

2001-2004

2001-2004

County Manager

Debbie Hays

Box 40, Bernalillo 87004 867-7500

COUNTY CLERK

2001-2004

Box 40, Bernalillo 87004 867-7572

COUNTY TREASURER

2001-2004

Box 40, Bernalillo 87004 867-7581

COUNTY ASSESSOR

1999-2002

Box 40, Bernalillo 87004 867-7561

COUNTY SHERIFF

1999-2002

Box 40, Bernalillo 87004 867-7526

PROBATE JUDGE

1999-2002

Box 40, Bernalillo 87004 867-7572

MAGISTRATES

Division

1999-2002

Box 818, Bernalillo 87004 867-5202

1999-2002

Box 1497, Cuba 87013 289-3519

SANTA FÉ COUNTY

Santa Fé County Courthouse

102 Grant

Santa Fé, New Mexico 87501

COUNTY COMMISSIONERS Telephone Term

1999-2002

2001-2004

1999-2002

2001-2004

2001-2004

County Manager

Samuel D. Montoya

Box 276, Santa Fé 87504 986-6200

COUNTY CLERK

2001-2004

Box 1985, Santa Fé 87504 986-6280

COUNTY TREASURER

2001-2004

Drawer T, Santa Fé 87504 986-6253

COUNTY ASSESSOR

1999-2002

Box 126, Santa Fé 87504 986-6300

COUNTY SHERIFF

1999-2002

Drawer Q, Santa Fé 87504 986-2400

PROBATE JUDGE

1999-2002

P.O. Box 276, Santa Fé 87504 986-6278

COUNTY SURVEYOR

2001-2004

MAGISTRATES

Division

1999-2002

2052 Galisteo St., Santa Fé 87504 984-9914

*2001-2002

2052 Galisteo St., Santa Fé 87504 984-9914

1999-2002

2052 Galisteo St., Santa Fé 87504 984-9914

SIERRA COUNTY

Sierra County Courthouse

311 Date Street

Truth or Consequences, New Mexico 87901

COUNTY COMMISSIONERS Telephone Term

1999-2002

2001-2002

2001-2004

County Manager

Gary Whitehead

100 Date Street, T. or C. 87901 894-6215

COUNTY CLERK

2001-2004

311 Date Street, T. or C. 87901 894-2840

COUNTY TREASURER

2001-2004

311 Date Street, T. or C. 87901 894-3524

COUNTY ASSESSOR

1999-2002

311 Date Street, T. or C. 87901 894-2589

COUNTY SHERIFF

1999-2002

311 Date Street, T. or C. 87901 894-6617

PROBATE JUDGE

**2001-2002

311 Date Street, T. or C. 87901 894-4416

MAGISTRATE

1999-2002

Box 607, T. or C. 87901 894-3051

SOCORRO COUNTY

Socorro County Courthouse

Socorro, New Mexico 87801

COUNTY COMMISSIONERS Telephone Term

1999-2002

2001-2004

1999-2002

2001-2004

2001-2004

County Manager

Jo L. McSmith

Box I, Socorro 87801 835-0589

COUNTY CLERK

2001-2004

Box I, Socorro 87801 835-0423

COUNTY TREASURER

2001-2004

Box KK, Socorro 87801 835-1701

COUNTY ASSESSOR

1999-2002

Box J, Socorro 87801 835-0714

COUNTY SHERIFF

1999-2002

Box 581, Socorro 87801 835-0941

PROBATE JUDGE

1999-2002

Box I, Socorro 87801 835-2002

MAGISTRATE

1999-2002

Box 1022, Socorro 87801 835-2500

TAOS COUNTY

Taos County Courthouse

105 Albright St., Ste. D

Taos, New Mexico 87571

COUNTY COMMISSIONERS Telephone Term

1999-2002

1999-2002

2001-2004

Chief Administrative Officer

Samuel O. Montoya

105 Albright, Ste. A, Taos 87571 751-8500

COUNTY CLERK

2001-2004

105 Albright, Ste. D, Taos 87571 751-8654

COUNTY TREASURER

2001-2004

105 Albright, Ste. G, Taos 87571 751-8652

COUNTY ASSESSOR

1999-2002

105 Albright, Ste. F, Taos 87571 751-8653

COUNTY SHERIFF

1999-2002

105 S. Albright, Ste. K, Taos 87571 751-8655

PROBATE JUDGE

1999-2002

105 Albright, Ste. D, Taos 87571 751-8537

MAGISTRATES

Division

1999-2002

Box 1831, Taos 87571 758-4030

Box 1121, Taos 87571

1999-2002

Box 1121, Taos 87571 758-4030

Box 586, Questa 87556 586-0761

TORRANCE COUNTY

Torrance County Courthouse

Estancia, New Mexico 87016

COUNTY COMMISSIONERS Telephone Term

1999-2002

**2001-2002

2001-2004

County Manager

Babette Berkshire

Box 48, Estancia 87016 384-2418

COUNTY CLERK

2001-2004

Box 48, Estancia 87016 384-2221

COUNTY TREASURER

2001-2004

Box 318, Estancia 87016 384-2241

COUNTY ASSESSOR

1999-2002

Box 258, Estancia 87016 384-2331

COUNTY SHERIFF

1999-2002

Box 498, Estancia 87016 384-1217

PROBATE JUDGE

*2000-2002

Box 48, Estancia 87016 384-2221

MAGISTRATE

1999-2002

Box 2027, Moriarty 87035 832-4476

Box 274, Estancia 87106 384-2926

UNION COUNTY

Union County Courthouse

Box 430

Clayton, New Mexico 88415

COUNTY COMMISSIONERS Telephone Term

374-8896 1999-2002

374-8896 1999-2002

374-8896 2001-2004

Administrative Assistant

Della Wetsel

Box 430, Clayton 88415 374-8896

COUNTY CLERK

2001-2004

Box 430, Clayton 88415 374-9491

COUNTY TREASURER

2001-2004

Box 308, Clayton 88415 374-2331

COUNTY ASSESSOR

1999-2002

Box 430, Clayton 88415 374-9441

COUNTY SHERIFF

1999-2002

Drawer C, Clayton 88415 374-2583

PROBATE JUDGE

1999-2002

Box 397, Clayton 88415 374-8137

MAGISTRATE

1999-2002

836 Main, Clayton 88415 374-9472

VALENCIA COUNTY

Valencia County Courthouse

Los Lunas, New Mexico 87031

COUNTY COMMISSIONERS Telephone Term

1999-2002

2001-2004

1999-2002

2001-2004

2001-2004

County Manager

James Fernandez

Box 1119, Los Lunas 87031 866-2001

COUNTY CLERK

2001-2004

Box 969, Los Lunas 87031 866-2073

COUNTY TREASURER

2001-2004

Box 939, Los Lunas 87031 866-2090

COUNTY ASSESSOR

1999-2002

Box 909, Los Lunas 87031 866-2065

COUNTY SHERIFF

1999-2002

Box 1585, Los Lunas 87031 866-2460

PROBATE JUDGE

1999-2002

Box 969, Los Lunas 87031 866-2076

MAGISTRATES

Division

1999-2002

121 Don Diego, Los Lunas 87031 865-4637

1999-2002

239 N. Main, Belen 87002 864-7509

1999-2002

121 Don Diego, Los Lunas 87031

865-4637