

AN ACT

RELATING TO PUBLIC FINANCE; CLARIFYING APPROPRIATION OF FUNDS;  
AMENDING CERTAIN SECTIONS OF THE NMSA 1978; MAKING AN  
APPROPRIATION.

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

Section 1. Section 31-22-21 NMSA 1978 (being Laws 1981,  
Chapter 325, Section 21, as amended) is amended to read:

"31-22-21. CRIME VICTIMS REPARATION FUND CREATED--  
PURPOSES.--

A. There is created in the state treasury the  
"crime victims reparation fund".

B. Subject to appropriation by the legislature,  
money in the crime victims reparation fund may be expended by  
the commission to:

(1) pay any award of reparation to victims  
made pursuant to the Crime Victims Reparation Act;

(2) pay costs and expenses, including staff  
salaries and expenses incurred in carrying out the provisions  
of the Crime Victims Reparation Act; and

(3) contract with one or more attorneys or  
law firms on a per hour basis to provide legal services to the  
commission."

Section 2. Section 60-2A-24 NMSA 1978 (being Laws 1980,  
Chapter 90, Section 24) is amended to read:

"60-2A-24. ATHLETIC COMMISSION FUND.--The proceeds of the privilege tax on promotions and of the privilege tax on closed-circuit television or motion pictures, together with any license fees or other fees authorized under the Professional Athletic Competition Act, shall be deposited with the state treasurer to the credit of the "athletic commission fund", which is hereby created. Money in the fund is subject to appropriation by the legislature. Expenditures from the athletic commission fund shall only be made on vouchers issued and signed by the person designated by the commission upon warrants drawn by the department of finance and administration in accordance with the budget approved by the department of finance and administration."

Section 3. Section 61-7A-12 NMSA 1978 (being Laws 1989, Chapter 387, Section 12) is amended to read:

"61-7A-12. NUTRITION AND DIETETICS FUND CREATED--  
DISPOSITION--METHOD OF PAYMENT.--

A. There is created in the state treasury the "nutrition and dietetics fund", to be administered by the regulation and licensing department under the supervision of the board.

B. All funds received or collected by the board or the regulation and licensing department under the Nutrition and Dietetics Practice Act shall be deposited with the state treasurer, who shall place the money to the credit of the

nutrition and dietetics fund. No balance in the fund at the end of any fiscal year shall revert to the general fund.

C. Money in the nutrition and dietetics fund is subject to appropriation by the legislature to the board for the purpose of implementing and administering the provisions of the Nutrition and Dietetics Practice Act."

Section 4. Section 61-9A-25 NMSA 1978 (being Laws 1993, Chapter 49, Section 25) is amended to read:

"61-9A-25. FUND CREATED.--

A. There is created in the state treasury the "counseling and therapy practice board fund".

B. All money received by the board under the Counseling and Therapy Practice Act shall be deposited with the state treasurer for credit to the counseling and therapy practice board fund. The state treasurer shall invest the fund as all other state funds are invested and income from investment of the fund shall be credited to the fund. Balances in the fund remaining at the end of any fiscal year shall not revert to the general fund.

C. Money in the counseling and therapy practice board fund is subject to appropriation by the legislature to the board and shall be used for the purpose of carrying out the provisions of the Counseling and Therapy Practice Act."

Section 5. Section 61-12A-20 NMSA 1978 (being Laws 1996, Chapter 55, Section 20) is amended to read:

"61-12A-20. FUND CREATED.--

A. The "board of examiners for occupational therapy fund" is created in the state treasury.

B. Money received by the board pursuant to the Occupational Therapy Act shall be deposited in the fund. Money in the fund shall not revert to the general fund at the end of any fiscal year.

C. Money in the fund is subject to appropriation by the legislature to the board for the purpose of meeting the necessary expenses incurred in carrying out the provisions of the Occupational Therapy Act."

Section 6. Section 61-12C-23 NMSA 1978 (being Laws 1991, Chapter 147, Section 23) is amended to read:

"61-12C-23. FUND CREATED.--There is created in the state treasury the "massage therapy fund". Money in the fund is subject to appropriation by the legislature to the board for the purpose of carrying out the provisions of the Massage Therapy Practice Act. All funds received or collected by the board or the department under the Massage Therapy Practice Act shall be deposited with the state treasurer, who shall place the money to the credit of the massage therapy fund. No balance in the fund at the end of any fiscal year shall revert to the general fund."

