

**STATE OF NEW MEXICO**  
**LEGISLATIVE EDUCATION STUDY COMMITTEE**

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June 8, 2012

**MEMORANDUM**

**TO:** New Mexico Legislators

Handwritten signature of Rick Miera in black ink.

**FR:** Representative Rick Miera, Chair

Handwritten signature of Cynthia Nava in blue ink.

Senator Cynthia Nava, Vice Chair

**RE: SUMMARY OF PUBLIC EDUCATION-RELATED LEGISLATION PASSED BY THE 50<sup>TH</sup> LEGISLATURE, 2<sup>ND</sup> SESSION, 2012**

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In statute, the Legislative Education Study Committee (LESC) is charged with conducting a continuing study of all education in New Mexico, the laws governing such education, and the policies and costs of the New Mexico educational system. At the end of each interim, based on policy and fiscal studies, the LESL develops recommendations for consideration of the full Legislature, including a public school support appropriation that addresses the state constitutional requirement to establish and maintain a uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state.

This memo and the attached materials, developed by the LESL staff, review the legislation from the 2012 regular 30-day session related to public schools, including public school support and other public education-related appropriations. The materials are organized as follows:

- **Projected FY 13 State Revenues;**
- **Selected FY 13 General Fund Appropriations and Vetoed Language;**
- **FY 13 Public School Support and Related Appropriations;**
- **2012-2013 Initial Program Unit Value;**
- **Public School Capital Outlay;**
- **Legislation Endorsed by the LESL;**

- **Legislative Memorials Directed to the LESC; and**
- **Other Public School-related Legislation.**

Attachments include:

- **Table 1, *FY 13 Public School Support and Related Appropriations*;**
- **Selected Public Education-related Language, *General Appropriation Act of 2012, (Laws 2012, Chapter 19 (CS/HB 2 et al., as amended))*;**
- **Table 2, *History of the Unit Value*;**
- **Table 3, *Public School Capital Outlay, CS/HB 191a, with emergency clause (Laws 2012, Ch. 64 [partial veto])*;**
- **Table 4, *Public School Capital Outlay, CS/SB 66a, with emergency clause (Laws 2012, Ch. 54 [partial veto])*;**
- **Table 5, *Public School Capital Outlay Reauthorizations, CS/HB 190, with emergency clause (Laws 2012, Ch. 63) and CS/HB 191a, with emergency clause (Laws 2012, Ch.64 [partial veto])*; and**
- **Passed Public School-related Legislation, 50<sup>th</sup> Legislature, 2<sup>nd</sup> Session, 2012.**

### **PROJECTED FY 13 STATE REVENUES**

According to the consensus revenue estimate provided to the LESC during the committee’s December 2011 interim meeting:

- “new money” in FY 13, which is defined as FY 13 projected revenue less FY 12 recurring appropriations, is approximately \$254 million, or 4.7 percent over FY 12 appropriations; however,
- after setting aside approximately \$50.0 million to reverse a 1.75 percent employee/employer retirement swap, the FY 13 “new money” is approximately \$204 million.

### **SELECTED FY 13 GENERAL FUND APPROPRIATIONS AND VETOED LANGUAGE**

In total, the *General Appropriation Act of 2012*, appropriated \$5.65 billion from the General Fund, a 4.0 percent increase over the FY 12 budget, including:

- \$757.8 million for higher education, an increase of \$41.0 million or 5.7 percent from the previous year; and
- \$513 million in reserve balances, or 9.1 percent of recurring appropriations.

Vetoed language in the act includes provisions that would have:

- allowed legislative committees and staff access to the Student Teacher Accountability Reporting System (STARS) and Operating Budget Management System (OBMS) databases at the Public Education Department (PED);
- capped funding per student for charter schools at district levels in which the charter school is located;

- targeted funding for K-3 Plus and New Mexico Pre-K to direct instruction, transportation, and administrative expenses;
- targeted funding for interventions in low performing schools (D and F) for reading or instructional coaches;
- required reports to standing legislative committees regarding disbursement of emergency supplemental funds;
- required PED to align any reading adoption for instructional materials to Common Core State Standards (CCSS); and
- limited the special appropriation for transition to the CCSS to professional development for teachers and school leaders on the new content.

