

RESOLUTION OF THE
NAABIK'ÍYATI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL—FIRST YEAR, 2015

AN ACTION

RELATING TO NAABIK'ÍYATI' COMMITTEE; RESPECTFULLY REQUESTING THE
STATE OF NEW MEXICO TO CONSIDER AMENDMENTS AND AN APPROPRIATION
IN NEW MEXICO HOUSE BILL 108, INTRODUCED BY PATRICIA A. LUNDSTROM

WHEREAS:

A. Upon the 23rd Navajo Nation Council's swearing in, Naabik'íyati' Committee exists with all its powers and duties; even though other Navajo Nation standing committees cannot be appointed prior to the 2015 Winter Session. Memorandum from the Office of Legislative Counsel to the Navajo Nation Speaker Pro Tem (Jan. 12, 2015).

B. The Navajo Nation established the Naabik'íyati' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'íyati' Committee to coordinate all state programs, i.e. New Mexico Department of Health, to provide efficient services to Navajo members. 2 N.N.C. §§ 164 (A)(9), 700 (A), 701 (A)(4) (2012) *see also* CO-45-12.

C. The Navajo Nation has a government-to-government relationship with the State of New Mexico; and

D. New Mexico Senate Bill 196: State-Tribal Collaboration Act sought to enhance the government-to government relationship between Indian nations and the state agencies; and

E. On December 17, 2009, the New Mexico Department of Health adopted the State-Tribal Consultation, Collaboration and Communication Policy which sought to improve government-to-government relationships with the Indian nations; and

F. House Representative Patricia A. Lundstrom introduced House Bill 108, relating to public health; EXHIBIT A; and

G. The State of New Mexico seeks to amend the Interagency Behavioral Health Purchasing Collaborative which will create a statewide master plan on the delivery of behavioral health services; and

H. The Navajo Nation Department of Health desires to be part of the Collaborative because there are a number of Navajo Nation members who live in border towns and Albuquerque; EXHIBIT B; and

I. The Navajo Nation Department of Health respectfully requests the State of New Mexico appropriate some monies to assist with epidemiological data collection and behavioral health services; EXHIBIT B.

J. The Naabik'íyáti Committee of the Navajo Nation Council makes recommendations to the body of New Mexico House Bill 108 as set forth in EXHIBIT C.

NOW THEREFORE, BE IT RESOLVED:

1. The Navajo Nation respectfully requests the New Mexico Legislature or their designees to include Navajo Nation designee on the Interagency Behavioral Health Purchasing Collaborative.

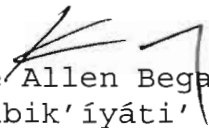
2. The Navajo Nation respectfully requests the New Mexico Legislature to appropriate funds to assist with epidemiological data collection.

3. The Navajo Nation respectfully requests that the New Mexico State Legislators take into consideration the Naabik'íyáti' Committee of the Navajo Nation Council's recommended amendments to House Bill 108 as set forth in EXHIBIT C.

4. The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation Speaker, and their designees, to advocate on their behalf.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 19 in favor and 0 opposed, this 22nd day of January 2015.


Kee Allen Begay, Pro Tem Chairperson
Naabik'íyáti' Committee

Motion: Honorable Edmund Yazzie
Second: Honorable Otto Tso



1 HOUSE BILL 108

2 52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

3 INTRODUCED BY

4 Patricia A. Lundstrom

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8
9
10 AN ACT

11 RELATING TO PUBLIC HEALTH; AMENDING A SECTION OF THE DEPARTMENT
12 OF HEALTH ACT TO PROVIDE FOR THE CREATION AND RANKING OF
13 INVESTMENT ZONES STATEWIDE FOR THE PRIORITIZATION OF BEHAVIORAL
14 HEALTH SERVICE DELIVERY; MAKING AN APPROPRIATION.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 9-7-6.4 NMSA 1978 (being Laws 2004,
18 Chapter 46, Section 8, as amended) is amended to read:

19 "9-7-6.4. INTERAGENCY BEHAVIORAL HEALTH PURCHASING
20 COLLABORATIVE.--

21 A. There is created the "interagency behavioral
22 health purchasing collaborative", consisting of the secretaries
23 of aging and long-term services; Indian affairs; human
24 services; health; corrections; children, youth and families;
25 finance and administration; workforce solutions; public

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1 education; and transportation; the directors of the
2 administrative office of the courts; the New Mexico mortgage
3 finance authority; the governor's commission on disability; the
4 developmental disabilities planning council; the instructional
5 support and vocational ~~[rehabilitation]~~ education division of
6 the public education department; and the New Mexico health
7 policy commission; and the governor's health policy
8 coordinator, or their designees. The collaborative shall be
9 chaired by the secretary of human services with the respective
10 secretaries of health and children, youth and families
11 alternating annually as co-chairs. The collaborative shall
12 meet regularly and at the call of either co-chair.

13 B. The collaborative shall ~~[meet regularly and at~~
14 ~~the call of either co-chair and shall:~~

15 ~~(1) identify behavioral health needs~~
16 ~~statewide, with an emphasis on that hiatus between needs and~~
17 ~~services set forth in the department of health's gap analysis~~
18 ~~and in ongoing needs assessments, and develop a master plan for~~
19 ~~statewide delivery of services;~~

20 ~~(2) give special attention to regional~~
21 ~~differences, including cultural, rural, frontier, urban and~~
22 ~~border issues;~~

23 ~~(3) inventory all expenditures for behavioral~~
24 ~~health, including mental health and substance abuse;~~

25 ~~(4) plan, design and direct a statewide~~

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1 ~~behavioral health system, ensuring both availability of~~
2 ~~services and efficient use of all behavioral health funding,~~
3 ~~taking into consideration funding appropriated to specific~~
4 ~~affected departments; and~~

5 ~~(5) contract for operation of one or more~~
6 ~~behavioral health entities to ensure availability of services~~
7 ~~throughout the state.~~

8 ~~G. The plan for delivery of behavioral health~~
9 ~~services shall]~~ create a master plan for the delivery of
10 behavioral health services statewide, pursuant to which the
11 collaborative shall divide the state into geographically
12 designated investment zones. The secretary of health shall
13 provide to the collaborative epidemiological data and other
14 source data that identify the combined incidence of mortality
15 related to alcohol use, drug overdose and suicide in each
16 investment zone. Using these combined incidence data, the
17 collaborative shall assign a "tier three" ranking to those
18 investment zones with the highest incidence and a "tier one"
19 ranking to those investment zones with the lowest incidence.
20 The collaborative shall:

21 (1) establish a funding formula according to
22 which tier three investment zones are assigned the highest
23 priority for the funding of behavioral health services, tier
24 two investment zones are assigned a lower priority and tier one
25 investment zones are assigned the lowest priority;

1 (2) ensure the delivery of only those
2 behavioral health services that are evidence-based services;

3 (3) direct the allocation of general fund
4 appropriations for the delivery of behavioral health services
5 in an investment zone only if a local government matches at
6 least twenty-five percent of the cost of the behavioral health
7 services;

8 (4) establish a limit on local government
9 contributions to effect a distribution of behavioral health
10 services that prioritizes allocation according to tier ranking
11 while ensuring statewide delivery of behavioral health
12 services;

13 (5) contract for the operation of one or more
14 behavioral health entities to ensure availability of services
15 throughout the state;

16 (6) inventory all expenditures for behavioral
17 health services, including mental health and substance use
18 disorder treatment services;

19 (7) ensure that behavioral health service
20 delivery accords special attention to regional differences,
21 including characteristics related to each region's culture and
22 language as well as geographic situation in a rural, frontier,
23 urban or border area;

24 (8) report annually to the legislature:

25 (a) the status of master plan

1 implementation, including the collaborative's progress toward
2 achieving its strategic goals;

3 (b) the collaborative's progress in
4 addressing the behavioral health needs in investment zones
5 according to tier ranking;

6 (c) information relating to the
7 performance of persons that provide services to the
8 collaborative by contract, including but not limited to the
9 performance of the behavioral health entities with which the
10 collaborative contracts pursuant to Paragraph (5) of this
11 subsection;

12 (d) the following information relating
13 to services and program operations: 1) the number of
14 individuals served; 2) the most frequently treated diagnoses;
15 and 3) expenditures by type of service and other aggregate
16 claims data;

17 (e) general fund and local government
18 funding allocated for the delivery of behavioral health
19 services to each investment zone;

20 (f) the specific evidence-based
21 behavioral health services delivered in the targeted investment
22 zones; and

23 (g) data comparing clinical outcomes for
24 evidence-based behavioral services in the investment zones
25 before and after implementation of the investment zones

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1 targeting program; and

2 (9) include in the master plan specific
3 service plans to address the needs of infants, children,
4 adolescents, adults and seniors, as well as to address work
5 force development and retention and quality improvement issues.