Section 7. Section 61-13-12 NMSA 1978 (being Laws 1970, Chapter 61, Section 11, as amended) is amended to read:

"61-13-12. LICENSE AND RENEWAL FEES--BOARD  
EXPENDITURES.--

A. The board shall require by appropriate rule or regulation that applicants for licensure as nursing home administrators pay a license fee in an amount set by the board not to exceed two hundred fifty dollars (\$250) and an annual renewal fee in an amount set by the board not to exceed two hundred dollars (\$200).

B. The board shall deposit all fees received by the board in a special fund maintained by the state treasurer for use in defraying the expenses of administration of the Nursing Home Administrators Act. All money in the fund is subject to appropriation by the legislature. Any unexpended balance remaining in the fund at the end of each fiscal year shall remain to the credit of the board.

C. The board may obtain and administer programs of grants-in-aid or financial assistance from any governmental agency or private source in the furtherance of programs consistent with the Nursing Home Administrators Act."

Section 8. Section 61-14-4 NMSA 1978 (being Laws 1967, Chapter 62, Section 3, as amended) is amended to read:

"61-14-4. BOARD CREATED--TERMS--COMPENSATION--  
FINANCE.--

A. The "board of veterinary medicine" is created.  
The board shall consist of seven members who are citizens of

the United States and residents of New Mexico. Veterinary members shall have been licensed to practice veterinary medicine in the state for five years preceding their appointment to the board.

B. Members of the board and their successors shall be appointed by the governor. Five of the members shall be licensed veterinarians, and these appointments may be made from a list of five names for each professional vacancy, submitted to the governor by the New Mexico veterinary medical association. Two members shall represent the public and shall not have been licensed as veterinarians or have any significant financial interest, whether direct or indirect, in the occupation regulated.

C. Members shall be appointed to staggered terms of four years each. Appointments shall be made in such manner that the terms of no more than two board members expire on July 1 of each year. All board members shall hold office until their successors are appointed and qualified. Appointments to vacancies shall be for the unexpired terms. Board members shall not serve more than two consecutive four-year terms.

D. A majority of the members of the board constitutes a quorum for the transaction of business, except that the vote of four members is required for suspension or revocation of a license. The board shall elect a chairman and

other necessary officers prescribed by regulation of the board.

E. Members of the board shall receive per diem and mileage as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance. This reimbursement and all other expenses involved in carrying out the Veterinary Practice Act shall be paid exclusively from fees received pursuant to provisions of the Veterinary Practice Act. The board shall deposit all fees received pursuant to provisions of the Veterinary Practice Act with the state treasurer, who shall keep the money in the "fund of the board of veterinary medicine", hereby created. Money in the fund of the board of veterinary medicine is subject to appropriation by the legislature for the exclusive use of the board, and money shall be expended only upon vouchers certified by a majority of the board.

F. Any board member failing to attend, after proper notice, three consecutive meetings, either regular or special, shall automatically be removed as a member of the board."

Section 9. Section 61-14A-18 NMSA 1978 (being Laws 1993, Chapter 158, Section 26) is amended to read:

"61-14A-18. FUND CREATED.--

A. There is created in the state treasury the "board of acupuncture and oriental medicine fund".

B. All money received by the board pursuant to the Acupuncture and Oriental Medicine Practice Act shall be deposited with the state treasurer for credit to the board of acupuncture and oriental medicine fund. The state treasurer shall invest the fund as other state funds are invested. All balances in the fund shall remain in the fund and shall not revert to the general fund.

C. Money in the board of acupuncture and oriental medicine fund is subject to appropriation by the legislature to the board and shall be used only for the purpose of meeting the necessary expenses incurred in carrying out the provisions of the Acupuncture and Oriental Medicine Practice Act."

Section 10. Section 61-14B-24 NMSA 1978 (being Laws 1996, Chapter 57, Section 24) is amended to read:

"61-14B-24. FUND ESTABLISHED.--

A. There is created in the state treasury the "speech language pathology, audiology and hearing aid dispensing practices board fund".

