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of the
State of New Mexico

51st Legislature, 1st Session

LAWS 2013

CHAPTER _____

SENATE BILL 183, as amended

POCKET VETOED

Introduced by

SENATOR GAY G. KERNAN
SENATOR LEE S. COTTER
SENATOR JOHN M. SAPIEN



FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

1 AN ACT

2 RELATING TO PUBLIC EDUCATION; REPLACING THE TERMS "GENERAL
3 EDUCATION DIPLOMA", "GENERAL EQUIVALENCY DIPLOMA", "GENERAL
4 EDUCATIONAL DEVELOPMENT CERTIFICATE" AND "GED" WITH THE TERM
5 "HIGH SCHOOL EQUIVALENCY DIPLOMA"; RECONCILING MULTIPLE
6 AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2007.

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

9 SECTION 1. Section 21-1-1 NMSA 1978 (being Laws 1912,
10 Chapter 83, Section 2, as amended) is amended to read:

11 "21-1-1. STATE INSTITUTIONS--ADMISSION REQUIREMENTS TO
12 BE ESTABLISHED BY BOARDS OF REGENTS.--

13 A. The respective boards of regents of New Mexico
14 state university, New Mexico institute of mining and
15 technology, the university of New Mexico and the New Mexico
16 military institute at Roswell shall determine and fix the
17 standard of requirements for admission to their respective
18 institutions.

19 B. In determining the standard of requirements for
20 admission to their respective institutions, boards of regents
21 shall not require a student who has completed the
22 requirements of a home-based or non-public school educational
23 program and who has submitted test scores that otherwise
24 qualify the student for admission to that institution to
25 obtain or submit proof of having obtained a high school

1 equivalency diploma. In determining requirements for
2 admission, boards of regents shall evaluate and treat
3 applicants from home-based educational programs or non-public
4 schools fairly and in a nondiscriminatory manner."

5 SECTION 2. Section 21-1-1.1 NMSA 1978 (being Laws 1999,
6 Chapter 182, Section 1) is amended to read:

7 "21-1-1.1. HOME SCHOOL STUDENTS--ADMISSION
8 REQUIREMENTS--PUBLIC POST-SECONDARY EDUCATIONAL
9 INSTITUTIONS.--In determining the standard of requirements
10 for admission to any public post-secondary educational
11 institution, the board of regents, governing board or
12 community college board shall not require a student who has
13 completed the requirements of a home-based or non-public
14 school educational program and who has submitted test scores
15 that otherwise qualify the student for admission to that
16 institution to obtain or submit proof of having obtained a
17 high school equivalency diploma. In determining requirements
18 for admission, the board of regents, governing board or
19 community college board shall evaluate and treat applicants
20 from home-based or non-public educational programs fairly and
21 in a nondiscriminatory manner."

22 SECTION 3. Section 22-2-8.8 NMSA 1978 (being Laws 1999,
23 Chapter 193, Section 1) is amended to read:

24 "22-2-8.8. HIGH SCHOOL EQUIVALENCY DIPLOMAS.--The
25 department shall issue a high school equivalency diploma to

1 any candidate who is at least sixteen years of age and who
2 has successfully completed the high school equivalency
3 tests."

4 SECTION 4. Section 27-2B-5 NMSA 1978 (being Laws 1998,
5 Chapter 8, Section 5 and Laws 1998, Chapter 9, Section 5, as
6 amended by Laws 2007, Chapter 46, Section 18 and by Laws
7 2007, Chapter 350, Section 3) is amended to read:

8 "27-2B-5. WORK REQUIREMENTS--WORK PARTICIPATION
9 RATES.--

10 A. The following qualify as work activities:

- 11 (1) unsubsidized employment, including
12 self-employment;
- 13 (2) subsidized private sector employment,
14 including self-employment;
- 15 (3) subsidized public sector employment;
- 16 (4) work experience;
- 17 (5) on-the-job training;
- 18 (6) job search and job readiness;
- 19 (7) community service programs;
- 20 (8) vocational education;
- 21 (9) job skills training activities directly
22 related to employment;
- 23 (10) education directly related to
24 employment;
- 25 (11) satisfactory attendance at a secondary

1 school or course of study leading to a high school
2 equivalency diploma in the case of a participant who has not
3 completed secondary school or received such a diploma; and

4 (12) the provision of child care services to
5 a participant who is participating in a community service
6 program.

