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HOUSE BILL 519

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Joni Marie Gutierrez

AN ACT

RELATING TO TORT CLAIMS; PROVIDING COVERAGE FOR MEMBERS OF
COUNTY VALUATION PROTESTS BOARDS; AMENDING A SECTION OF THE
TORT CLAIMS ACT; DECLARING AN EMERGENCY.

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

Section 1. Section 41-4-3 NMSA 1978 (being Laws 1976,
Chapter 58, Section 3, as amended) is amended to read:

"41-4-3. DEFINITIONS.--As used in the Tort Claims Act:

A. "board" means the risk management advisory
board;

B. "governmental entity" means the state or any
local public body as defined in Subsections C and H of this
section;

C. "local public body" means all political
subdivisions of the state and their agencies, instrumentalities

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1 and institutions and all water and natural gas associations
2 organized pursuant to Chapter 3, Article 28 NMSA 1978;

3 D. "law enforcement officer" means a full-time
4 salaried public employee of a governmental entity whose
5 principal duties under law are to hold in custody any person
6 accused of a criminal offense, to maintain public order or to
7 make arrests for crimes, or members of the national guard when
8 called to active duty by the governor;

9 E. "maintenance" does not include:

10 (1) conduct involved in the issuance of a
11 permit, driver's license or other official authorization to use
12 the roads or highways of the state in a particular manner; or

13 (2) an activity or event relating to a public
14 building or public housing project that was not foreseeable;

15 F. "public employee" means an officer, employee or
16 servant of a governmental entity, excluding independent
17 contractors except for individuals defined in Paragraphs (7),
18 (8), (10), [~~and~~] (14) and (16) of this subsection, or of a
19 corporation organized pursuant to the Educational Assistance
20 Act, the Small Business Investment Act or the Mortgage Finance
21 Authority Act and including:

22 (1) elected or appointed officials;

23 (2) law enforcement officers;

24 (3) persons acting on behalf or in service of
25 a governmental entity in any official capacity, whether with or

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1 without compensation;

2 (4) licensed foster parents providing care for
3 children in the custody of the human services department,
4 corrections department or department of health, but not
5 including foster parents certified by a licensed child
6 placement agency;

7 (5) members of state or local selection panels
8 established pursuant to the Adult Community Corrections Act;

9 (6) members of state or local selection panels
10 established pursuant to the Juvenile Community Corrections Act;

11 (7) licensed medical, psychological or dental
12 arts practitioners providing services to the corrections
13 department pursuant to contract;

14 (8) members of the board of directors of the
15 New Mexico medical insurance pool;

16 (9) individuals who are members of medical
17 review boards, committees or panels established by the
18 educational retirement board or the retirement board of the
19 public employees retirement association;

20 (10) licensed medical, psychological or dental
21 arts practitioners providing services to the children, youth
22 and families department pursuant to contract;

23 (11) members of the board of directors of the
24 New Mexico educational assistance foundation;

25 (12) members of the board of directors of the

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1 New Mexico student loan guarantee corporation;
2 (13) members of the New Mexico mortgage
3 finance authority;
4 (14) volunteers, employees and board members
5 of court-appointed special advocate programs; ~~and~~
6 (15) members of the board of directors of the
7 small business investment corporation; and
8 (16) members of county valuation protests
9 boards;

10 G. "scope of duty" means performing any duties that
11 a public employee is requested, required or authorized to
12 perform by the governmental entity, regardless of the time and
13 place of performance; and

14 H. "state" or "state agency" means the state of New
15 Mexico or any of its branches, agencies, departments,
16 boards, instrumentalities or institutions."

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