B. All money received by the board under the Speech Language Pathology, Audiology and Hearing Aid Dispensing Practices Act shall be deposited with the state treasurer for credit to the speech language pathology, audiology and hearing aid dispensing practices board fund. The state treasurer shall invest the fund as other state funds are invested. All balances in the fund shall remain in the



fund and shall not revert to the general fund.

C. Money in the speech language pathology, audiology and hearing aid dispensing practices board fund is subject to appropriation by the legislature to the board and shall be used only for the purpose of carrying out the provisions of the Speech Language Pathology, Audiology and Hearing Aid Dispensing Practices Act."

Section 11. Section 61-14D-18 NMSA 1978 (being Laws 1993, Chapter 325, Section 18) is amended to read:

"61-14D-18. FUND ESTABLISHED.--

A. There is created in the state treasury the "athletic trainer practice board fund".

B. All money received by the board pursuant to provisions of the Athletic Trainer Practice Act shall be deposited with the state treasurer for credit to the athletic trainer practice board fund. The state treasurer shall invest the fund as other state funds are invested. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary. Balances credited to the fund shall remain in the fund and shall not revert to the general fund.

C. Money in the athletic trainer practice board fund is subject to appropriation by the legislature to the board and shall be used only for the purpose of meeting the necessary expenses incurred in carrying out the provisions of

the Athletic Trainer Practice Act."

Section 12. Section 61-14E-10 NMSA 1978 (being Laws 1983, Chapter 317, Section 10, as amended) is amended to read:

"61-14E-10. FUND ESTABLISHED--DISPOSITION--METHOD OF PAYMENT.--

A. There is created in the state treasury the "radiologic technology fund".

B. All fees received by the department pursuant to the Medical Radiation Health and Safety Act shall be deposited with the state treasurer. The state treasurer shall place the money to the credit of the radiologic technology fund.

C. Payments out of the radiologic technology fund shall be on vouchers issued and signed by the person designated by the department upon warrants drawn by the department of finance and administration. Money in the fund is subject to appropriation by the legislature for use by the department for the purpose of meeting necessary expenses incurred in the enforcement of the purposes of the Medical Radiation Health and Safety Act, the duties imposed by that act and the promotion of education and standards for radiologic technology in this state. All money unexpended or unencumbered at the end of the fiscal year shall remain in the radiologic technology fund for use in accordance with the provisions of the Medical Radiation Health and Safety Act."

Section 13. Section 61-15-4 NMSA 1978 (being Laws 1931, HB 310  
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Chapter 155, Section 3, as amended) is amended to read:

"61-15-4. POWERS AND DUTIES OF THE BOARD.--

A. The board shall hold at least four regular meetings each year. Any board member failing to attend three consecutive regular meetings is automatically removed as a member of the board. A majority of the board members constitutes a quorum.

B. A board member may participate in a meeting of the board by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person if:

(1) each member participating by conference telephone can be identified when speaking;

(2) all participants are able to hear each other at the same time; and

(3) members of the public attending the meeting are able to hear all board members who speak during the hearing.

C. The board may establish committees to carry out the provisions of the Architectural Act. The board or any committee of the board shall have the power to subpoena any witness, to administer oaths and to take testimony concerning matters within its jurisdiction. It is within the jurisdiction of the board to determine and prescribe by rules the professional and technical qualifications necessary for

the practice of architecture in New Mexico. The board shall adopt and have an official seal, which shall be affixed to all certificates of registration granted, and may make rules not inconsistent with law.

D. The board may offer, engage in and promote educational and other activities as it deems necessary to fulfill its duty to promote the public welfare.

E. The board may, for the purpose of protecting the citizens of New Mexico and promoting current architectural knowledge and practice, adopt rules establishing continuing education requirements as a condition of registration renewal.

