

HOUSE BILL 120

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Eliseo Lee Alcon

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO LICENSURE; PROVIDING FOR A WAIVER OF FEES FOR AND EXPEDITED ISSUANCE OF CERTAIN PROFESSIONAL AND OCCUPATIONAL, SCHOOL PERSONNEL AND CONSTRUCTION INDUSTRY LICENSES, REGISTRATIONS, CERTIFICATES OF REGISTRATION, CERTIFICATES, PERMITS OR CERTIFICATIONS FOR MILITARY SERVICE MEMBERS, THEIR SPOUSES AND THEIR DEPENDENT CHILDREN AND FOR VETERANS.

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

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SECTION 1. Section 22-10A-2 NMSA 1978 (being Laws 2019, Chapter 238, Section 1) is amended to read:

"22-10A-2. DEFINITIONS.--As used in the School Personnel Act:

A. "constitutional special school" means the New Mexico military institute, New Mexico school for the deaf and New Mexico school for the blind and visually impaired;

B. "discharge" means the act of severing the employment relationship with a licensed school employee prior to the expiration of the current employment contract;

C. "employed for three consecutive school years" means a licensed school employee has been offered and accepted in writing a notice of reemployment for the third consecutive school year;

D. "governing authority" means the policy setting body of a school district, charter school, constitutional special school or regional education cooperative, or the final decision maker of another state agency;

E. "instructional support provider" means a person who is employed to support the instructional program of a public school, including educational assistant, school counselor, social worker, school nurse, speech-language pathologist, psychologist, physical therapist, occupational therapist, recreational therapist, marriage and family therapist, interpreter for the deaf and diagnostician;

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F. "just cause" means a reason that is rationally related to a school employee's competence or turpitude or the proper performance of the school employee's duties and that is not in violation of the school employee's civil or constitutional rights;

G. "military service member" means a person who is:

(1) serving in the armed forces of the United States as an active duty HSEIC→~~or civil service~~←HSEIC member or in an active reserve component of the armed forces of the United States, including the national guard;

(2) the spouse of a person who is serving in the armed forces of the United States as an active duty HSEIC→~~or civil service~~←HSEIC member or in an active reserve component of the armed forces of the United States, including the national guard; or a surviving spouse of a member who at the time of death was serving on active duty; or

(3) the child of a person who is serving in the armed forces of the United States as an active duty HSEIC→~~or civil service~~←HSEIC member or in an active reserve component of the armed forces of the United States, including the national guard; provided that child is also a dependent of that person for federal income tax purposes;

[G.] H. "public school" means a school district, charter school, constitutional special school, regional education cooperative or the educational program of another

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state agency;

[H.] I. "responsibility factor" means a value of 1.20 for an elementary school principal, 1.40 for a middle school or junior high school principal, 1.60 for a high school principal, 1.10 for an assistant elementary school principal, 1.15 for an assistant middle school or assistant junior high school principal and 1.25 for an assistant high school principal;

[I.] J. "sabbatical leave" means leave of absence with pay as approved by the governing authority during all or part of a regular school term for purposes of study or travel related to a licensed school employee's duties and of direct benefit to the instructional program;

[J.] K. "school administrator" means a person licensed to administer in a school district, charter school, constitutional special school or regional education cooperative or a person employed with another state agency who administers an educational program and includes local superintendents, school principals, central district administrators, business managers, charter school head administrators and state agency education supervisors;

[K.] L. "school employee" includes licensed and unlicensed employees of a public school;

[L.] M. "school premises" means:

- (1) the buildings and grounds, including

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playgrounds, playing fields and parking areas and a school bus of a public school, in or on which school or school-related activities are being operated under the supervision of a local school board, charter school or state agency; or

(2) any other public buildings or grounds, including playing fields and parking areas that are not public school property, in or on which public school-related and -sanctioned activities are being performed;

[M.] N. "state agency" means a regional education cooperative or state institution;

[N.] O. "state institution" means the New Mexico boys' school, girls' welfare home, New Mexico youth diagnostic and development center, Sequoyah adolescent treatment center, Carrie Tingley crippled children's hospital, New Mexico behavioral health institute at Las Vegas and any other state agency responsible for educating resident children;