6 C. The collaborative shall revise the plan [~~shall~~
7 ~~be revised~~] every two years [~~and shall be adopted by~~]. The
8 department of health shall adopt the master plan as part of the
9 statewide health plan.

10 D. The master plan shall take the following
11 principles into consideration, to the extent practicable and
12 within available resources:

13 (1) services should be individually centered
14 and family-focused based on principles of individual capacity
15 for recovery and resiliency;

16 (2) services should be delivered in a
17 culturally responsive manner in a home- or community-based
18 setting, where possible;

19 (3) services should be delivered in the least
20 restrictive and most appropriate manner;

21 (4) individualized service planning and case
22 management should take into consideration individual and family
23 circumstances, abilities and strengths and be accomplished in
24 consultation with appropriate family members, caregivers and
25 other persons critical to the individual's life and well-being;

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1 (5) services should be coordinated,
2 accessible, accountable and of high quality;

3 (6) services should be directed by the
4 individual or family served to the extent possible;

5 (7) services may be consumer- or family-
6 provided, as defined by the collaborative; and

7 (8) services should include behavioral health
8 promotion, prevention, early intervention, treatment and
9 community support [~~and~~

10 ~~(9) services should consider regional~~
11 ~~differences, including cultural, rural, frontier, urban and~~
12 ~~border issues].~~

13 E. The collaborative shall seek and consider
14 suggestions of Native American representatives from Indian
15 nations, tribes and pueblos and the urban Indian population,
16 located wholly or partially within New Mexico, in the
17 development of the master plan for delivery of behavioral
18 health services.

19 F. Pursuant to the State Rules Act, the
20 collaborative shall adopt rules through the human services
21 department for:

22 (1) standards of delivery for behavioral
23 health services provided through contracted behavioral health
24 entities, including:

25 (a) quality management and improvement;

1 (b) performance measures;
2 (c) accessibility and availability of
3 services;
4 (d) utilization management;
5 (e) credentialing of providers;
6 (f) rights and responsibilities of
7 consumers and providers;
8 (g) clinical evaluation and treatment
9 and supporting documentation; and
10 (h) confidentiality of consumer records;
11 and

12 (2) approval of contracts and contract
13 amendments by the collaborative, including public notice of the
14 proposed final contract.

15 G. The collaborative shall, through the human
16 services department, submit a separately identifiable
17 consolidated behavioral health budget request. The
18 consolidated behavioral health budget request shall account for
19 requested funding for the behavioral health services program at
20 the human services department and any other requested funding
21 for behavioral health services from agencies identified in
22 Subsection A of this section that will be used pursuant to
23 Paragraph (5) of Subsection B of this section. Any contract
24 proposed, negotiated or entered into by the collaborative is
25 subject to the provisions of the Procurement Code.

1 H. The collaborative shall, with the consent of the
2 governor, appoint a "director of the collaborative". The
3 director is responsible for the coordination of day-to-day
4 activities of the collaborative, including the coordination of
5 staff from the collaborative member agencies.

6 I. The collaborative shall provide a quarterly
7 report to the legislative finance committee on performance
8 outcome measures. ~~[The collaborative shall submit an annual~~
9 ~~report to the legislative finance committee and the interim~~
10 ~~legislative health and human services committee that provides~~
11 ~~information on:~~

12 ~~(1) the collaborative's progress toward~~
13 ~~achieving its strategic plans and goals;~~

14 ~~(2) the collaborative's performance~~
15 ~~information, including contractors and providers; and~~

16 ~~(3) the number of people receiving services,~~
17 ~~the most frequently treated diagnoses, expenditures by type of~~
18 ~~service and other aggregate claims data relating to services~~
19 ~~rendered and program operations.]~~

20 J. As used in this section:

21 (1) "class A county" means a county having a
22 final, full assessed valuation of over seventy-five million
23 dollars (\$75,000,000) and having a population of one hundred
24 thousand persons or more as determined by the most current
25 annual population data or estimate available from the United

1 States census bureau;

2 (2) "investment zone" means an area that is
3 under county police power jurisdiction:

4 (a) that is contiguous with the
5 boundaries of a county that is not a class A county; or

6 (b) for which the secretary of health
7 designates the boundaries, if located within a class A county;
8 and

9 (3) "local government" means the governing
10 body of a county, an incorporated municipality or an Indian
11 nation, tribe or pueblo."

12 SECTION 2. APPROPRIATION.--One million dollars
13 (\$1,000,000) is appropriated from the general fund to the
14 department of health for expenditure in fiscal year 2016 to
15 fund the creation and prioritization of investment zones
16 statewide pursuant to Section 1 of this act for behavioral
17 health service delivery through the interagency behavioral
18 health purchasing collaborative. Any unexpended or
19 unencumbered balance remaining at the end of fiscal year 2016
20 shall revert to the general fund.

21 SECTION 3. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2015.

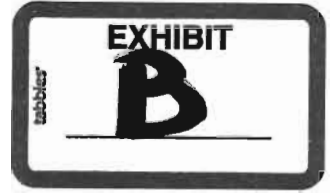
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NAVAJO DIVISION OF HEALTH



Memorandum

TO: Hon. Jonathan L. Hale, Chairperson
Health, Education, and Human Services Committee

FROM: *Ramona Antone Nez*
Ramona Antone Nez, MPH, BSN, Acting Executive Director
Navajo Division of Health

DATE: January 6, 2015

SUBJECT: Recommendations to House Bill 52nd Legislature – State of New Mexico – First Session, 2015, Discussion Draft

This is a response to Memorandum December 30, 2014 on Subject: Navajo Department of Health Recommendations. The above mentioned House Bill Discussion Draft of 12/19/14 is an Act relating to public health; amending a section of the New Mexico Department of Health. There are ten (10) sections of the House Bill and are as follows:

Section 1. Is amended to read: 9-7-6.4. Interagency Behavioral Health Purchasing Collaborative. Recommendations to have a strong statement on behalf of the Navajo Nation: The Navajo Nation requests a seat on the "interagency behavioral health purchasing collaborative" to remain involved and collaborate in discussions and decision making to the:

- a. master plan;
- b. epidemiological data, and other data sources;
- c. "tier three" ranking to investment zones;
- d. establish a funding formula – according to which tier-three investment zones with the highest priority for the funding of behavioral health services;
- e. ensure delivery of only those behavioral health services that are evidence-based services;
- f. general fund appropriations for the delivery of behavioral health services, include behavioral health promotion, prevention early intervention, treatment and community support in an investment zone only if a local government matches at least twenty-five percent of the cost of the behavioral health services;
- g. establish a limit on local government contributions;
- h. contract – if appropriate – for behavioral health services;
- i. represent special attention to regional differences in border towns of the Navajo Nation in New Mexico.
- j. annual reports;
- k. culturally responsive.



Section 2. A new section of the Liquor Control Act is enacted to read: Interagency Behavioral health Purchasing Collaborative Reports – Local Option District Investment Zone Tier Ranking – Restricted Hours of Sale and Service.

Recommendations: What tier ranking are Navajo Nation border towns?

Section 3. Is amended to read: 60-6A-4. Restaurant License.

Section 4. Is amended to read: 60-6A-6.1. Craft Distiller's License.

Section 5. Is amended to read: 60-6A-11. Winegrower's License.

Section 6. Is amended to read: 60-6A-26.1. Small Brewer's License.

Section 7. Is amended to read: 60-6B-2. Applications.

Section 8. Is amended to read: 60-6B-4. Issuance or Transfer of License – Approval of Appropriate Governing Body.

Section 9. Is amended to read: 60-7A-1 Hours and days of business –Sunday sales –Christmas day sales—Sunday sales for consumption of the licensed premises—Elections.

Section 10. Appropriation.

Recommendation: The Navajo Nation requests an appropriation to assist with epidemiological data collection and behavioral health services to create and prioritize investment zones on the New Mexico portion of the Navajo Nation and border towns.

Section 11. Repeal.

Section 12. Effective Date.

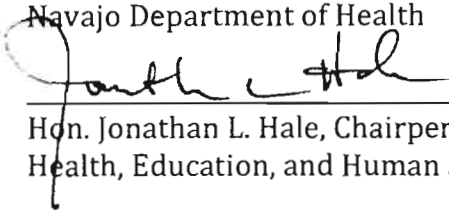
If you have any questions please contact me at (928) 245-1504.