F. Members of the board shall receive per diem and mileage as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance. If appropriated by the legislature, all expenses certified by the board as properly and necessarily incurred in the discharge of its duties, including authorized reimbursement and necessary expenses incident to cooperation with like boards of other states, shall be paid by the state treasurer out of the "fund of the board of examiners for architects" on the warrant of the secretary of finance and administration issued upon vouchers signed by the chair or the chair's designee; provided, however, that at no time shall the total warrants issued exceed the total amount of funds accumulated under the Architectural Act. Money in the fund of the board of

examiners for architects is subject to appropriation by the legislature. All money derived from the operation of the Architectural Act shall be deposited with the state treasurer, who shall keep the money in the fund of the board of examiners for architects.

G. The board shall by rule provide for the examinations required for registration. The board shall keep a complete record of all examinations.

H. Upon application for registration, upon a prescribed form and upon payment by the applicant of a fee set by the board, the board shall consider the application and, in cases as herein authorized, shall issue a certificate of registration as an architect to any person who submits evidence satisfactory to the board that the person is fully qualified to practice architecture.

I. It is the duty of the board to report to the district attorney of the district where the offense was committed any criminal violation of the Architectural Act.

J. The board may deny, review, suspend or revoke a registration to practice architecture and may censure, fine, reprimand and place on probation and stipulation any architect in accordance with the Uniform Licensing Act for any cause as stated in the Architectural Act.

K. The board, in cooperation with the state board of licensure for professional engineers and surveyors and the

board of landscape architects, shall create a joint standing committee to be known as the "joint practice committee". In order to safeguard life, health and property and to promote public welfare, the purpose of the committee is to promote and develop the highest professional standards in design, planning and construction and the resolution of ambiguities concerning the professions. The composition of the committee and its duties and powers shall be in accordance with identical resolutions adopted by each board."

Section 14. Section 61-17A-14 NMSA 1978 (being Laws 1993, Chapter 171, Section 14) is amended to read:

"61-17A-14. BARBERS AND COSMETOLOGISTS FUND CREATED.-- The "barbers and cosmetologists fund" is created in the state treasury. All license fees, charges and fines imposed by the board shall be deposited in the fund. Money in the fund is subject to appropriation by the legislature to the board for the purpose of carrying out the provisions of the Barbers and Cosmetologists Act. Any balance remaining in the fund at the end of each fiscal year shall not revert to the general fund."

Section 15. Section 61-23-11 NMSA 1978 (being Laws 1987, Chapter 336, Section 11, as amended) is amended to read:

"61-23-11. RECEIPTS AND DISBURSEMENT--FUND CREATED.--

A. The "professional engineers' and surveyors' fund" is created in the state treasury. The executive director of the board shall receive and account for all money

received under the provisions of the Engineering and Surveying Practice Act and shall pay that money to the state treasurer for deposit in the fund. Money in this fund shall be paid out only by warrant of the secretary of finance and administration upon the state treasurer, upon itemized vouchers approved by the chairman and attested by the executive director of the board. All money in the fund is subject to appropriation by the legislature for the use of the board. Earnings from investment of the fund shall accrue to the credit of the fund.

B. The executive director of the board shall give a surety bond to the state in such sum as the board may determine. The premium on the bond shall be regarded as a proper and necessary expense of the board and shall be paid out of the fund.

C. The board may make expenditures of the fund for any purpose that in the opinion of the board is reasonably necessary for the proper performance of its duties pursuant to the Engineering and Surveying Practice Act, including the expenses of the board's delegates to the conventions of, and for membership dues to, the national council of examiners for engineering and surveying and any of its subdivisions or any other body of similar purpose."

Section 16. Section 61-24B-14 NMSA 1978 (being Laws 1985, Chapter 151, Section 14) is amended to read:

"61-24B-14. LANDSCAPE ARCHITECTS FUND CREATED--

DISPOSITION--METHOD OF PAYMENT.--

A. There is created in the state treasury the "landscape architects fund".

B. All funds received by the board and money collected under the Landscape Architects Act shall be deposited with the state treasurer who shall place the money to the credit of the landscape architects fund.

C. All amounts paid into the landscape architects fund shall be subject to appropriation by the legislature for the use of the board and shall be used only for the purpose of implementing the provisions of the Landscape Architects Act. All money unexpended or unencumbered at the end of the fiscal year shall remain in the landscape architects fund for use in accordance with the provisions of the Landscape Architects Act."