[O.] P. "substitute teacher" means a person who holds a certificate to substitute for a teacher in the classroom;

[P.] Q. "superintendent" means a local superintendent, head administrator of a charter school or regional education cooperative, superintendent or commandant of a special school or head administrator of the educational program of a state agency;

[Q.] R. "teacher" means a person who holds a level

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one, level two or level three-A license and whose primary job is classroom instruction or the supervision, below the school principal level, of an instructional program or whose duties include curriculum development, peer intervention, peer coaching or mentoring or serving as a resource teacher for other teachers;

[R-] S. "terminate" means the act of severing the employment relationship with a school employee; [~~and~~]

T. "veteran" means a person who has received an honorable discharge or separation from military service in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard; and

[S-] U. "working day" means every school calendar day, excluding Saturdays, Sundays and legal holidays."

SECTION 2. Section 22-10A-3 NMSA 1978 (being Laws 2003, Chapter 153, Section 34, as amended) is amended to read:

"22-10A-3. LICENSE OR CERTIFICATE REQUIRED--APPLICATION FEE--GENERAL DUTIES.--

A. Except as otherwise provided in this subsection, any person teaching, supervising an instructional program or providing instructional support services in a public school; any person administering in a public school; and any person providing health care and administering medications or performing medical procedures in a public school shall hold a

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valid license or certificate from the department authorizing the person to perform that function. This subsection does not apply to a person performing the functions of a practice teacher or teaching intern as defined by the department.

B. Except as provided in Subsection C of this section, the department shall charge a reasonable fee for each application for or the renewal of a license or certificate. The application fee may be waived if the applicant meets a standard of indigency established by the department.

C. No licensing or certificate fee shall be charged for the first three years a license or certificate required by this section is valid if the licensee or certificate holder is a military service member or a veteran.

D. A person performing the duties of a licensed school employee who does not hold a valid license or certificate or has not submitted a complete application for licensure or certification within the first three months from beginning employment duties shall not be compensated thereafter for services rendered until the person demonstrates that the person holds a valid license or certificate. This section does not apply to practice teachers or teaching interns as defined by rules of the department.

E. Each licensed school employee shall:

(1) enforce all laws and rules applicable to the employee's public school;

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(2) if teaching, teach the prescribed courses of instruction;

(3) exercise supervision over students on public school premises and while the students are under the control of the public school; and

(4) furnish reports as required.

~~[F. As used in this section:~~

~~(1) "military service member" means a person who is:~~

~~(a) serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard;~~

~~(b) the spouse of a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard; or~~

~~(c) the child of a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard; provided that child is also a dependent of that person for federal income tax purposes; and~~

~~(2) "veteran" means a person who has received an honorable discharge or separation from military service in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including~~

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~~the national guard.]"~~

SECTION 3. Section 22-10A-12.1 NMSA 1978 (being Laws 2018, Chapter 8, Section 1, as amended) is amended to read:

"22-10A-12.1. EXPEDITED LICENSURE--MILITARY SERVICE MEMBERS, SPOUSES AND DEPENDENTS--WAIVER OF FEES--VETERANS.--

A. The department shall, no later than thirty days after a military service member or a veteran with a valid and current or an expired license from another jurisdiction files an application, and provides ~~[all of the documents required for the application]~~ a background check if required, for a license or a substitute teacher certificate:

(1) process the application; and

(2) issue a license prima facie to a qualified applicant who submits satisfactory evidence that demonstrates the required competencies and meets other requirements and qualifications for the license for which the teacher or school employee applies, including clearance of the required background check. The local superintendent may require a mentorship period for the licensee or certificate holder if the local superintendent deems it necessary. A teacher or school employee who holds an out-of-state license may apply for a lower level license if the teacher or school employee does not meet the requirements for the higher level.

B. A license or a substitute teacher certificate issued pursuant to this section shall not be renewed unless the

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license or certificate holder satisfies the requirements for the issuance and the renewal of the license HSEIC→**or certificate**←HSEIC for which the teacher applies. Upon the issuance of a license or certificate pursuant to this section, the department shall notify the license or certificate holder of the requirements for renewing the license or certificate in writing.

C. A military service member or a veteran who is issued a license or certificate pursuant to this section shall not be charged a licensing or certificate fee for the first three years a license or certificate issued pursuant to this section is valid.