### **FY 13 PUBLIC SCHOOL SUPPORT AND RELATED APPROPRIATIONS**

**Table 1, *FY 13 Public School Support and Related Appropriations***, summarizes the recurring and the nonrecurring public school support and education-related appropriations.

In total, the *General Appropriation Act of 2012* appropriates over \$2.45 billion for Public School Support and related recurring appropriations. The appropriations include:

- \$2.27 billion to the State Equalization Guarantee (SEG). Considering only General Fund dollars, this figure is a \$48.1 million, or 2.2 percent, increase over FY 12 (lines 19-20);
- nearly \$129.2 million for categorical public school support (line 34) for statutorily created funds and initiatives, including public school transportation, supplemental distributions, the Instructional Material Fund, dual credit instructional materials, and the Indian Education Fund; and
- approximately \$52.6 million (see line 57) to fund the operations of PED and other education-related initiatives funded with recurring dollars, including:
  - the operations of regional education cooperatives;
  - K-3 Plus;
  - New Mexico PreK;
  - Early Childhood Education;
  - Early Reading Initiative;
  - Innovative Digital Education and Learning (IDEAL-NM);
  - the operational costs for the OBMS and the STARS;
  - Advanced Placement;
  - Apprenticeship Assistance;
  - College and Career Readiness;
  - Mock Trials Program;
  - Breakfast for Elementary Students; and
  - the Graduation, Reality, and Dual-Roles Skills (GRADS) program.

In nonrecurring dollars for FY 13, the 2012 Legislature appropriated:

- \$4.0 million for emergency support to school districts experiencing shortfalls (line 62);
- \$1.5 million in emergency support. Combined with the \$4.0 million in recurring dollars for emergency supplemental, nearly \$5.5 million will be available to provide financial

support to school districts or state-chartered charter schools statewide. Language in the *General Appropriation Act of 2012* and provisions in the *Public School Finance Act* prohibit the distribution of emergency funds to an entity having cash and invested reserves, or other resources or any combination thereof, equaling 5.0 percent or more of its operational budget;

- \$1.0 million to PED for the Common Core Transition;
- \$1.5 million for K-12 science instructional materials for school districts with low student performance in science;
- \$2.5 million for supplemental funding for increases in school district and charter school fixed costs;
- \$1.5 million for increased fuel costs faced by school districts and state-chartered charter schools (from the Emergency Transportation Fund);
- \$1.0 million to extend through FY 13 the period of time to expend \$1.0 million from the “Lockbox” to implement a new teacher evaluation system based on student achievement and growth;
- \$450,000 for OBMS maintenance and support; and
- \$200,000 for STARS upgrades and enhancements.

### **2012-2013 INITIAL PROGRAM UNIT VALUE**

For school year 2012-2013, the Secretary-designate of Public Education set a preliminary unit value of \$3,668.18, an increase of \$69.31, or 1.93 percent, from the final school year 2011-2012 unit value of \$3,598.87.

The preliminary unit value is based on an appropriated program cost of approximately \$2.3 billion and projected statewide program units of 639,161.245 for school year 2012-2013.

For informational purposes, **Table 2, *History of the Unit Value***, summarizes the changes to the unit value since 1974.

### **PUBLIC SCHOOL CAPITAL OUTLAY**

**Table 3, *Education-related 2012 Severance Tax Bond Projects***, and **Table 4, *Education-related 2012 General Obligation Bond Projects***, summarize authorized public education-related capital outlay projects.

Please note that the projects in Table 3 include the reauthorization of \$2.5 million from a prior information technology appropriation to the Human Services Department (Laws 2011, Chapter 5, Section 11) for the purchase of school transportation buses by PED.