Section 17. Section 61-27A-18 NMSA 1978 (being Laws 1993, Chapter 212, Section 18) is amended to read:

"61-27A-18. FUND ESTABLISHED.--There is created in the state treasury the "private investigator and polygrapher fund". All license fees received by the department pursuant to the Private Investigators and Polygraphers Act shall be deposited in the fund. Money in the fund is subject to appropriation by the legislature and shall be used for the administration of the Private Investigators and Polygraphers Act. The state treasurer shall invest the fund as other state



funds are invested, and all income derived from the fund shall be credited to the fund. All balances in the fund shall remain in the fund and shall not revert to the general fund."

Section 18. Section 61-28B-6 NMSA 1978 (being Laws 1999, Chapter 179, Section 6) is amended to read:

"61-28B-6. FUND CREATED.--

A. The "public accountancy fund" is created in the state treasury. All money received by the board and interest earned on investment of the fund shall be credited to the fund.

B. Payments from the public accountancy fund shall be made upon warrants of the secretary of finance and administration pursuant to vouchers issued by the director in accordance with the budget approved by the department of finance and administration.

C. Money in the fund shall be used only to pay the expenses of carrying out the provisions of the 1999 Public Accountancy Act and rules adopted pursuant to that act.

D. All amounts paid into the fund are subject to appropriation by the legislature to the board for the necessary expenses of the board for execution of the provisions of the 1999 Public Accountancy Act. The balance remaining in the fund at the end of a fiscal year shall accumulate to the credit of the fund for use by the board for necessary expenses."

Section 19. Section 61-29-8 NMSA 1978 (being Laws 1959, Chapter 226, Section 7, as amended) is amended to read:

"61-29-8. LICENSE FEES--DISPOSITION.--

A. The following fees shall be established and charged by the commission and paid into the real estate commission fund:

(1) for each examination, a fee not to exceed ninety-five dollars (\$95.00);

(2) for each broker's license issued, a fee not to exceed two hundred seventy dollars (\$270) and for each renewal thereof, a fee not to exceed two hundred seventy dollars (\$270);

(3) for each real estate salesperson's license issued, a fee not to exceed two hundred seventy dollars (\$270) and for each renewal thereof, a fee not to exceed two hundred seventy dollars (\$270);

(4) subject to the provisions of Paragraph (10) of this subsection, for each change of place of business or change of employer or contractual associate, a fee not to exceed twenty dollars (\$20.00);

(5) for each duplicate license, where the license is lost or destroyed and affidavit is made thereof, a fee not to exceed twenty dollars (\$20.00);

(6) for each license history, a fee not to exceed twenty-five dollars (\$25.00);

(7) for copying of documents by the commission, a fee not to exceed one dollar (\$1.00) per copy;

(8) for each license law and rules and regulations booklet, a fee not to exceed ten dollars (\$10.00) per booklet;

(9) for each hard copy or electronic list of licensed real estate brokers and salespersons, a fee not to exceed twenty dollars (\$20.00);

(10) for each license reissued for a real estate salesperson because of change of address of the broker's office, death of the licensed broker when a successor licensed broker is replacing the decedent and the salesperson remains in the office or because of a change of name of the office or the entity of the licensed broker, a fee in an amount not to exceed twenty dollars (\$20.00) to be paid by the licensed broker or successor broker as the case may be; but if there are eleven or more affected salespersons in the licensed broker's office, the total fee paid to effect reissuance of all of those licenses shall not exceed two hundred dollars (\$200);

(11) for each application to the commission to become an approved sponsor of pre-licensing and continuing education courses, a fee not to exceed five hundred dollars (\$500) and for each renewal thereof, a fee not to exceed five hundred dollars (\$500);

(12) for each application to the commission to become an approved instructor of pre-licensing and continuing education courses, a fee not to exceed seventy dollars (\$70.00) per course; and

(13) for each application to the commission to renew certification as a commission-approved instructor, a fee not to exceed one hundred dollars (\$100).

B. All fees set by the commission shall be set by rule and only after all requirements have been met as prescribed by Chapter 61, Article 29 NMSA 1978. Any changes or amendments to the rules shall be filed in accordance with the provisions of the State Rules Act.