D. A license or certificate issued pursuant to this section to an applicant with an expired license or certificate shall not be valid for more than one year.

~~[E. As used in this section:~~

~~(1) "military service member" means a person who is:~~

~~(a) serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard;~~

~~(b) the spouse of a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard; or~~

~~(c) the child of a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard; provided that child is also a dependent of that person for federal income tax purposes; and~~

~~(2) "veteran" means a person who has received an honorable discharge or separation from military service in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard.]~~

E. Each entity that issues a license or certificate pursuant to the Public School Code, upon the conclusion of the state fiscal year, shall prepare a report on the number and type of licenses or certificates that were issued during the fiscal year under this section. The report shall be provided to the director of the office of military base planning and support not later than ninety days after the end of the fiscal year."

SECTION 4. A new section of the Construction Industries Licensing Act is enacted to read:

"[NEW MATERIAL] EXPEDITED LICENSURE--MILITARY SERVICE MEMBERS, SPOUSES AND DEPENDENTS--VETERANS--WAIVER OF FEES.--

A. The division shall, as soon as practicable but no later than thirty days after a military service member or a veteran files an application, and provides a background check

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if required, for a license or certificate issued pursuant to the Construction Industries Licensing Act accompanied by any required fees:

(1) process the application; and

(2) issue a license prima facie to a qualified applicant who submits satisfactory evidence that the applicant holds a license or certificate that is current and in good standing, issued by another jurisdiction, including a branch of the armed forces of the United States, and has met minimal licensing or certification requirements that are substantially equivalent to the licensing or certification requirements for the license or certificate that the applicant applies for pursuant to the Construction Industries Licensing Act.

B. A license or certificate issued pursuant to this section is not a provisional license and shall confer the same rights, privileges and responsibilities as a license issued pursuant to the Construction Industries Licensing Act.

C. A license issued pursuant to this section shall not be renewed unless the license holder satisfies the requirements for the issuance and the renewal of a license pursuant to the Construction Industries Licensing Act. Upon the issuance of a license pursuant to this section, the division shall notify the license holder of the requirements for renewing the license in writing.

D. Notwithstanding the provisions of Subsection A

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of this section, a military service member or a veteran who is issued a license pursuant to this section shall not be charged a licensing or certificate fee for the first three years a license or certificate issued pursuant to this section is valid.

E. Upon the conclusion of the state fiscal year, the division shall prepare a report on the number and type of licenses or certificates that were issued during the fiscal HSEIC→13←HSEIC year under this section. The report shall be provided to the director of the office of military base planning and support not later than ninety days after the end of the fiscal year.

F. As used in this section:

(1) "military service member" means a person who is:

(a) serving in the armed forces of the United States as an active duty HSEIC→or civil service←HSEIC member or in an active reserve component of the armed forces of the United States, including the national guard;

(b) the spouse of a person who is serving in the armed forces of the United States as an active duty HSEIC→or civil service←HSEIC member or in an active reserve component of the armed forces of the United States, including the national guard; or a surviving spouse of a member who at the time of death was serving on active duty; or

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(c) the child of a person who is serving in the armed forces of the United States as an active duty HSEIC ~~or civil service~~ HSEIC member or in an active reserve component of the armed forces of the United States, including the national guard; provided that child is also a dependent of that person for federal income tax purposes; and

(2) "veteran" means a person who has received an honorable discharge or separation from military service in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard."

SECTION 5. Section 60-13-13 NMSA 1978 (being Laws 1967, Chapter 199, Section 16, as amended) is amended to read:

"60-13-13. APPLICATION FOR CONTRACTOR'S LICENSE.--

A. Applications for a contractor's license or a certificate of qualification shall be submitted to the division on forms prescribed and furnished by the division and shall contain the information and be accompanied by the attachments required by regulation of the commission.

B. Except as provided in Section 4 of this 2021 act, the application shall be accompanied by the prescribed fee."

SECTION 6. Section 60-13-18 NMSA 1978 (being Laws 1967, Chapter 199, Section 20, as amended) is amended to read:

"60-13-18. LICENSES--RENEWAL.--

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A. Licenses issued by the division are not transferable.