7 B. The department shall recognize community
8 service programs and job training programs that are operated
9 by an Indian nation, tribe or pueblo.

10 C. The department may not require a participant to
11 work more than four hours per week over the work requirement
12 rate set pursuant to the federal act.

13 D. The department shall require a parent,
14 caretaker or other adult who is a member of a benefit group
15 to engage in a work activity.

16 E. Where best suited for the participant to
17 address barriers, the department may require the following
18 work activities:

19 (1) participating in parenting classes,
20 money management classes or life skills training;

21 (2) participating in a certified alcohol or
22 drug addiction program;

23 (3) in the case of a homeless benefit group,
24 finding a home;

25 (4) in the case of a participant who is a

1 victim of domestic violence residing in a domestic violence
2 shelter or receiving counseling or treatment or participating
3 in criminal justice activities directed at prosecuting the
4 domestic violence perpetrator for no longer than twenty-four
5 weeks; and

6 (5) in the case of a participant who does
7 not speak English, participating in a course in English as a
8 second language.

9 F. Subject to the availability of funds, the
10 department in cooperation with the workforce solutions
11 department, Indian affairs department and other appropriate
12 state agencies may develop projects to provide for the
13 placement of participants in work activities, including the
14 following:

15 (1) participating in unpaid internships with
16 private and government entities;

17 (2) refurbishing publicly assisted housing;

18 (3) volunteering at a head start program or
19 a school;

20 (4) weatherizing low-income housing; and

21 (5) restoring public sites and buildings,
22 including monuments, parks, fire stations, police buildings,
23 jails, libraries, museums, auditoriums, convention halls,
24 hospitals, buildings for administrative offices and city
25 halls.

1 G. If a participant is engaged in full-time
2 vocational education studies or an activity set out in
3 Paragraphs (9) through (11) of Subsection A of this section,
4 the participant shall engage in another work activity at the
5 same time. Additionally, for two-parent families that
6 receive federally funded child-care assistance, the
7 participant's spouse shall engage in a work activity set out
8 in Paragraphs (1) through (5) or (7) of Subsection A of this
9 section unless the participant suffers from a temporary or
10 complete disability that bars the participant from engaging
11 in a work activity or the participant is barred from engaging
12 in a work activity because the participant provides sole care
13 for a person with a disability.

14 H. A participant engaged in vocational education
15 studies shall make reasonable efforts to obtain a loan,
16 scholarship, grant or other assistance to pay for costs and
17 tuition, and the department shall disregard those amounts in
18 the eligibility determination.

19 I. For as long as the described conditions exist,
20 the following are exempt from the work requirement:

21 (1) a participant barred from engaging in a
22 work activity because the participant has a temporary or
23 permanent disability;

24 (2) a participant over age sixty;

25 (3) a participant barred from engaging in a

1 work activity because the participant provides the sole care
2 for a person with a disability;

3 (4) a single custodial parent caring for a
4 child less than twelve months old for a lifetime total of
5 twelve months;

6 (5) a single custodial parent caring for a
7 child under six years of age if the parent is unable to
8 obtain child care for one or more of the following reasons:

9 (a) unavailability of appropriate child
10 care within a reasonable distance from the parent's home or
11 work as defined by the children, youth and families
12 department;

13 (b) unavailability or unsuitability of
14 informal child care by a relative under other arrangements as
15 defined by the children, youth and families department; or

16 (c) unavailability of appropriate and
17 affordable formal child-care arrangements as defined by the
18 children, youth and families department;

19 (6) a pregnant woman during her last
20 trimester of pregnancy;

21 (7) a participant prevented from working by
22 a temporary emergency or a situation that precludes work
23 participation for thirty days or less;

24 (8) a participant who demonstrates by
25 reliable medical, psychological or mental reports, court

1 orders or police reports that family violence or threat of
2 family violence effectively bars the participant from
3 employment; and

4 (9) a participant who demonstrates good
5 cause of the need for the exemption.

6 J. As a condition of the exemptions identified in
7 Subsection I of this section, the department may establish
8 participation requirements specific to the participant's
9 condition or circumstances, such as substance abuse services,
10 mental health services, domestic violence services, pursuit
11 of disability benefits, job readiness or education directly
12 related to employment. The activities are established to
13 improve the participant's capacity to improve income and
14 strengthen family support."