C. The commission shall deposit all money received by it from fees in accordance with the provisions of Chapter 61, Article 29 NMSA 1978 with the state treasurer, who shall keep that money in a separate fund to be known as the "real estate commission fund", and money so deposited in that fund is subject to appropriation by the legislature for the purpose of carrying out the provisions of Chapter 61, Article 29 NMSA 1978 or to maintain the real estate recovery fund as required by the Real Estate Recovery Fund Act and shall be paid out of the fund upon the vouchers of the executive secretary of the commission or the executive secretary's designee; provided that the total fees and charges collected and paid into the state treasury and any money so deposited shall be expended

only for the purposes authorized by Chapter 61, Article 29 NMSA 1978.

D. The commission shall by rule provide for a proportionate refund of the license issuance fee or the license renewal fee if the license is issued or renewed for a period of three years pursuant to Section 61-29-11 NMSA 1978 and is terminated with more than one year remaining."

Section 20. Section 61-30-18 NMSA 1978 (being Laws 1990, Chapter 75, Section 18, as amended) is amended to read:

"61-30-18. APPRAISER FUND CREATED--DISPOSITION--METHOD OF PAYMENT.--

A. There is created in the state treasury the "appraiser fund" to be administered by the board. All fees received by the board pursuant to the Real Estate Appraisers Act shall be deposited with the state treasurer to the credit of the appraiser fund. Income earned on investment of the fund shall be credited to the fund.

B. Subject to appropriation by the legislature, money in the appraiser fund shall be used by the board to meet necessary expenses incurred in the enforcement of the provisions of the Real Estate Appraisers Act, in carrying out the duties imposed by the Real Estate Appraisers Act and for the promotion of education and standards for real estate appraisers in this state. Payments out of the appraiser fund shall be on vouchers issued and signed by the person

designated by the board upon warrants drawn by the department of finance and administration. All unexpended or unencumbered balances remaining at the end of each fiscal year shall remain in the appraiser fund for use in accordance with the provisions of the Real Estate Appraisers Act."

Section 21. Section 61-32-26 NMSA 1978 (being Laws 1993, Chapter 204, Section 26, as amended) is amended to read:

"61-32-26. FUND ESTABLISHED.--

A. There is created in the state treasury the "thanatopractice fund".

B. All money received or collected by the board or the department pursuant to provisions of the Thanatopractice Act shall be deposited with the state treasurer for credit to the thanatopractice fund. The state treasurer shall invest the fund as other state funds are invested. All balances in the fund at the end of any fiscal year shall remain in the fund and shall not revert to the general fund.

C. Money in the thanatopractice fund is subject to appropriation by the legislature to the board and shall be used only for the purpose of carrying out the provisions of the Thanatopractice Act."

Section 22. Section 74-6-5.2 NMSA 1978 (being Laws 1993, Chapter 100, Section 4) is amended to read:

"74-6-5.2. WATER QUALITY MANAGEMENT FUND CREATED.--

There is created in the state treasury the "water quality

management fund" to be administered by the department of environment. All fees collected pursuant to the regulations adopted by the commission under Subsection J of Section 74-6-5 NMSA 1978 shall be deposited in the fund. Money in the fund is subject to appropriation by the legislature to the department of environment for the purpose of administering the regulations adopted by the commission pursuant to Section 74-6-5 NMSA 1978. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of environment."

Section 23. Section 77-2-25 NMSA 1978 (being Laws 1959, Chapter 291, Section 2, as amended) is amended to read:

"77-2-25. INTERIM RECEIPTS AND DISBURSEMENTS FUND CREATED.--There is created the "interim receipts and disbursements fund". All money received by the board from tax levies authorized by this article shall be credited to this fund and deposited in a designated bank in the name of the board. Money shall be disbursed from this fund only upon a warrant issued by the executive director in the name of the board. Money in the fund is subject to appropriation by the legislature to pay necessary expenses and obligations of the board, which include expenses for salaries, supplies, equipment, rent on office space or other goods and services, in accordance with a budget approved by the department of

finance and administration. The board shall prescribe any additional administrative procedure necessary to administer this fund."

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