B. Contractor's licenses shall expire two years after the issuance date or as determined by the division, but in no instance less than one year, and shall be renewable upon application to the division and payment of the prescribed renewal fee; provided that nothing in this subsection shall prohibit the division from establishing a staggered system of license expiration and a procedure for proration of fees for licenses issued for less than the two-year period or other period provided by the division pursuant to this subsection.

C. Licenses shall expire upon the date established by regulation of the commission, such regulation to provide for a staggered system of license expiration and for proration of fees for licenses issued for less than a full year. Thereafter, such licenses shall be issued for a period of two years or as otherwise provided by the division pursuant to Subsection B of this section. Except as provided in Section 4 of this 2021 act, licenses and certificates shall be subject to renewal upon application to the division and payment of the prescribed renewal fee.

D. Licensees and journeyman certificate holders may be required to complete and submit proof of continuing education as a prerequisite for renewal of a license. When required by rule adopted by the division, an applicant for a

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license renewal must submit with the application for license renewal proof of eight hours of instruction in code change and eight hours of instruction in other industry-related and division-approved subjects. The sixteen hours of continuing education must have been completed within the three years prior to the date of the license renewal application.

E. The director shall, at least thirty days prior to the expiration date of a license, notify the licensee of the approaching expiration. Notice shall be given by mail addressed to the licensee's last address on file with the division. The notice shall include a renewal application form, instructions and any other information prescribed by the division.

F. Failure of a licensee to make application for the renewal of the licensee's license, to furnish such other information required by the commission and, if required, to pay the prescribed renewal fee by the last working day prior to the expiration of the license shall cause the license to be suspended by operation of law.

G. Unless the license is renewed within a three-month period, it shall be canceled. The suspended license may be renewed only after payment of a fee equal to one dollar (\$1.00) for each day, up to thirty days, that has elapsed since the expiration date of the license and thereafter for a fee equal to twice the amount of the renewal fee."

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SECTION 7. Section 60-13-20 NMSA 1978 (being Laws 1967, Chapter 199, Section 22, as amended) is amended to read:

"60-13-20. FEES ESTABLISHED BY THE DIVISION--PAYMENT OF EXAMINATION AND LICENSING SERVICE FEES.--

A. The division shall by regulation establish and charge, except as provided in Section 4 of this 2021 act, reasonable candidate and applicant fees for each license and certificate classification for initial applications, initial and additional examinations, license issuance and renewals, certificate of qualification issuance and renewal and licensing verification services.

B. The division by regulation may provide that fees charged pursuant to Subsection A of this section shall be paid to the agency providing or administering the service if the service is provided pursuant to authority of the division."

SECTION 8. Section 61-1-34 NMSA 1978 (being Laws 2013, Chapter 33, Section 1, as amended) is amended to read:

"61-1-34. EXPEDITED LICENSURE--MILITARY SERVICE MEMBERS, SPOUSES AND DEPENDENTS AND VETERANS--WAIVER OF FEES [~~RECENT VETERANS~~].--

A. A state agency, board or commission that issues an occupational or professional license pursuant to Chapter 61 NMSA 1978 shall, as soon as practicable but no later than [~~sixty~~] thirty days after a military service member or a [~~recent~~] veteran files an application, and provides [~~all of the~~

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~~documents required for the application]~~ a background check if required, for a license accompanied by [~~the~~] any required fees:

(1) process the application; and

(2) issue a license prima facie to a qualified applicant who submits satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction, including a branch of the armed forces of the United States, and has met minimal licensing requirements that are substantially equivalent to the licensing requirements for the occupational or professional license that the applicant applies for pursuant to Chapter 61 NMSA 1978.

B. A license issued pursuant to this section is not a provisional license and shall confer the same rights, privileges and responsibilities as a license issued pursuant to Chapter 61 NMSA 1978.

C. A license issued pursuant to this section shall not be renewed unless the license holder satisfies the requirements for the issuance and the renewal of a license pursuant to Chapter 61 NMSA 1978. Upon the issuance of a license pursuant to this section, the issuing state agency, board or commission shall notify the license holder of the requirements for renewing the license in writing.

D. Notwithstanding the provisions of Subsection A of this section, a military service member or a [~~recent~~] veteran who is issued a license pursuant to this section shall

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not be charged a licensing fee for the first three years a license issued pursuant to this section is valid.