December 30, 2014

MEMORANDUM

TO: Ramona Antone-Nez, Acting Executive Director
Navajo Department of Health

FROM: 
Hon. Jonathan L. Hale, Chairperson
Health, Education, and Human Services Committee

SUBJECT: Navajo Department of Health Recommendations

This memorandum request of recommendations to the language to this bill, which will be introduced to the New Mexico State Legislature so that we can have a strong statement on behalf of the Navajo people. This document was received during the report of the Gallup Detox in Gallup, New Mexico.

Please refer the document back to Ms. Beverly Martinez, Legislative Advisor of the Health, Education, and Human Services Committee by January 6, 2015.

If you have any further questions please contact me at (928) 380-6057. Thank you.

xc: Hon. LoRenzo Bates, Speaker Pro Temp
Mr. Lavon Henry, Chief Legislative Counsel
Health, Education and Human Services Committee Members
LEGISLATIVE BRANCH
Hon. Rex Lee Jim, Vice President
NAVAJO NATION
File

HOUSE BILL

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PUBLIC HEALTH; AMENDING A SECTION OF THE DEPARTMENT
OF HEALTH ACT TO PROVIDE FOR THE CREATION AND RANKING OF
INVESTMENT ZONES STATEWIDE FOR THE PRIORITIZATION OF BEHAVIORAL
HEALTH SERVICE DELIVERY; PROVIDING FOR LOCAL OPTION DISTRICT
RANKINGS; PROVIDING THAT THE DENIAL OF THE ISSUANCE OR TRANSFER
OF A LICENSE IS SUPPORTED BY SUBSTANTIAL EVIDENCE UNDER CERTAIN
CIRCUMSTANCES; ALLOWING THE GOVERNING BODY OF A TIER THREE
INVESTMENT ZONE TO RESTRICT THE HOURS OF SALES AND SERVICE OF
ALCOHOLIC BEVERAGES; RECONCILING CONFLICTING AMENDMENTS TO THE
SAME SECTION OF LAW BY REPEALING LAWS 2001, CHAPTER 248,
SECTION 2; MAKING AN APPROPRIATION.

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

SECTION 1. Section 9-7-6.4 NMSA 1978 (being Laws 2004,
Chapter 46, Section 8, as amended) is amended to read:

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2 COLLABORATIVE.--

3 A. There is created the "interagency behavioral
4 health purchasing collaborative", consisting of the secretaries
5 of aging and long-term services; Indian affairs; human
6 services; health; corrections; children, youth and families; NN
7 finance and administration; workforce solutions; public VDOH
8 education; and transportation; the directors of the Tribal Consult
9 administrative office of the courts; the New Mexico mortgage
10 finance authority; the governor's commission on disability; the
11 developmental disabilities planning council; the instructional
12 support and vocational [rehabilitation] education division of
13 the public education department; and the New Mexico health
14 policy commission; and the governor's health policy
15 coordinator, or their designees. The collaborative shall be
16 chaired by the secretary of human services with the respective
17 secretaries of health and children, youth and families
18 alternating annually as co-chairs. The collaborative shall
19 meet regularly and at the call of either co-chair.

20 B. The collaborative shall ~~[meet regularly and at~~
21 ~~the call of either co-chair and shall:~~

22 ~~(1) identify behavioral health needs~~
23 ~~statewide, with an emphasis on that hiatus between needs and~~
24 ~~services set forth in the department of health's gap analysis~~
25 ~~and in ongoing needs assessments, and develop a master plan for~~

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1 ~~statewide delivery of services;~~

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3 ~~differences, including cultural, rural, frontier, urban and~~
4 ~~border issues;~~

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6 ~~health, including mental health and substance abuse;~~

7 ~~(4) plan, design and direct a statewide~~
8 ~~behavioral health system, ensuring both availability of~~
9 ~~services and efficient use of all behavioral health funding,~~
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11 ~~affected departments; and~~

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15 G. ~~The plan for delivery of behavioral health~~
16 ~~services shall~~ create a master plan for the delivery of
17 behavioral health services statewide, pursuant to which the
18 collaborative shall divide the state into geographically
19 designated investment zones. The secretary of health shall
20 provide to the collaborative epidemiological data and other
21 source data that identify the combined incidence of mortality
22 related to alcohol use, drug overdose and suicide in each
23 investment zone. Using these combined incidence data, the
24 collaborative shall assign a "tier three" ranking to those
25 investment zones with the highest incidence and a "tier one"

NN
investment
zone? —

define w/NN

*In best interest of
NN become member of
collaborative
funding formula*

tier-three

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*define
BH services
according
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(2) ensure the delivery of only those behavioral health services that are evidence-based services;

*on what
criteria*

(3) direct the allocation of general fund appropriations for the delivery of behavioral health services in an investment zone only if a local government matches at least twenty-five percent of the cost of the behavioral health services;

X

(4) establish a limit on local government contributions to effect a distribution of behavioral health services that prioritizes allocation according to tier ranking while ensuring statewide delivery of behavioral health services;

(5) contract for the operation of one or more behavioral health entities to ensure availability of services throughout the state;

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underscored material = new
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1 (7) ensure that behavioral health service
2 delivery accords special attention to regional differences,
3 including characteristics related to each region's culture and
4 language as well as geographic situation in a rural, frontier,
5 urban or border area;

6 (8) report annually to the director of the
7 alcohol and gaming division of the regulation and licensing
8 department the geographic designations and tiered rankings of
9 the investment zones that the collaborative has established
10 pursuant to this section;

11 (9) report annually to the legislature:

12 (a) the status of master plan
13 implementation, including the collaborative's progress toward
14 achieving its strategic goals;

15 (b) the collaborative's progress in
16 addressing the behavioral health needs in investment zones
17 according to tier ranking;

18 (c) information relating to the
19 performance of persons that provide services to the
20 collaborative by contract, including but not limited to the
21 performance of the behavioral health entities with which the
22 collaborative contracts pursuant to Paragraph (5) of this
23 subsection;

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25 to services and program operations: 1) the number of

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of last
current
year report

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1 individuals served; 2) the most frequently treated diagnoses;
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3 claims data;

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5 funding allocated for the delivery of behavioral health
6 services to each investment zone;

7 (f) the specific evidence-based
8 behavioral health services delivered in the targeted investment
9 zones; and

10 (g) data comparing clinical outcomes for
11 evidence-based behavioral services in the investment zones
12 before and after implementation of the investment zones
13 targeting program; and

14 (10) include in the master plan specific
15 service plans to address the needs of infants, children,
16 adolescents, adults and seniors, as well as to address work
17 force development and retention and quality improvement issues.

18 C. The collaborative shall revise the plan [~~shall~~
19 ~~be revised~~] every two years [~~and shall be adopted by~~]. The
20 department of health shall adopt the master plan as part of the
21 statewide health plan.

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20 promotion, prevention, early intervention, treatment and
21 community support [~~and~~

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consult

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5 health services.

6 F. Pursuant to the State Rules Act, the
7 collaborative shall adopt rules through the human services
8 department for:

9 (1) standards of delivery for behavioral
10 health services provided through contracted behavioral health
11 entities, including:

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15 services;
- 16 (d) utilization management;
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- 18 (f) rights and responsibilities of
19 consumers and providers;
- 20 (g) clinical evaluation and treatment
21 and supporting documentation; and
- 22 (h) confidentiality of consumer records;
- 23 and

24 (2) approval of contracts and contract
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1 proposed final contract.

2 G. The collaborative shall, through the human
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5 consolidated behavioral health budget request shall account for
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7 the human services department and any other requested funding
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9 Subsection A of this section that will be used pursuant to
10 Paragraph (5) of Subsection B of this section. Any contract
11 proposed, negotiated or entered into by the collaborative is
12 subject to the provisions of the Procurement Code.

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14 governor, appoint a "director of the collaborative". The
15 director is responsible for the coordination of day-to-day
16 activities of the collaborative, including the coordination of
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20 outcome measures. ~~[The collaborative shall submit an annual~~
21 ~~report to the legislative finance committee and the interim~~
22 ~~legislative health and human services committee that provides~~
23 ~~information on:~~

24 ~~(1) the collaborative's progress toward~~
25 ~~achieving its strategic plans and goals;~~

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1 ~~(2) the collaborative's performance~~
2 ~~information, including contractors and providers; and~~

3 ~~(3) the number of people receiving services,~~
4 ~~the most frequently treated diagnoses, expenditures by type of~~
5 ~~service and other aggregate claims data relating to services~~
6 ~~rendered and program operations.]~~

7 J. As used in this section:

8 (1) "class A county" means a county having a
9 final, full assessed valuation of over seventy-five million
10 dollars (\$75,000,000) and having a population of one hundred
11 thousand persons or more as determined by the most current
12 annual population data or estimate available from the United
13 States census bureau;

14 (2) "investment zone" means:

15 (a) an area that is contiguous with the
16 boundaries of a county that is not a class A county; or

17 (b) an area for which the secretary of
18 health designates the boundaries, if located within a class A
19 county; and

20 (3) "local government" means the governing
21 body of a county, an incorporated municipality or an Indian
22 nation, tribe or pueblo."