15 SECTION 5. Section 29-7C-3 NMSA 1978 (being Laws 2003,
16 Chapter 320, Section 5) is amended to read:

17 "29-7C-3. QUALIFICATIONS FOR CERTIFICATION.--An
18 applicant for certification shall provide evidence
19 satisfactory to the board that the applicant:

20 A. is a citizen or legal resident of the United
21 States and has reached the age of majority;

22 B. holds a high school diploma or high school
23 equivalency diploma from an accredited institution;

24 C. has not been convicted of, pled guilty to or
25 entered a plea of nolo contendere to a:

1 (1) felony charge; or

2 (2) violation of a federal or state law, a
3 local ordinance relating to aggravated assault or theft or a
4 law involving moral turpitude within the three-year period
5 immediately preceding the application;

6 D. has not received a dishonorable discharge from
7 the armed forces of the United States;

8 E. is free from a physical, emotional or mental
9 condition that might adversely affect performance;

10 F. is of good moral character;

11 G. has met all other requirements for
12 certification prescribed by the board; and

13 H. has received a certificate attesting to the
14 completion of an approved basic telecommunicator training
15 program from the director."

16 SECTION 6. Section 31-18-22 NMSA 1978 (being Laws 1990,
17 Chapter 51, Section 1) is amended to read:

18 "31-18-22. SPECIAL INCARCERATION ALTERNATIVE PROGRAM.--

19 A. The corrections department shall develop and
20 implement a special incarceration alternative program for
21 certain adult male and adult female felony offenders pursuant
22 to this section. The program shall provide substance abuse
23 counseling and treatment, high school equivalency diploma
24 preparatory courses, manual labor assignments, physical
25 training and drills, training in decision making and personal

1 development and pre-release skills training. The programs
2 shall be conducted in a strict disciplinary environment.
3 Emphasis shall be given to rehabilitation of alcohol and
4 substance abusers. The corrections department shall require
5 that program participants complete a structured, ninety-day
6 program.

7 B. Participation in the program shall be limited
8 to those offenders sentenced on or after July 1, 1990.
9 Offenders ineligible to participate in the program are
10 offenders:

- 11 (1) sentenced to death;
- 12 (2) who have received a life sentence;
- 13 (3) with a record of prior confinement for a
14 felony conviction;
- 15 (4) convicted of murder in the first or
16 second degree, child abuse resulting in death or great bodily
17 harm, criminal sexual penetration in the first or second
18 degree or criminal sexual contact with a minor;
- 19 (5) convicted of an offense carrying a
20 mandatory sentence that cannot be suspended or deferred;
- 21 (6) who have participated in a special
22 incarceration alternative program in the past;
- 23 (7) who are more than thirty years of age at
24 time of sentencing; or
- 25 (8) who do not volunteer to participate in

1 the program and who do not agree to the special conditions of
2 probation for successful program participants.

3 C. The corrections department shall develop and
4 adopt regulations to provide for the screening of all
5 convicted felons sentenced to the custody of the corrections
6 department. The regulations shall provide that the screening
7 occurs within thirty days of sentencing. Persons deemed
8 suitable under the regulations adopted pursuant to this
9 subsection shall not be denied eligibility for participation
10 in the program solely due to physical disability.

11 D. If the sentencing court accepts the
12 recommendation of the corrections department that the
13 offender is suitable for participation in a special
14 incarceration alternative program, the court shall resentence
15 the offender to provide that, in the event the offender
16 successfully completes the program, the remainder of the
17 sentence shall be suspended and the offender shall be placed
18 on probation for the remainder of the term. The sentencing
19 court shall be notified in writing by the corrections
20 department of the offender's successful completion of the
21 special incarceration alternative program.

22 E. The corrections department may contract for the
23 design, construction and lease of a facility to house a
24 special incarceration alternative program with public or
25 private agencies, entities or persons capable of providing

1 financing or construction of such a facility. The facility
2 shall be operated by the corrections department.

3 F. Appropriate post-institutional treatment shall
4 be made available by the corrections department to the
5 offender."