E. Each state agency, board or commission that issues a license or certificate to practice a trade or profession shall, upon the conclusion of the state fiscal year, prepare a report on the number and type of licenses or certificates that were issued during the fiscal year under this section. The report shall be provided to the director of the office of military base planning and support not later than ninety days after the end of the fiscal year.

~~[E-]~~ F. As used in this section:

(1) "license" means a license, registration, certificate of registration, certificate, permit or certification;

~~[1-]~~ (2) "licensing fee" means a fee charged at the time an application for a professional or occupational license is submitted to the state agency, board or commission and any fee charged for the processing of the application for such license; "licensing fee" does not include a fee for an annual inspection or examination of a licensee or a fee charged for copies of documents, replacement licenses or other expenses related to a professional or occupational license;

~~[2-]~~ (3) "military service member" means a person who is:

(a) serving in the armed forces of the

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United States as an active duty HSEIC→~~or civil service~~←HSEIC member, or in an active reserve component of the armed forces of the United States, including the national guard;

(b) the spouse of a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard, or a surviving spouse of a member who at the time of the member's death was serving on active duty; or

(c) the child of a person who is serving in the armed forces of the United States as an active duty HSEIC→~~or civil service~~←HSEIC member, or in an active reserve component of the armed forces of the United States, including the national guard; provided that child is also a dependent of that person for federal income tax purposes; and

[~~(3)~~] (4) "[~~recent~~] veteran" means a person who has received an honorable discharge or separation from military service [~~within the three years immediately preceding the date the person applied for a professional or occupational license pursuant to this section~~]."

SECTION 9. Section 61-3-10.1 NMSA 1978 (being Laws 1993, Chapter 61, Section 2, as amended) is amended to read:

"61-3-10.1. HEMODIALYSIS TECHNICIANS--TRAINING PROGRAMS--CERTIFICATION.--

A. A statewide program for certification of

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hemodialysis technicians is created according to the rules adopted by the board.

B. Unless certified as a certified hemodialysis technician pursuant to the Nursing Practice Act, no person shall:

- (1) practice as a certified hemodialysis technician; or
- (2) use the title "certified hemodialysis technician", "hemodialysis technician" or other title, abbreviation, letters, figures, signs or devices to indicate or imply that the person is a certified hemodialysis technician.

C. The board shall:

- (1) maintain a permanent register of all certified hemodialysis technicians;
- (2) adopt rules for certified hemodialysis technician training programs, including standards and curricula;
- (3) provide for periodic evaluation of training programs at least every two years;
- (4) grant, deny or withdraw approval from a training program that fails to meet prescribed standards or fails to maintain a current contract with the board; and
- (5) conduct disciplinary hearings of certified hemodialysis technicians or on the denial, suspension or revocation of certified hemodialysis technician certificates in

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accordance with the Uniform Licensing Act.

D. Except as provided in Section 61-1-34 NMSA 1978, every applicant for certification as a certified hemodialysis technician shall pay the required application fee, submit written evidence of having completed a board-approved training program for hemodialysis technicians and successfully complete a board-approved examination. The board shall issue a certificate to any person who fulfills the requirements for certification.

E. Every certificate issued by the board to practice as a certified hemodialysis technician shall be renewed every two years. The certified hemodialysis technician seeking renewal shall submit proof of employment as a certified hemodialysis technician and proof of having met continuing education requirements adopted by the board.

F. The board shall set the following nonrefundable fees:

(1) for initial certification by initial or subsequent examination, a fee not to exceed sixty dollars (\$60.00);

(2) for renewal of certification, a fee not to exceed sixty dollars (\$60.00);

(3) for reactivation of a lapsed certificate after failure to renew a certificate or following board action, a fee not to exceed sixty dollars (\$60.00);

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(4) for initial review and approval of a training program, a fee not to exceed three hundred dollars (\$300);

(5) for subsequent review and approval of a training program that has changed, a fee not to exceed two hundred dollars (\$200);

(6) for subsequent review and approval of a training program when a change has been required by a change in board policy or rules, a fee not to exceed fifty dollars (\$50.00); and

(7) for periodic evaluation of a training program, a fee not to exceed two hundred dollars (\$200)."