23 SECTION 2. A new section of the Liquor Control Act is
24 enacted to read:

25 "[NEW MATERIAL] INTERAGENCY BEHAVIORAL HEALTH PURCHASING

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1 COLLABORATIVE REPORTS--LOCAL OPTION DISTRICT INVESTMENT ZONE
2 TIER RANKINGS--RESTRICTED HOURS OF SALE AND SERVICE.--

3 A. The director of the alcohol and gaming division
4 of the regulation and licensing department shall assign a tier
5 ranking to each local option district that corresponds to the
6 tier ranking and geographic contours of the investment zones
7 that are designated by the interagency behavioral health
8 purchasing collaborative and that are reported annually by the
9 collaborative to the director pursuant to Section 9-7-6.4 NMSA
10 1978. If a local option district includes two or more
11 investment zones that have assigned different tier rankings,
12 the director shall assign to that local option district the
13 tier ranking that applies to the majority of the geographic
14 area within that local option district.

15 B. Notwithstanding provisions of the Liquor Control
16 Act that provide otherwise, the governing body of a local
17 option district that has been designated by the interagency
18 behavioral health purchasing collaborative as a tier three
19 investment zone may designate hours during which alcoholic
20 beverages may be sold and served within the local option
21 district that are more restrictive than the hours of sale and
22 service that are established by the Liquor Control Act."

23 SECTION 3. Section 60-6A-4 NMSA 1978 (being Laws 1981,
24 Chapter 39, Section 21, as amended) is amended to read:

25 "60-6A-4. RESTAURANT LICENSE.--

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1 A. At any time after the effective date of the
2 Liquor Control Act, a local option district may approve the
3 issuance of restaurant licenses for the sale of beer and wine
4 by holding an election on that question pursuant to the
5 procedures set out in Section 60-5A-1 NMSA 1978. The election
6 also may be initiated by a resolution adopted by the governing
7 body of the local option district without a petition from
8 registered qualified electors having been submitted.

9 B. After the approval of restaurant licenses by the
10 registered qualified electors of the local option district and
11 upon completion of all requirements in the Liquor Control Act
12 for the issuance of licenses, a restaurant located or to be
13 located within the local option district may receive a
14 restaurant license to sell, serve or allow the consumption of
15 beer and wine subject to the following requirements and
16 restrictions:

17 (1) the applicant shall submit evidence to the
18 department that ~~he~~ the applicant has a current valid food
19 service establishment permit;

20 (2) the applicant shall satisfy the director
21 that the primary source of revenue from the operation of the
22 restaurant will be derived from meals and not from the sale of
23 beer and wine;

24 (3) the director shall condition renewal upon
25 a requirement that no less than sixty percent of gross receipts

1 from the preceding twelve months' operation of the licensed
2 restaurant was derived from the sale of meals;

3 (4) upon application for renewal, the licensee
4 shall submit an annual report to the director indicating the
5 annual gross receipts from the sale of meals and from beer and
6 wine sales;

7 (5) restaurant licensees shall not sell beer
8 and wine for consumption off the licensed premises;

9 (6) all sales, services and consumption of
10 beer and wine authorized by a restaurant license shall cease at
11 the time meals sales and services cease or at 11:00 p.m.,
12 whichever time is earlier, or at the time designated by the
13 governing body of a local option district pursuant to Section 2
14 of this 2015 act;

15 (7) if Sunday sales have been approved in the
16 local option district, a restaurant licensee may serve beer and
17 wine on Sundays until the time meals sales and services cease
18 or 11:00 p.m., whichever time is earlier, or at the time
19 designated by the governing body of a local option district
20 pursuant to Section 2 of this 2015 act; and

21 (8) a restaurant license shall not be
22 transferable from person to person or from one location to
23 another.

24 C. The provisions of Section 60-6A-18 NMSA 1978
25 shall not apply to restaurant licenses.

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1 D. Nothing in this section shall prevent a
2 restaurant licensee from receiving other licenses pursuant to
3 the Liquor Control Act."

4 SECTION 4. Section 60-6A-6.1 NMSA 1978 (being Laws 2011,
5 Chapter 110, Section 3) is amended to read:

6 "60-6A-6.1. CRAFT DISTILLER'S LICENSE.--

7 A. In any local option district, a person qualified
8 under the provisions of the Liquor Control Act, except as
9 otherwise provided in the Domestic Winery, Small Brewery and
10 Craft Distillery Act, may apply for and be issued a craft
11 distiller's license subject to the following conditions:

12 (1) the applicant submits evidence to the
13 department that the applicant has a valid and appropriate
14 permit issued by the federal government to be a craft
15 distiller;

16 (2) renewal of the license shall be
17 conditioned upon:

18 (a) no less than sixty percent of the
19 gross receipts from the sale of spirituous liquors for the
20 preceding twelve months of the licensee's operation being
21 derived from the sale of spirituous liquors produced by the
22 licensee;

23 (b) the manufacture of no less than one
24 thousand proof gallons of spirituous liquors per license year
25 at the licensee's premises; and

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1 (c) submission to the department by the
2 licensee of a report showing the number of proof gallons of
3 spirituous liquors manufactured by the licensee at the
4 licensee's premises and the annual gross receipts from the sale
5 of spirituous liquors produced by the licensee and from the
6 licensee's sale of distilled spirituous liquors produced by
7 other New Mexico licensed craft distillers;

8 (3) a craft distiller's license shall not be
9 transferred from person to person or from one location to
10 another;

11 (4) the provisions of Section 60-6A-18 NMSA
12 1978 shall not apply to a craft distiller's license; and

13 (5) nothing in this section shall prevent a
14 craft distiller from receiving other licenses pursuant to the
15 Liquor Control Act.

16 B. A person to whom a craft distiller's license is
17 issued pursuant to this section may do any of the following:

18 (1) manufacture or produce spirituous liquors,
19 including aging, filtering, blending, mixing, flavoring,
20 coloring, bottling and labeling;

21 (2) store, transport, import or export
22 spirituous liquors;

23 (3) sell only spirituous liquors that are
24 packaged by or for the craft distiller to a person holding a
25 wholesaler's license, a craft distiller's license or a

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1 manufacturer's license;

2 (4) deal in warehouse receipts for spirituous
3 liquors;

4 (5) buy spirituous liquors from other persons,
5 including licensees and permittees under the Liquor Control
6 Act, for use in blending, flavoring, mixing or bottling of
7 spirituous liquors;

8 (6) be deemed a manufacturer for purposes of
9 the Gross Receipts and Compensating Tax Act;

10 (7) conduct spirituous liquor tastings and
11 sell, by the glass or by the bottle, or in unbroken packages
12 for consumption off the premises but not for resale, spirituous
13 liquors of the craft distiller's own production or spirituous
14 liquors produced by another New Mexico craft distiller or New
15 Mexico manufacturer on the craft distiller's premises; and

16 (8) at no more than two other locations off
17 the craft distiller's premises, after the craft distiller has
18 paid the applicable fee for a craft distiller's off-premises
19 permit, after the director has determined that the off-premises
20 locations meet the requirements of the Liquor Control Act and
21 department rules for new liquor license locations and after the
22 director has issued a craft distiller's off-premises permit for
23 each off-premises location, conduct spirituous liquor tastings
24 and sell by the glass, or in unbroken packages for consumption
25 and not for resale, spirituous liquors produced and bottled by

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1 or for the craft distiller or spirituous liquors produced and
2 bottled by or for another New Mexico craft distiller or
3 manufacturer.

4 C. For a public celebration off the craft
5 distiller's premises in any local option district permitting
6 the sale of alcoholic beverages, a craft distiller shall pay
7 ten dollars (\$10.00) to the department for a "craft distiller's
8 public celebration permit" to be issued under rules adopted by
9 the director. Upon request, the department may issue to a
10 craft distiller a public celebration permit for a location at
11 the public celebration that is to be shared with other craft
12 distillers, small brewers and winegrowers. As used in this
13 subsection, "public celebration" includes any state or county
14 fair, community fiesta, cultural or artistic event, sporting
15 competition of a seasonal nature or other activity held on an
16 intermittent basis.