6 SECTION 7. Section 33-2-34 NMSA 1978 (being Laws 1999,
7 Chapter 238, Section 1, as amended) is amended to read:

8 "33-2-34. ELIGIBILITY FOR EARNED MERITORIOUS
9 DEDUCTIONS.--

10 A. To earn meritorious deductions, a prisoner
11 confined in a correctional facility designated by the
12 corrections department must be an active participant in
13 programs recommended for the prisoner by the classification
14 supervisor and approved by the warden or the warden's
15 designee. Meritorious deductions shall not exceed the
16 following amounts:

17 (1) for a prisoner confined for committing a
18 serious violent offense, up to a maximum of four days per
19 month of time served;

20 (2) for a prisoner confined for committing a
21 nonviolent offense, up to a maximum of thirty days per month
22 of time served;

23 (3) for a prisoner confined following
24 revocation of parole for the alleged commission of a new
25 felony offense or for absconding from parole, up to a maximum

1 of four days per month of time served during the parole term
2 following revocation; and

3 (4) for a prisoner confined following
4 revocation of parole for a reason other than the alleged
5 commission of a new felony offense or absconding from parole:

6 (a) up to a maximum of eight days per
7 month of time served during the parole term following
8 revocation, if the prisoner was convicted of a serious violent
9 offense or failed to pass a drug test administered as a
10 condition of parole; or

11 (b) up to a maximum of thirty days per
12 month of time served during the parole term following
13 revocation, if the prisoner was convicted of a nonviolent
14 offense.

15 B. A prisoner may earn meritorious deductions upon
16 recommendation by the classification supervisor, based upon
17 the prisoner's active participation in approved programs and
18 the quality of the prisoner's participation in those approved
19 programs. A prisoner may not earn meritorious deductions
20 unless the recommendation of the classification supervisor is
21 approved by the warden or the warden's designee.

22 C. If a prisoner's active participation in
23 approved programs is interrupted by a lockdown at a
24 correctional facility, the prisoner may continue to be awarded
25 meritorious deductions at the rate the prisoner was earning

1 meritorious deductions prior to the lockdown, unless the
2 warden or the warden's designee determines that the prisoner's
3 conduct contributed to the initiation or continuance of the
4 lockdown.

5 D. A prisoner confined in a correctional facility
6 designated by the corrections department is eligible for
7 lump-sum meritorious deductions as follows:

8 (1) for successfully completing an approved
9 vocational, substance abuse or mental health program, one
10 month; except when the prisoner has a demonstrable physical,
11 mental health or developmental disability that prevents the
12 prisoner from successfully earning a high school equivalency
13 diploma, in which case, the prisoner shall be awarded three
14 months;

15 (2) for earning a high school equivalency
16 diploma, three months;

17 (3) for earning an associate's degree, four
18 months;

19 (4) for earning a bachelor's degree, five
20 months;

21 (5) for earning a graduate qualification,
22 five months; and

23 (6) for engaging in a heroic act of saving
24 life or property, engaging in extraordinary conduct for the
25 benefit of the state or the public that is at great expense or

1 risk to or involves great effort on the part of the prisoner
2 or engaging in extraordinary conduct far in excess of normal
3 program assignments that demonstrates the prisoner's
4 commitment to self-rehabilitation. The classification
5 supervisor and the warden or the warden's designee may
6 recommend the number of days to be awarded in each case based
7 upon the particular merits, but any award shall be determined
8 by the director of the adult institutions division of the
9 corrections department or the director's designee.

10 E. Lump-sum meritorious deductions, provided in
11 Paragraphs (1) through (6) of Subsection D of this section,
12 may be awarded in addition to the meritorious deductions
13 provided in Subsections A and B of this section. Lump-sum
14 meritorious deductions shall not exceed one year per award and
15 shall not exceed a total of one year for all lump-sum
16 meritorious deductions awarded in any consecutive twelve-month
17 period.

18 F. A prisoner is not eligible to earn meritorious
19 deductions if the prisoner:

20 (1) disobeys an order to perform labor,
21 pursuant to Section 33-8-4 NMSA 1978;

22 (2) is in disciplinary segregation;

23 (3) is confined for committing a serious
24 violent offense and is within the first sixty days of receipt
25 by the corrections department; or

1 (4) is not an active participant in programs
2 recommended and approved for the prisoner by the
3 classification supervisor.