SECTION 10. Section 61-3-10.2 NMSA 1978 (being Laws 1991, Chapter 209, Section 1, as amended by Laws 2005, Chapter 303, Section 1 and by Laws 2005, Chapter 307, Section 4) is amended to read:

"61-3-10.2. MEDICATION AIDES.--

A. A statewide program for certification of medication aides and approval of medication aide training programs is created under the board.

B. Unless certified as a certified medication aide under the Nursing Practice Act, no person shall:

(1) practice as a certified medication aide;

or

(2) use the titles "certified medication aide"

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or "medication aide" or any other title, abbreviation, letters, figures, signs or devices to indicate or imply that the person is a certified medication aide.

C. The board shall:

- (1) maintain a permanent register of all persons certified to practice as a certified medication aide;
- (2) adopt rules for certified medication aide education and certification, including standards and curricula;
- (3) adopt rules governing the supervision of certified medication aides by licensed nurses, including standards and performance evaluations of certified medication aides;
- (4) conduct disciplinary hearings of certified medication aides or on the denial, suspension or revocation of certified medication aide certificates in accordance with the Uniform Licensing Act; and
- (5) grant approval to a certified medication aide training program that meets all the requirements set by the board and deny or withdraw approval from medication aide training programs that fail to meet prescribed standards or fail to maintain a current contract.

D. Except as provided in Section 61-1-34 NMSA 1978, every applicant for certification as a certified medication aide shall pay the required application fee, submit written evidence of having completed a board-approved training program

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for certified medication aides and successfully complete a board-approved examination. The board shall issue a certificate to any person who fulfills the requirements for certification.

E. Every certificate issued by the board to practice as a certified medication aide shall be renewed every two years. The certified medication aide seeking renewal shall submit proof of employment as a certified medication aide and proof of having met continuing education requirements adopted by the board.

F. The board shall set the following nonrefundable fees:

(1) for initial certification by initial or subsequent examination, a fee not to exceed sixty dollars (\$60.00);

(2) for renewal of certification, a fee not to exceed sixty dollars (\$60.00);

(3) for reactivation of a lapsed certificate after failure to renew a certificate or following board action, a fee not to exceed sixty dollars (\$60.00);

(4) for initial review and approval of a training program, a fee not to exceed three hundred dollars (\$300);

(5) for subsequent review and approval of a training program that has changed, a fee not to exceed two

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hundred dollars (\$200);

(6) for subsequent review and approval of a training program when a change has been required by a change in board policy or rules, a fee not to exceed fifty dollars (\$50.00); and

(7) for periodic evaluation of a training program, a fee not to exceed two hundred dollars (\$200)."

SECTION 11. Section 61-14F-9 NMSA 1978 (being Laws 2009, Chapter 169, Section 9) is amended to read:

"61-14F-9. REGISTRATION AND RENEWAL FEES.--Except as provided in Section 61-1-34 NMSA 1978, an application for registration or renewal of registration shall be accompanied by a fee in the following amount:

A. two hundred fifty dollars (\$250) for an initial application for registration;

B. two hundred dollars (\$200) for an application for registration based upon a certificate of registration or licensure issued by another state;

C. two hundred fifty dollars (\$250) for an application for renewal of registration; or

D. two hundred dollars (\$200) for an application for renewal of registration based upon an application for renewal of registration or licensure submitted in another state."

SECTION 12. Section 61-15-7 NMSA 1978 (being Laws 1931,

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Chapter 155, Section 6, as amended) is amended to read:

"61-15-7. CERTIFICATES OF REGISTRATION.--

A. The board shall issue a certificate of registration to each architect. An architect may, upon registration, obtain the seal of the design authorized by the board, which bears the registrant's name and the legend "Registered Architect--State of New Mexico". All plans, specifications, plats and reports prepared by an architect or under an architect's responsible charge shall be signed and sealed by that architect, including all plans and specifications prepared by an architect or under an architect's responsible charge on work described in Subsection B of Section 61-15-9 NMSA 1978.

B. Certificates of registration shall be valid for a period of time as set by rule and shall be invalid after the date of expiration unless renewed.

C. Except as provided in Section 61-1-34 NMSA 1978, issuance or renewal may be effected at any time prior to expiration by the payment of a fee in an amount set by the board. Fees shall be paid to the board.