17 D. Sales and tastings of spirituous liquors
18 authorized in this section shall be permitted during the hours:

19 (1) set forth in Subsection A of Section
20 60-7A-1 NMSA 1978 and between the hours of noon and midnight on
21 Sunday and shall conform to the limitations regarding Christmas
22 day sales and the expansion of Sunday sales hours to 2:00 a.m.
23 on January 1, when December 31 falls on a Sunday as set forth
24 in Section 60-7A-1 NMSA 1978; or

25 (2) designated by the governing body of a

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1 local option district pursuant to Section 2 of this 2015 act."

2 SECTION 5. Section 60-6A-11 NMSA 1978 (being Laws 1981,
3 Chapter 39, Section 28, as amended) is amended to read:

4 "60-6A-11. WINEGROWER'S LICENSE.--

5 A. Exempt from the procurement of any other license
6 pursuant to the terms of the Liquor Control Act, but not from
7 the procurement of a winegrower's license, is a person in this
8 state who produces wine. Except during periods of shortage or
9 reduced availability, at least fifty percent of a winegrower's
10 overall annual production of wine shall be produced from grapes
11 or other agricultural products grown in this state pursuant to
12 rules adopted by the director; provided, however, that, for
13 purposes of determining annual production and compliance with
14 the fifty percent New Mexico grown provision of this
15 subsection, the calculation of a winegrower's overall annual
16 production of wine shall not include the winegrower's
17 production of wine for out-of-state wine producer license
18 holders.

19 B. A person issued a winegrower's license pursuant
20 to this section may do any of the following:

21 (1) manufacture or produce wine, including
22 blending, mixing, flavoring, coloring, bottling and labeling,
23 whether the wine is manufactured or produced for a winegrower
24 or an out-of-state wine producer holding a permit issued by the
25 federal alcohol ~~[tax-unit]~~ and tobacco tax and trade bureau of

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1 the internal revenue service and a valid license in a state
2 that authorizes the wine producer to manufacture, produce,
3 store or sell wine;

4 (2) store, transport, import or export wines;

5 (3) sell wines to a holder of a New Mexico
6 winegrower's, wine wholesaler's, wholesaler's or wine
7 exporter's license or to a winegrower's agent;

8 (4) transport not more than two hundred cases
9 of wine in a calendar year to another location within New
10 Mexico by common carrier;

11 (5) deal in warehouse receipts for wine;

12 (6) sell wines in other states or foreign
13 jurisdictions to the holders of a license issued under the
14 authority of that state or foreign jurisdiction authorizing
15 the purchase of wine;

16 (7) buy wine or distilled wine products from
17 other persons, including licensees and permittees under the
18 Liquor Control Act, for use in blending, mixing or bottling of
19 wines;

20 (8) conduct wine tastings and sell, by the
21 glass or by the bottle or sell in unbroken packages for
22 consumption off the premises but not for resale, wine of the
23 winegrower's own production or wine produced by another New
24 Mexico winegrower on the winegrower's premises;

25 (9) at no more than three off-premises

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1 locations, conduct wine tastings, sell by the glass and sell in
2 unbroken packages for consumption off premises, but not for
3 resale, wine of the winegrower's own production or wine
4 produced by another New Mexico winegrower after the director
5 has determined that the off-premises locations meet the
6 requirements of the Liquor Control Act and the department rules
7 for new liquor license locations;

8 (10) be deemed a manufacturer for purposes of
9 the Gross Receipts and Compensating Tax Act; and

10 (11) at public celebrations on or off the
11 winegrower's premises, after the winegrower has paid the
12 applicable fees and been issued the appropriate permit, to
13 conduct wine tastings, sell by the glass or the bottle or sell
14 in unbroken packages, for consumption off premises but not for
15 resale, wine produced by or for the winegrower.

16 C. Sales of wine as provided for in this section
17 shall be permitted between the hours of 7:00 a.m. and midnight
18 Monday through Saturday or during the hours designated by the
19 governing body of a local option district pursuant to Section 2
20 of this 2015 act, and the holder of a winegrower's license or
21 public celebration permit may conduct wine tastings and sell,
22 by the glass or bottle or in unbroken packages for consumption
23 off premises but not for resale, wine of the winegrower's own
24 production on the winegrower's premises between the hours of
25 12:00 noon and midnight on Sunday or during the hours

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1 designated by the governing body of a local option district
2 pursuant to Section 2 of this 2015 act.

3 D. At public celebrations off the winegrower's
4 premises in any local option district permitting the sale of
5 alcoholic beverages, the holder of a winegrower's license shall
6 pay ten dollars (\$10.00) to the alcohol and gaming division of
7 the regulation and licensing department for a "winegrower's
8 public celebration permit" to be issued under rules adopted by
9 the director. Upon request, the alcohol and gaming division of
10 the regulation and licensing department may issue to a holder
11 of a winegrower's license a public celebration permit for a
12 location at the public celebration that is to be shared with
13 other winegrowers and small brewers. As used in this
14 subsection, "public celebration" includes any state or county
15 fair, community fiesta, cultural or artistic event, sporting
16 competition of a seasonal nature or activities held on an
17 intermittent basis.

18 E. Every application for the issuance or annual
19 renewal of a winegrower's license shall be on a form prescribed
20 by the director and accompanied by a license fee to be computed
21 as follows on the basis of total annual wine produced or
22 blended:

23 (1) less than five thousand gallons per year,
24 twenty-five dollars (\$25.00) per year;

25 (2) between five thousand and one hundred

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1 thousand gallons per year, one hundred dollars (\$100) per year;
2 and

3 (3) over one hundred thousand gallons per
4 year, two hundred fifty dollars (\$250) per year."

5 SECTION 6. Section 60-6A-26.1 NMSA 1978 (being Laws 1985,
6 Chapter 217, Section 5, as amended by Laws 2001, Chapter 248,
7 Section 2 and by Laws 2001, Chapter 260, Section 2) is amended
8 to read:

9 "60-6A-26.1. SMALL BREWER'S LICENSE.--

10 A. In any local option district, a person qualified
11 under the provisions of the Liquor Control Act, except as
12 otherwise provided in the Domestic Winery, ~~[and]~~ Small Brewery
13 and Craft Distillery Act, may apply for and be issued a small
14 brewer's license.

15 B. A small brewer's license authorizes the person
16 to whom it is issued to:

17 (1) become a manufacturer or producer of beer;

18 (2) package, label and export beer, whether
19 manufactured, bottled or produced by ~~[him]~~ the licensee or any
20 other person;

21 (3) sell only beer that is packaged by or for
22 ~~[him]~~ the licensee to a person holding a wholesaler's license
23 or a small brewer's license;

24 (4) deal in warehouse receipts for beer;

25 (5) conduct beer tastings and sell for

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1 consumption on or off premises, but not for resale, beer
2 produced and bottled by, or produced and packaged for, the
3 licensee or produced and bottled by or for another New Mexico
4 small brewer on the small brewer's premises;

5 (6) be deemed a manufacturer for purposes of
6 the Gross Receipts and Compensating Tax Act;

7 (7) at public celebrations off the small
8 brewer's premises, after the small brewer has paid the
9 applicable fee for a small brewer's public celebration permit,
10 conduct tastings and sell by the glass or in unbroken packages,
11 but not for resale, beer produced and bottled by or for the
12 small brewer;

13 (8) at no more than two other locations off
14 the small brewer's premises, after the small brewer has paid
15 the applicable fee for a small brewer's off-premises permit,
16 after the director has determined that the off-premises
17 locations meet the requirements of the Liquor Control Act and
18 department rules for new liquor license locations and after the
19 director has issued a small brewer's off-premises permit for
20 each off-premises location, conduct beer tastings and sell by
21 the glass or in unbroken packages for consumption off the small
22 brewer's off-premises location, but not for resale, beer
23 produced and bottled by or for the small brewer or beer
24 produced and bottled by or for another New Mexico small brewer;
25 and

1 (9) allow members of the public, on the
2 licensed premises and under the direct supervision of the
3 licensee, to manufacture beer for personal consumption and not
4 for resale using the licensee's equipment and ingredients.

5 C. At public celebrations off the small brewer's
6 premises in any local option district permitting the sale of
7 alcoholic beverages, the holder of a small brewer's license
8 shall pay ten dollars (\$10.00) to the alcohol and gaming
9 division of the regulation and licensing department for a
10 "small brewer's public celebration permit" to be issued under
11 rules adopted by the director. Upon request, the alcohol and
12 gaming division of the regulation and licensing department may
13 issue to a holder of a small brewer's license a public
14 celebration permit for a location at the public celebration
15 that is to be shared with other small brewers and winegrowers.
16 As used in this subsection, "public celebration" includes any
17 state or county fair, community fiesta, cultural or artistic
18 event, sporting competition of a seasonal nature or activities
19 held on an intermittent basis.