4 G. The provisions of this section shall not be
5 interpreted as providing eligibility to earn meritorious
6 deductions from a sentence of life imprisonment or a sentence
7 of life imprisonment without possibility of release or parole.

8 H. The corrections department shall promulgate
9 rules to implement the provisions of this section, and the
10 rules shall be matters of public record. A concise summary of
11 the rules shall be provided to each prisoner, and each
12 prisoner shall receive a quarterly statement of the
13 meritorious deductions earned.

14 I. A New Mexico prisoner confined in a federal or
15 out-of-state correctional facility is eligible to earn
16 meritorious deductions for active participation in programs on
17 the basis of the prisoner's conduct and program reports
18 furnished by that facility to the corrections department. All
19 decisions regarding the award and forfeiture of meritorious
20 deductions at such facility are subject to final approval by
21 the director of the adult institutions division of the
22 corrections department or the director's designee.

23 J. In order to be eligible for meritorious
24 deductions, a prisoner confined in a federal or out-of-state
25 correctional facility designated by the corrections department

1 must actively participate in programs that are available. If
2 a federal or out-of-state correctional facility does not have
3 programs available for a prisoner, the prisoner may be awarded
4 meritorious deductions at the rate the prisoner could have
5 earned meritorious deductions if the prisoner had actively
6 participated in programs.

7 K. A prisoner confined in a correctional facility
8 in New Mexico that is operated by a private company, pursuant
9 to a contract with the corrections department, is eligible to
10 earn meritorious deductions in the same manner as a prisoner
11 confined in a state-run correctional facility. All decisions
12 regarding the award or forfeiture of meritorious deductions at
13 such facilities are subject to final approval by the director
14 of the adult institutions division of the corrections
15 department or the director's designee.

16 L. As used in this section:

17 (1) "active participant" means a prisoner
18 who has begun, and is regularly engaged in, approved programs;

19 (2) "program" means work, vocational,
20 educational, substance abuse and mental health programs,
21 approved by the classification supervisor, that contribute to
22 a prisoner's self-betterment through the development of
23 personal and occupational skills. "Program" does not include
24 recreational activities;

25 (3) "nonviolent offense" means any offense

1 other than a serious violent offense; and

2 (4) "serious violent offense" means:

3 (a) second degree murder, as provided
4 in Section 30-2-1 NMSA 1978;

5 (b) voluntary manslaughter, as provided
6 in Section 30-2-3 NMSA 1978;

7 (c) third degree aggravated battery, as
8 provided in Section 30-3-5 NMSA 1978;

9 (d) third degree aggravated battery
10 against a household member, as provided in Section 30-3-16
11 NMSA 1978;

12 (e) first degree kidnapping, as
13 provided in Section 30-4-1 NMSA 1978;

14 (f) first and second degree criminal
15 sexual penetration, as provided in Section 30-9-11 NMSA 1978;

16 (g) second and third degree criminal
17 sexual contact of a minor, as provided in Section 30-9-13
18 NMSA 1978;

19 (h) first and second degree robbery, as
20 provided in Section 30-16-2 NMSA 1978;

21 (i) second degree aggravated arson, as
22 provided in Section 30-17-6 NMSA 1978;

23 (j) shooting at a dwelling or occupied
24 building, as provided in Section 30-3-8 NMSA 1978;

25 (k) shooting at or from a motor

1 vehicle, as provided in Section 30-3-8 NMSA 1978;

2 (l) aggravated battery upon a peace
3 officer, as provided in Section 30-22-25 NMSA 1978;

4 (m) assault with intent to commit a
5 violent felony upon a peace officer, as provided in Section
6 30-22-23 NMSA 1978;

7 (n) aggravated assault upon a peace
8 officer, as provided in Section 30-22-22 NMSA 1978; or