D. The failure on the part of any registrant to renew a certificate prior to expiration shall not deprive that person of the right of renewal within three years of the expiration date of the certificate. Except as provided in Section 61-1-34 NMSA 1978, reinstatement of the certificate may

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be effected in a manner prescribed by rule and may include penalties and fees.

E. Except as provided in Section 61-1-34 NMSA 1978, renewal of a certificate that has been expired for more than three years shall require a demonstration of continued proficiency and qualification to practice architecture in addition to payment of penalties and fees and such other requirements as may be required by rule."

SECTION 13. Section 61-17B-5 NMSA 1978 (being Laws 2007, Chapter 181, Section 5, as amended) is amended to read:

"61-17B-5. LICENSE--APPLICATION--REVOCATION--SUSPENSION.--

A. A body artist shall obtain a body art license, and an operator shall obtain a body art establishment license, the requirements for which shall be defined by the board and shall include the requirement that a body artist applicant demonstrate that the body artist has the training and experience necessary to perform body piercing, tattooing or scarification and the requirement that a sanitary and sterile body art establishment be maintained; provided that the board shall grant credit for training and experience obtained from any source, whether obtained within or outside the state, if the applicant demonstrates that the training and experience received by the applicant is equivalent to the training and experience required pursuant to the Body Art Safe Practices

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Act.

B. An operator or body artist shall possess and post in a conspicuous place a valid and unsuspended license issued by the board in accordance with the Body Art Safe Practices Act and the rules promulgated pursuant to that act. An operator or a body artist shall not display a license unless it has been issued to that operator or body artist by the board and has not been suspended or revoked.

C. An operator or body artist shall apply to the board for the issuance or renewal of a license annually and shall pay license fees established by the board. Except as provided in Section 61-1-34 NMSA 1978, the board shall set license fees, license renewal fees and late fees in amounts necessary to administer the provisions of the Body Art Safe Practices Act. If an operator or body artist fails to renew a license for the next year, the license is void; provided that the voided license may be restored at any time during the year following the license's expiration upon the payment of the appropriate license renewal fee and a late charge not to exceed one hundred dollars (\$100) as set forth by board rules. If the operator or body artist fails to restore a license within one year following the license's expiration, the operator or body artist may request restoration of the license pursuant to rules promulgated by the board.

D. The board shall promulgate rules for the

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revocation or suspension of a license for a body art establishment or a body artist who fails to comply with a provision of the Body Art Safe Practices Act or rules promulgated pursuant to that act. A license shall not be suspended or revoked pursuant to the Body Art Safe Practices Act without providing the operator or the body artist with an opportunity for an administrative hearing unless conditions in the body art establishment warrant immediate suspension pursuant to Section 61-17B-9 NMSA 1978. The hearing officer shall not be a person previously involved in the suspension or revocation action. An inspection made more than twenty-four months prior to the most recent inspection shall not be used as a basis for suspension or revocation.

E. Except as provided in Section 61-1-34 NMSA 1978, the board shall charge a fee not to exceed three hundred dollars (\$300) for the application to issue a new or renewed license. The applicant shall provide proof of current immunization as required by the board and proof of the applicant's attendance at a blood-borne pathogen training program and other training as required by the board before a license is issued or renewed.

F. A current body art license or body art establishment license shall not be transferable from one person to another.

G. The following information shall be kept on the

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premises of a body art establishment and shall be available for inspection by the board:

(1) the full names of all employees in the establishment and their exact duties;

(2) the board-issued license with identification photograph for the operator and any body artists;

(3) the body art establishment name and hours of operation;

(4) the name and address of the operator;

(5) a complete description of all body art performed at the body art establishment;

(6) a list of all instruments, body jewelry, sharps and inks used at the body art establishment, including names of manufacturers and serial or lot numbers or invoices or other documentation sufficient to identify and locate the manufacturer of those items; and

(7) a current copy of the Body Art Safe Practices Act.

H. An operator shall notify the board in writing not less than thirty days before changing the location of a body art establishment. The notice shall include the street address of the body art establishment's new location."