20 D. Sales and tastings of beer authorized in this
21 section shall be permitted during the hours:

22 (1) set forth in Subsection A of Section
23 60-7A-1 NMSA 1978 and between the hours of noon and midnight on
24 Sunday and shall conform to the limitations regarding Christmas
25 and voting-day sales found in Section 60-7A-1 NMSA 1978 and the

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1 expansion of Sunday sales hours to 2:00 a.m. on January 1, when
2 December 31 falls on a Sunday; or

3 (2) designated by the governing body of a
4 local option district pursuant to Section 2 of this 2015 act."

5 SECTION 7. Section 60-6B-2 NMSA 1978 (being Laws 1981,
6 Chapter 39, Section 38, as amended) is amended to read:

7 "60-6B-2. APPLICATIONS.--

8 A. Before a new license authorized by the Liquor
9 Control Act may be issued by the director, the applicant for
10 the license shall:

11 (1) submit to the director a written
12 application for the license under oath, in the form prescribed
13 by and stating the information required by the director,
14 together with a nonrefundable application fee of two hundred
15 dollars (\$200);

16 (2) submit to the director for approval a
17 description, including floor plans, in a form prescribed by the
18 director, that shows the proposed licensed premises for which
19 the license application is submitted. The area represented by
20 the approved description shall become the licensed premises;

21 (3) submit the name and street address of a
22 New Mexico resident who is not a felon, who has power of
23 attorney and authority to bind the applicant to matters related
24 to liquor sales and operations and upon whom the director may
25 serve any notice related to ownership or operation of the

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1 license, including any notice of charge pursuant to Chapter 60,
2 Article 6C NMSA 1978;

3 (4) if the applicant is a corporation, be
4 required to submit as part of its application the following:

5 (a) a certified copy of its articles of
6 incorporation or, if a foreign corporation, a certified copy of
7 its certificate of authority;

8 (b) the names and addresses of all
9 officers and directors and those stockholders owning ten
10 percent or more of the voting stock of the corporation and the
11 amounts of stock held by each stockholder; provided, however, a
12 corporation may not be licensed if an officer, manager,
13 director or holder of more than a ten percent interest in the
14 applicant entity would not be eligible to hold a license
15 pursuant to the Liquor Control Act; and

16 (c) such additional information
17 regarding the corporation as the director may require to assure
18 full disclosure of the corporation's structure and financial
19 responsibility;

20 (5) if the applicant is a limited partnership,
21 submit as part of its application the following:

22 (a) a certified copy of its certificate
23 of limited partnership;

24 (b) the names and addresses of all
25 general partners and of all limited partners contributing ten

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1 percent or more of the total value of contributions made to the
2 limited partnership or entitled to ten percent or more of the
3 profits earned or other income paid by the limited partnership.

4 A limited partnership shall not receive a license if a partner
5 or holder of a ten percent or greater interest in the applicant
6 entity designated in this subsection would not be eligible to
7 hold a license issued pursuant to the Liquor Control Act; and

8 (c) such additional information
9 regarding the limited partnership as the director may require
10 to assure full disclosure of the limited partnership's
11 structure and financial responsibility;

12 (6) if the applicant is a limited liability
13 company, submit as part of its application the following:

14 (a) a copy of the articles of
15 organization, with a copy of the certificate of filing with the
16 ~~[public regulation commission]~~ secretary of state;

17 (b) the ~~[name]~~ names and addresses of
18 all the managing members and all of the nonmanaging members
19 that own a greater than ten percent interest in the limited
20 liability company. Any direct or indirect parent entity of the
21 limited liability company with an interest of ten percent or
22 more in the applicant entity shall submit application forms and
23 qualify to hold a license; and

24 (c) such additional information
25 regarding the limited liability company as the director may

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1 require to assure full disclosure of the limited liability
2 company's structure and financial responsibility;

3 (7) if the applicant is a trust, submit as
4 part of its application:

5 (a) the names and addresses of the
6 trustees;

7 (b) the names and addresses of any
8 beneficiaries having control over the property of the trust or
9 receiving regular and substantial distributions of principal
10 and income from the trust. Any beneficiary receiving regular
11 and substantial distributions from the trust shall qualify to
12 hold a license. The director may request a copy of the trust
13 agreement for review, which trust agreement need not become
14 part of the application. Affidavits as to the operation and
15 distribution of the principal and income may be requested in
16 lieu of, or in addition to, the copy of the trust agreement
17 that is supplied for review by the department; and

18 (c) such additional information
19 regarding the trust as the director may require to assure full
20 disclosure of the trust's structure and financial
21 responsibility; and

22 (8) obtain approval for the issuance from the
23 governing body of the local option district in which the
24 proposed licensed premises are to be located in accordance with
25 the provisions of the Liquor Control Act.

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1 B. Except for individual officers, directors,
2 shareholders, members or partners of entities that are publicly
3 traded on a national stock exchange and for individuals who
4 have been fingerprinted for another New Mexico license and had
5 no prior criminal or arrest record, every applicant for a new
6 license or for a transfer of ownership of a license shall file
7 with the application two complete sets of fingerprints taken
8 under the supervision of and certified to by an officer of the
9 New Mexico state police, a county sheriff, a municipal chief of
10 police, a police officer in a foreign country or an individual
11 qualified to take fingerprints by virtue of training or
12 experience, for each of the following individuals:

13 (1) if the applicant is a person, for the
14 applicant;

15 (2) if the applicant or the holder of a ten
16 percent or greater interest in the applicant entity is a
17 corporation, for each principal officer, for each member of the
18 board of directors and for each stockholder with a ten percent
19 or greater interest in the applicant entity;

20 (3) if the applicant or the holder of a ten
21 percent or greater interest in the applicant entity is a
22 general partnership, for each partner;

23 (4) if the applicant or the holder of a ten
24 percent or greater interest in the applicant entity is a
25 limited partnership, for each general partner, for each limited

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1 partner holding a ten percent or greater interest in the
2 applicant entity and for any principal officers of the limited
3 partnership;

4 (5) if the applicant or the holder of a ten
5 percent or greater interest in the applicant entity is a
6 limited liability company, for each managing member, for each
7 member who owns a ten percent or greater interest in the
8 applicant entity and for any principal officer of the limited
9 liability company; and

10 (6) if the applicant is a trust, for each
11 trustee and for each beneficiary who has control over trust
12 property and income or who receives substantial and regular
13 distributions from the trust.

14 C. Upon submission of a sworn affidavit from each
15 person who is required to file fingerprints stating that the
16 person has not been convicted of a felony in any jurisdiction
17 and pending the results of background investigations, a
18 temporary license for ninety days may be issued. The temporary
19 license may be extended by the director for an additional
20 ninety days if the director determines there is not sufficient
21 time to complete the background investigation or obtain reviews
22 of fingerprints from appropriate agencies. A temporary license
23 shall be surrendered immediately upon order of the director.

24 D. An applicant who files a false affidavit shall
25 be denied a license. When the director determines a false

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1 affidavit has been filed, the director shall refer the matter
2 to the attorney general or district attorney for prosecution of
3 perjury.

4 E. If an applicant is not a resident of New Mexico,
5 fingerprints may be taken under supervision and certification
6 of comparable officers in the state of residence of the
7 applicant.

8 F. Before issuing a license, the department shall
9 hold a public hearing within thirty days after receipt of the
10 application pursuant to Subsection K of this section.

11 G. An application for transfer of ownership shall
12 be filed with the department no later than thirty days after
13 the date a person acquired an ownership interest in a license.
14 It shall contain the actual date of sale of the license and
15 shall be accompanied by a sworn affidavit from the owner of
16 record of the license agreeing to the sale of the license to
17 the applicant as well as attesting to the accuracy of the
18 information required by this section to be filed with the
19 department. A license shall not be transferred unless it will
20 be placed into operation in an actual location within one
21 hundred twenty days of issuance of the license, unless for good
22 cause shown the director grants an additional extension for a
23 length of time determined by the director.

24 H. Whenever it appears to the director that there
25 will be more applications for new licenses than the available

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1 number of new licenses during any time period, a random
2 selection method for the qualification, approval and issuance
3 of new licenses shall be provided by the director. The random
4 selection method shall allow each applicant an equal
5 opportunity to obtain an available license, provided that all
6 dispenser's and retailer's licenses issued in a calendar year
7 shall be issued to residents of the state. For the purposes of
8 random selection, the director shall also set a reasonable
9 deadline by which applications for the available licenses shall
10 be filed. A person shall not file more than one application
11 for each available license and no more than three applications
12 per calendar year.