9 (o) any of the following offenses, when
10 the nature of the offense and the resulting harm are such that
11 the court judges the crime to be a serious violent offense for
12 the purpose of this section: 1) involuntary manslaughter, as
13 provided in Section 30-2-3 NMSA 1978; 2) fourth degree
14 aggravated assault, as provided in Section 30-3-2 NMSA 1978;
15 3) third degree assault with intent to commit a violent
16 felony, as provided in Section 30-3-3 NMSA 1978; 4) fourth
17 degree aggravated assault against a household member, as
18 provided in Section 30-3-13 NMSA 1978; 5) third degree assault
19 against a household member with intent to commit a violent
20 felony, as provided in Section 30-3-14 NMSA 1978; 6) third and
21 fourth degree aggravated stalking, as provided in Section
22 30-3A-3.1 NMSA 1978; 7) second degree kidnapping, as provided
23 in Section 30-4-1 NMSA 1978; 8) second degree abandonment of a
24 child, as provided in Section 30-6-1 NMSA 1978; 9) first,
25 second and third degree abuse of a child, as provided in

1 Section 30-6-1 NMSA 1978; 10) third degree dangerous use of
2 explosives, as provided in Section 30-7-5 NMSA 1978; 11) third
3 and fourth degree criminal sexual penetration, as provided in
4 Section 30-9-11 NMSA 1978; 12) fourth degree criminal sexual
5 contact of a minor, as provided in Section 30-9-13 NMSA 1978;
6 13) third degree robbery, as provided in Section 30-16-2
7 NMSA 1978; 14) third degree homicide by vehicle or great
8 bodily harm by vehicle, as provided in Section 66-8-101
9 NMSA 1978; or 15) battery upon a peace officer, as provided in
10 Section 30-22-24 NMSA 1978.

11 M. Except for sex offenders, as provided in
12 Section 31-21-10.1 NMSA 1978, an offender sentenced to
13 confinement in a correctional facility designated by the
14 corrections department who has been released from confinement
15 and who is serving a parole term may be awarded earned
16 meritorious deductions of up to thirty days per month upon
17 recommendation of the parole officer supervising the offender,
18 with the final approval of the adult parole board. The
19 offender must be in compliance with all the conditions of the
20 offender's parole to be eligible for earned meritorious
21 deductions. The adult parole board may remove earned
22 meritorious deductions previously awarded if the offender
23 later fails to comply with the conditions of the offender's
24 parole. The corrections department and the adult parole board
25 shall promulgate rules to implement the provisions of this

1 subsection. This subsection applies to offenders who are
2 serving a parole term on or after July 1, 2004."

3 SECTION 8. Section 33-11-3 NMSA 1978 (being Laws 1988,
4 Chapter 78, Section 3) is amended to read:

5 "33-11-3. REGULATIONS.--

6 A. The corrections department, by July 1, 1988,
7 shall adopt regulations for all adult correctional
8 institutions operated by the department for the implementation
9 of a mandatory education program for all inmates to attain a
10 minimum education standard as set forth in this section.

11 B. The regulations shall apply only to any inmate
12 who:

13 (1) commits a crime after the effective date
14 of the Inmate Literacy Act; and

15 (2) has eighteen months or more remaining to
16 be served on the inmate's sentence of incarceration; and that:

17 (a) is not exempted due to a medical,
18 developmental or learning disability; or

19 (b) does not possess a high school
20 equivalency diploma or a high school diploma.

21 C. The regulations adopted shall require that:

22 (1) a minimum education standard shall be
23 met beginning in 1988 and in all subsequent years as follows:

24 (a) in 1988, the education standard
25 shall be the equivalent of grade six in reading and math on

1 the test of adult basic education;

2 (b) in 1989, the education standard
3 shall be the equivalent of grade seven in reading and math on
4 the test of adult basic education;

5 (c) in 1990, the education standard
6 shall be the equivalent of grade eight in reading and math on
7 the test of adult basic education; and

8 (d) in 1991, the education standard
9 shall be a high school diploma or a high school equivalency
10 diploma;

11 (2) inmates who meet the criteria in
12 Subsection B of this section shall be required to participate
13 in education programs for ninety days. After ninety days,
14 inmates may choose to withdraw from educational programs but
15 will be subject to the provisions of Paragraph (3) of this
16 subsection; and

17 (3) notwithstanding any other provision of
18 law, inmates who are subject to these regulations but who
19 refuse or choose not to participate shall not be eligible for
20 monetary compensation for work performed or for meritorious
21 deduction as set forth in Subsection A of Section 33-2-34
22 NMSA 1978.

23 D. The regulations may:

24 (1) exclude any inmate who has been
25 incarcerated for less than ninety days in an institution

1 controlled by the corrections department;

2 (2) exclude any inmate who is assigned a
3 minimum custody classification; or

4 (3) defer educational requirements for
5 inmates with sentences longer than ten years."