SECTION 14. Section 61-24C-14 NMSA 1978 (being Laws 1989, Chapter 53, Section 14) is amended to read:

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"61-24C-14. LICENSE FEES.--~~[The]~~ Except as provided in Section 61-1-34 NMSA 1978, any fees for an original license or renewal of license, late charges or any other fees authorized by the provisions of the Interior Designers Act shall be set by [regulation] rule of the board. The fee for initial licensure shall not exceed two hundred dollars (\$200)."

SECTION 15. Section 61-28B-27 NMSA 1978 (being Laws 1999, Chapter 179, Section 27, as amended) is amended to read:

"61-28B-27. FEES.--Except as provided in Section 61-1-34 NMSA 1978, the board may collect from certificate holders, permit holders, applicants and others the following fees:

- A. for examination, a fee not to exceed four hundred dollars (\$400) per examination section;
- B. for certificate issuance or renewal, a fee not to exceed one hundred seventy-five dollars (\$175) per year; provided, however, that 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, that 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

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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. a fee for fingerprinting and background check for an applicant for certification not to exceed one hundred dollars (\$100);

H. for certificate reinstatement, a fee not to exceed one hundred seventy-five dollars (\$175), plus past due fees and penalties;

I. for waiver to comply with continuing professional education requirements, a fee not to exceed seventy-five dollars (\$75.00) per application; and

J. 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 16. Section 61-32-6 NMSA 1978 (being Laws 1993, Chapter 204, Section 6, as amended) is amended to read:

"61-32-6. BOARD POWERS.--

A. In addition to any other authority provided by law, the board has the power to:

(1) adopt, in accordance with the provisions of the Uniform Licensing Act, and file, in accordance with the State Rules Act, rules necessary to carry out the provisions of

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the Funeral Services Act;

(2) adopt rules implementing continuing education requirements;

(3) conduct hearings upon charges relating to the discipline of licensees and take administrative actions pursuant to Section 61-1-3 NMSA 1978;

(4) except as provided in Section 61-1-34 NMSA 1978, establish reasonable fees to carry out the provisions of the Funeral Services Act;

(5) provide for investigations necessary to determine violations of the Funeral Services Act;

(6) establish committees as the board deems necessary for carrying out the provisions of the Funeral Services Act;

(7) apply for injunctive relief to enforce the provisions of the Funeral Services Act or to restrain any violation of that act; and

(8) conduct criminal background checks on applicants for licensure.

B. No action or other legal proceedings for damages shall be instituted against the board, any board member or employee of the board for any act performed in good faith and in the intended performance of any power or duty granted under the Funeral Services Act or for any neglect or default in the good faith performance or exercise of any such power or duty."

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SECTION 17. Section 61-33-5 NMSA 1978 (being Laws 1973, Chapter 394, Section 5, as amended) is amended to read:

"61-33-5. APPLICATION REQUIREMENTS--FEES--FUND CREATED--ENDORSEMENT.--

A. An applicant for certification as a certified operator shall:

(1) make application on forms furnished by the department;

(2) submit evidence satisfactory to the department that the applicant has reached the age of majority; and

(3) except as provided in Section 61-1-34 NMSA 1978, pay in advance to the department fees set by rule not to exceed:

(a) for examination for certification in each classification \$100;

(b) for renewal of a certificate after a period set by rule. [~~\$40~~] \$40.00; and

(c) for issuance of a certificate by endorsement \$100.

B. Fees collected pursuant to Subsection A of this section shall be deposited with the state treasurer in the "public water supply system operator and public wastewater facility operator fund", hereby created. The fund shall be used solely for the purpose of administering and enforcing the

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Utility Operators Certification Act. The fund shall be administered by the department. Money in the fund shall be retained by the department for use, subject to appropriation by the legislature. Balances in the fund at the end of any fiscal year shall not revert to the general fund, but shall accrue to the credit of the fund. Earnings on the fund shall be credited to the fund.

C. The department may, in its discretion, endorse for certification without examination an operator who submits evidence satisfactory to the department that the applicant has reached the age of majority and holds a valid license or certification in any state, territory or foreign jurisdiction having standards equal to or exceeding those of New Mexico.

D. Fees shall not be increased more than once per calendar year. The first increase of the fees shall not result in any fee greater than thirty dollars (\$30.00). Any subsequent increase of the fees shall not be more than five percent of the existing fee."