13 I. After the deadline set in accordance with
14 Subsection H of this section, no more than ten applications per
15 available license shall be selected at random for priority of
16 qualification and approval. Within thirty days after the
17 random selection for the ten priority positions for each
18 license, a hearing pursuant to Subsection K of this section
19 shall be held to determine the qualifications of the applicant
20 having the highest priority for each available license. If
21 necessary, such a hearing shall be held on each selected
22 application by priority until a qualified applicant for each
23 available license is approved. Further random selections for
24 priority positions shall also be held pursuant to this section
25 as necessary.

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1 J. All applications submitted for a license shall
2 expire upon the director's final approval of a qualified
3 applicant for that available license.

4 K. The director shall notify the applicant by
5 certified mail of the date, time and place of the hearing. The
6 hearing shall be held in Santa Fe. The director may designate
7 a hearing officer to take evidence at the hearing. The
8 director or the hearing officer shall have the power to
9 administer oaths.

10 L. In determining whether a license shall be
11 issued, the director shall take into consideration all
12 requirements of the Liquor Control Act. In the issuance of a
13 license, the director shall specifically consider the nature
14 and number of prior violations of the Liquor Control Act by the
15 applicant or of any citations issued within the prior five
16 years against a license held by the applicant or in which the
17 applicant had an ownership interest required to be disclosed
18 under the Liquor Control Act. The director shall disapprove
19 the issuance or give preliminary approval of the issuance of
20 the license based upon a review of all documentation submitted
21 and any investigation deemed necessary by the director.

22 M. Before a new license is issued for a location,
23 the director shall cause a notice of the application for the
24 license to be posted conspicuously, on a sign not smaller than
25 thirty inches by forty inches, on the outside of the front wall

1 or front entrance of the immediate premises for which the
2 license is sought or, if no building or improvements exist on
3 the premises, the notice shall be posted at the front entrance
4 of the immediate premises for which the license is sought, on a
5 billboard not smaller than five feet by five feet. The
6 contents of the notice shall be in the form prescribed by the
7 department, and such posting shall be over a continuous period
8 of twenty days prior to preliminary approval of the license.
9 The director shall prescribe the manner in which the posting
10 may be accomplished by the licensee, the licensee's
11 representative or the director's designee.

12 N. A license shall not be issued until the posting
13 requirements of Subsection M of this section have been met.

14 O. All costs of publication and posting shall be
15 paid by the applicant.

16 P. It is unlawful for a person to remove or deface
17 a notice posted in accordance with this section. A person
18 convicted of a violation of this subsection shall be punished
19 by a fine of not more than three hundred dollars (\$300) or by
20 imprisonment in the county jail for not more than one hundred
21 twenty days or by both.

22 Q. A person aggrieved by a decision made by the
23 director as to the approval or disapproval of the issuance of a
24 license may appeal to the district court pursuant to the
25 provisions of Section 39-3-1.1 NMSA 1978. If the disapproval

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1 is based upon local option district disapproval pursuant to
2 [~~Subsection H of~~] Section 60-6B-4 NMSA 1978, the local option
3 district shall be a necessary party to an appeal. The decision
4 of the director shall continue in force, pending a reversal or
5 modification by the district court, unless otherwise ordered by
6 the court."

7 SECTION 8. Section 60-6B-4 NMSA 1978 (being Laws 1981,
8 Chapter 39, Section 40) is amended to read:

9 "60-6B-4. ISSUANCE OR TRANSFER OF LICENSE--APPROVAL OF
10 APPROPRIATE GOVERNING BODY.--

11 A. Prior to the approval of the issuance of a new
12 license, and prior to the approval of [~~any~~] a transfer
13 [~~permitted~~] provided for by Section [~~39 or 113 of the Liquor~~
14 ~~Control Act~~] 60-6B-3 or 60-6B-12 NMSA 1978, the director shall
15 notify the governing body of [~~his~~] the director's preliminary
16 approval of the issuance or transfer of the license. Notice to
17 the governing body shall be by certified mail.

18 B. A governing body [~~which~~] that has received a
19 notice of preliminary approval of the issuance or transfer of a
20 license from the department may approve or disapprove the
21 issuance or transfer of the license in accordance with the
22 provisions of this section.

23 C. Within forty-five days after receipt of a notice
24 of preliminary approval from the department, the governing body
25 shall hold a public hearing on the question of whether the

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1 department should approve the proposed issuance or transfer.

2 D. Notice of the public hearing required by
3 Subsection C of this section shall be given by the governing
4 body by:

5 (1) publishing a notice of the date, time and
6 place of the hearing at least once a week for two consecutive
7 weeks in a newspaper of general circulation within the
8 territorial limits of the governing body. The notice shall set
9 forth:

10 (a) the name and address of the
11 licensee;

12 (b) the action proposed to be taken by
13 the department;

14 (c) the location of the licensee's
15 premises; and

16 (d) such other information as may be
17 required by the department; and

18 (2) sending a notice by certified mail to the
19 applicant of the date, time and place of the public hearing.

20 E. The governing body may designate a hearing
21 officer to conduct the hearing. A record shall be made of the
22 hearing.

23 F. The governing body may disapprove the issuance
24 or transfer of the license if:

25 (1) the proposed location is within an area

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1 where the sale of alcoholic beverages is prohibited by the laws
2 of New Mexico;

3 (2) the issuance or transfer would be in
4 violation of a zoning or other ordinance of the governing body;
5 or

6 (3) the issuance or transfer would be
7 detrimental to the public health, safety or morals of the
8 residents of the local option district.

9 G. A governing body's decision to disapprove the
10 issuance or transfer of a license shall be deemed to be
11 supported by substantial evidence of detrimental effect on the
12 public health, safety or morals of the residents of the local
13 option district if the local option district has been
14 identified as a tier three investment zone by the interagency
15 behavioral health purchasing collaborative.



16 [G.] H. Within thirty days after the public
17 hearing, the governing body shall notify the department as to
18 whether the governing body has approved or disapproved the
19 proposed issuance or transfer of the license. If the governing
20 body fails to either approve or disapprove the issuance or
21 transfer of the license within thirty days after the public
22 hearing, the director may give final approval to the issuance
23 or transfer of the license.

24 [H.] I. If the governing body disapproves the
25 issuance or transfer of the license, it shall notify the

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1 department within the time required by Subsection [G] H of this
2 section setting forth the reasons for the disapproval. A copy
3 of the minutes of the public hearing shall be submitted to the
4 department by the governing body with the notice of
5 disapproval. If the governing body disapproves of the issuance
6 or transfer of the license, the director shall disapprove the
7 issuance or transfer of the license.

8 [~~F~~] J. If the governing body approves the issuance
9 or transfer of the license, it shall notify the department
10 within the time required by Subsection [G] H of this section of
11 its approval. If the governing body approves of the issuance
12 or transfer of the license, the director shall approve the
13 issuance or transfer of the license."

14 **SECTION 9. Section 60-7A-1 NMSA 1978 (being Laws 1981,**
15 Chapter 39, Section 47, as amended) is amended to read:

16 "60-7A-1. **HOURS AND DAYS OF BUSINESS--SUNDAY SALES--**
17 CHRISTMAS DAY SALES--SUNDAY SALES FOR CONSUMPTION OFF THE
18 LICENSED PREMISES--ELECTIONS.--

19 A. Provided that nothing in this section shall
20 prohibit the consumption at any time of alcoholic beverages in
21 guest rooms of hotels, alcoholic beverages shall be sold,
22 served and consumed on licensed premises only during the hours
23 designated by the governing body of a local option district
24 pursuant to Section 2 of this 2015 act, or during the following
25 hours and days:

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1 (1) on Mondays from 7:00 a.m. until midnight;
2 (2) on Tuesdays through Saturdays from after
3 midnight of the previous day until 2:00 a.m., then from 7:00
4 a.m. until midnight, except as provided in Subsections D and F
5 of this section; and

6 (3) on Sundays only after midnight of the
7 previous day until 2:00 a.m., except as provided in Subsections
8 C and E of this section and Section 60-7A-2 NMSA 1978.

9 B. Alcoholic beverages shall be sold by a dispenser
10 or a retailer in unbroken packages, for consumption off the
11 licensed premises and not for resale:

12 (1) during the hours designated by the
13 governing body of a local option district pursuant to Section 2
14 of this 2015 act; or

15 (2) on Mondays through Saturdays from 7:00
16 a.m. until midnight, except as provided in Subsections D and F
17 of this section.