6 SECTION 9. Section 52-1-26.3 NMSA 1978 (being Laws 1990
7 (2nd S.S.), Chapter 2, Section 14, as amended) is amended to
8 read:

9 "52-1-26.3. PARTIAL DISABILITY DETERMINATION--EDUCATION
10 MODIFICATION.--

11 A. The range of the education modification is one
12 to eight. The modification shall be based upon the worker's
13 formal education, skills and training at the time of the
14 disability rating.

15 B. A worker shall be awarded points based on the
16 formal education he has received. A worker who:

17 (1) has completed no higher than the fifth
18 grade shall be awarded three points;

19 (2) has completed the sixth grade but has
20 completed no higher than the eleventh grade shall be awarded
21 two points;

22 (3) has completed the twelfth grade or has
23 obtained a high school equivalency diploma but has not
24 completed a college degree shall be awarded one point; and

25 (4) has completed a college degree or more

1 shall receive zero points.

2 C. A worker shall be awarded points based upon the
3 worker's skills. Skills shall be measured by reviewing the
4 jobs the worker has successfully performed during the ten
5 years preceding the date of disability determination. For the
6 purposes of this section, "successfully performed" means
7 having remained on the job the length of time necessary to
8 meet the specific vocational preparation (SVP) time
9 requirement for that job as established in the dictionary of
10 occupational titles published by the United States department
11 of labor. The appropriate award of points shall be based upon
12 the highest SVP level demonstrated by the worker in the
13 performance of the jobs the worker has successfully performed
14 in the ten-year period preceding the date of disability
15 determination, as follows:

16 (1) a worker with an SVP of one to two shall
17 be awarded four points;

18 (2) a worker with an SVP of three to four
19 shall be awarded three points;

20 (3) a worker with an SVP of five to six
21 shall be awarded two points; and

22 (4) a worker with an SVP of seven to nine
23 shall be awarded one point.

24 D. A worker shall be awarded points based upon the
25 training the worker has received. A worker who cannot

1 competently perform a specific vocational pursuit shall be
2 awarded one point. A worker who can perform a specific
3 vocational pursuit shall not receive any points.

4 E. The sum of the points awarded the worker in
5 Subsections B, C and D of this section shall constitute the
6 education modification."

7 SECTION 10. Section 58-28-5 NMSA 1978 (being Laws 1997,
8 Chapter 118, Section 5, as amended) is amended to read:

9 "58-28-5. USE OF MONEY--ELIGIBLE ACTIVITIES.--

10 A. Money from the fund and other sources may be
11 used to finance in whole or in part any loans or grant
12 projects that will provide housing for low-income persons and
13 for other uses specified in this section. Money deposited
14 into the fund may be used annually as follows:

15 (1) no more than five percent of the fund
16 shall be used for expenses of administering the fund;

17 (2) no less than twenty percent of the fund
18 shall be invested in a permanent capital fund, the interest on
19 which may be used for purposes specified in this section;

20 (3) no less than fifty percent of the fund
21 shall be allocated to eligible organizations to make housing
22 more accessible to low-income persons;

23 (4) no more than ten percent of the fund may
24 be allocated for use to provide scholarships for New Mexico
25 high school graduates and high school equivalency diploma

1 recipients at New Mexico public post-secondary educational
2 institutions under a program approved by the trustee under the
3 administration of a nonprofit statewide land title
4 association; and

5 (5) the remaining balance may be allocated
6 to eligible organizations for other housing-related programs
7 for the benefit of the public as specifically approved by the
8 trustee from time to time.

9 B. Money in the capital fund authorized in
10 Paragraph (2) of Subsection A of this section may be invested
11 in fully amortizing interest-bearing mortgages secured by real
12 property in New Mexico, the interest on which may be used for
13 purposes specified in this section."

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25 SENATE
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s/John A. Sanchez
John A. Sanchez, President
Senate

s/Lenore M. Naranjo
Lenore M. Naranjo, Chief Clerk
Senate

s/W. Ken Martinez
W. Ken Martinez, Speaker
House of Representatives

s/Stephen R. Arias
Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this _____ day of _____, 2013

s/Governor Susana Martinez
Governor Susana Martinez
State of New Mexico

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