18 C. A dispenser, restaurant licensee or club may,
19 upon payment of an additional fee of one hundred dollars
20 (\$100), obtain a permit to sell, serve or permit the
21 consumption of alcoholic beverages by the drink on the licensed
22 premises on Sundays, subject to approval obtained pursuant to
23 the process set forth in Subsection E of this section.
24 Alcoholic beverages may be sold, served and consumed:

25 (1) during the hours designated by the

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1 governing body of a local option district pursuant to Section 2
2 of this 2015 act; or

3 (2) from 11:00 a.m. until midnight as set
4 forth in the licensee's Sunday sales permit, except as
5 otherwise provided for a restaurant licensee in Section 60-6A-4
6 NMSA 1978. The Sunday sales permit shall expire on June 30 of
7 each year and may be renewed from year to year upon application
8 for renewal and payment of the required fee. The permit fee
9 shall not be prorated. Sales made pursuant to this subsection
10 or Subsection G of this section shall be called "Sunday sales".

11 D. Retailers, dispensers, canopy licensees that
12 were replaced by dispenser's licensees pursuant to Section
13 60-6B-16 NMSA 1978, restaurant licensees, club licensees and
14 governmental licensees or their lessees shall not sell, serve,
15 deliver or allow the consumption of alcoholic beverages on the
16 licensed premises:

17 (1) during the hours designated by the
18 governing body of a local option district pursuant to Section 2
19 of this 2015 act; or

20 (2) from 2:00 a.m. on Christmas day until 7:00
21 a.m. on the day after Christmas, except as permitted pursuant
22 to Subsection F of this section.

23 E. Sunday sales pursuant to the provisions of
24 Subsection C of this section are permitted in a local option
25 district that voted to permit them. If in that election a

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1 majority of the voters in a local option district voted "no" on
2 the question "Shall Sunday sales of alcoholic beverages by the
3 drink for consumption on the licensed premises of licensees be
4 allowed in this local option district?", Sunday sales are
5 unlawful in that local option district upon certification of
6 the election returns unless the provisions of Subsection J of
7 this section apply. The question shall not again be placed on
8 the ballot in that local option district until:

9 (1) at least one year has passed; and

10 (2) a petition is filed with the local
11 governing body bearing the signatures of registered qualified
12 electors of the local option district equal in number to ten
13 percent of the number of votes cast and counted in the local
14 option district for governor in the last preceding general
15 election in which a governor was elected. The signatures on
16 the petition shall be verified by the clerk of the county in
17 which the local option district is situated.

18 F. On and after July 1, 2002, dispensers, canopy
19 licensees that were replaced by dispenser's licensees pursuant
20 to Section 60-6B-16 NMSA 1978, restaurant licensees, club
21 licensees and governmental licensees or lessees of these
22 licensees, provided that the licensees have current, valid food
23 service establishment permits, may sell, serve or allow the
24 consumption of alcoholic beverages by the drink on licensed
25 premises:

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1 (1) during the hours designated by the
2 governing body of a local option district pursuant to Section 2
3 of this 2015 act; or

4 (2) from noon until 10:00 p.m. on Christmas
5 day, except in a local option district in which, pursuant to
6 petition and election under this subsection, a majority of the
7 voters voting on the question votes against continuing such
8 sales or consumption on Christmas day. An election shall be
9 held on the question of whether to continue to allow the sale,
10 service or consumption of alcoholic beverages by the drink on
11 licensed premises from noon until 10:00 p.m. on Christmas day
12 in a local option district, if a petition requesting the
13 governing body of that district to call the election is signed
14 by at least ten percent of the registered voters of the
15 district and is filed with the clerk of the governing body of
16 the district. Upon verification by the clerk that the petition
17 contains the required number of signatures of registered
18 voters, the governing body shall adopt a resolution calling an
19 election on the question of allowing the sale, service or
20 consumption of alcoholic beverages by the drink on licensed
21 premises from noon until 10:00 p.m. on Christmas day. The
22 election shall be held within sixty days after the date the
23 petition is verified, or it may be held in conjunction with a
24 regular election of the governing body if that election occurs
25 within sixty days of such verification. The election shall be

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1 called, conducted, counted and canvassed in substantially the
2 same manner as provided for general elections in the county
3 under the Election Code or for special municipal elections in a
4 municipality under the Municipal Election Code. If a majority
5 of the voters voting on the question votes against continuing
6 the sale, service or consumption of alcoholic beverages by the
7 drink on licensed premises from noon until 10:00 p.m. on
8 Christmas day, then such sales and consumption shall be
9 prohibited. If a majority of the voters voting on the question
10 votes to allow continued sale, service and consumption of
11 alcoholic beverages by the drink on licensed premises from noon
12 until 10:00 p.m. on Christmas day, then such sales and
13 consumption shall be allowed to continue. The question then
14 shall not be submitted again to the voters within two years of
15 the date of the last election on the question.

16 G. Notwithstanding the provisions of Subsection E
17 of this section, any Indian nation, tribe or pueblo whose lands
18 are wholly situated within the state that has, by statute,
19 ordinance or resolution, elected to permit the sale, possession
20 or consumption of alcoholic beverages on lands within the
21 territorial boundaries of the Indian nation, tribe or pueblo
22 may, by statute, ordinance or resolution of the governing body
23 of the Indian nation, tribe or pueblo, permit Sunday sales by
24 the drink on the licensed premises of licensees on lands within
25 the territorial boundaries of the Indian nation, tribe or

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1 pueblo; provided that a certified copy of such enactment is
2 filed with the office of the director and with the secretary of
3 state.

4 H. Subject to the provisions of Subsection I of
5 this section, a dispenser or retailer, upon payment of an
6 additional fee of one hundred dollars (\$100), may obtain a
7 permit to sell alcoholic beverages in unbroken packages for
8 consumption off the licensed premises on Sundays:

9 (1) during the hours designated by the
10 governing body of a local option district pursuant to Section 2
11 of this 2015 act; or

12 (2) from noon until midnight, and in those
13 years when December 31 falls on a Sunday, from noon on December
14 31 until 2:00 a.m. of the following day. The permit shall
15 expire on June 30 of each year and may be renewed from year to
16 year upon application for renewal and payment of the required
17 fee. The permit fee shall not be prorated. Sales made
18 pursuant to the provisions of this subsection shall be called
19 "Sunday package sales".

20 I. If a petition requesting the governing body of a
21 local option district to call an election on the question of
22 continuing to allow sales of alcoholic beverages in unbroken
23 packages for consumption off the licensed premises on Sundays
24 is filed with the clerk of the governing body and that petition
25 is signed by at least ten percent of the number of registered

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1 voters of the local option district and the clerk of the
2 governing body verifies the petition signatures, the governing
3 body shall adopt a resolution calling an election on the
4 question. The election shall be held within sixty days of the
5 date that the petition is verified, or it may be held in
6 conjunction with a regular election of the governing body, if
7 the regular election occurs within sixty days of the petition
8 verification. The election shall be called, conducted, counted
9 and canvassed substantially in the manner provided by law for
10 general elections within a county or for special municipal
11 elections within a municipality. If a majority of the voters
12 of the local option district voting in the election votes to
13 allow the sale of alcoholic beverages in unbroken packages for
14 consumption off the licensed premises, then those sales shall
15 continue to be allowed. If a majority of the voters of the
16 local option district voting in the election votes not to allow
17 the Sunday package sales, then those Sunday package sales shall
18 be prohibited commencing the first Sunday after the results of
19 the election are certified. Following the election, the
20 question of allowing the Sunday package sales shall not be
21 submitted again to the voters within two years of the date of
22 the last election on the question.

23 J. Sunday sales of alcoholic beverages shall be
24 permitted at resorts and at horse racetracks statewide pursuant
25 to the provisions of Section 60-7A-2 NMSA 1978."

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1 SECTION 10. APPROPRIATION.--One million dollars
2 (\$1,000,000) is appropriated from the general fund to the
3 department of health for expenditure in fiscal year 2016 to
4 fund the creation and prioritization of investment zones
5 statewide pursuant to Section 1 of this act for behavioral
6 health service delivery through the interagency behavioral
7 health purchasing collaborative. Any unexpended or
8 unencumbered balance remaining at the end of fiscal year 2016
9 shall revert to the general fund.

10 SECTION 11. REPEAL.--Laws 2001, Chapter 248, Section 2 is
11 repealed.

12 SECTION 12. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2015.

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