Also to be noted is enacted LESC-endorsed legislation to:

- make the New Mexico School for the Blind and Visually Impaired (NMSBVI) and the New Mexico School for the Deaf (NMSD) eligible for public school capital outlay funding under the public school standards-based capital outlay process;
- establish a local match for NMSBVI and NMSD of 50 percent for educational facilities and 100 percent for support spaces;

- allow the Public School Capital Outlay Council (PSCOC) to adjust or waive the local share if the NMSBVI and NMSD do not have local resources;
- require the PSCOC to adopt and apply appropriate adequacy standards; and
- provide funding on a building-by-building basis until July 1, 2018, after which the NMSBVI and NMSD awards will be based on the entire campus.

### LEGISLATION ENDORSED BY THE LESC

At its final meeting at the end of the 2011 interim, the LESC endorsed 13 measures for consideration of the 2012 Legislature.

Of these measures: five bills were enacted into law, one memorial was passed by the House of Representatives, six pieces of legislation did not pass, and one piece of legislation was not printed.

#### Enacted

- **HB 14a, *K-3 Plus Program to Public Education Department (Laws 2012, Chapter 21)***, which amends the *Public School Code*, with emergency clause, to convert the six-year K-3 Plus pilot program to a continuing program within PED for the purpose of providing funding for additional educational time for disadvantaged students in kindergarten through third grade; creates a non-reverting K-3 Plus Fund; and requires per-student funding to be based on 30 percent of the unit value;
- **HB 161a, *School Athletics Reporting Requirements (Laws 2012, Chapter 24)***, which amends the *School Athletics Equity Act* to eliminate revenue, expenditure, and benefits and services reporting requirements for seventh and eighth grade athletic programs, and to clarify other reporting requirements;
- **CS/SB 66a, *General Obligation Bond Projects, with emergency clause (Laws 2012, Chapter 54)***, for the authorization of \$29.6 million in General Obligation Bonds to fund public, academic, tribal, and public school libraries; includes \$3.0 million for the Office of Cultural Affairs; \$700,000 for tribal libraries; \$3.0 million for PED; and \$5.0 million for HED;
- **SB 196a, *Schools for Deaf & Blind Capital Outlay (Laws 2012, Chapter 53)***, described above under “Public School Capital Outlay”; and
- **SB 209, *School District Financial Flexibility (Laws 2012, Chapter 51)***, which amends the *Public School Code* (Laws 2011, Chapter 68) to allow the Secretary of Public Education to waive requirements in statute and rule pertaining to individual class loads, teaching loads, length of school day, staffing patterns, subject areas, and purchases of instructional materials for school year 2012-2013.

#### Passed

- **HM 13, *Review Public School Reporting Requirements***, which requests that PED, in collaboration with the New Mexico Coalition of School Administrators and other

stakeholders, conduct a review of all reporting requirements specified in statute and PED rule; develop recommendations regarding the streamlining of those requirements; and report the group's findings to the LESC and the Legislative Finance Committee (LFC) by November 1, 2012.

### **Did Not Pass**

- **HB 13, *Adult Basic Education Materials***, which proposed to require the Higher Education Department, beginning in FY 13, to match the allocation from the Instructional Material Fund for adult basic education with funding from the appropriation to the Adult Basic Education Fund;
- **HB 107, *Charter School Audit Monitoring***, which proposed to amend the *Public School Finance Act* to require (1) that each charter school submit its annual financial audit not only to the State Auditor but also to the school's authorizer; (2) that the authorizer monitor a charter school whose audit shows internal control deficiencies or material weaknesses until those deficiencies and weaknesses are corrected; and (3) that, in the case of a charter school that receives a qualified opinion on its audit, PED work with the charter school authorizer to assist the charter school to improve its accounting and internal control system and to require monthly status reports;
- **SB 57, *Child Sexual Abuse Prevention Task Force, with emergency clause***, which proposed to create the Child Sexual Abuse Prevention Task Force, specify the task force membership, and direct the task force to study and make recommendations regarding the prevention and reporting of child sexual abuse;
- **SB 192, *Charter & Start-up School Contract Time Frame***, which proposed to amend the *Charter Schools Act* to require start-up schools and renewing charter schools to enter into charter contracts with their chartering authorities according to a prescribed timeline;
- **CS/SJM 3, *Create Interim Higher Education Committee***, which requested that the Legislative Council create a two-year interim legislative Higher Education Committee (1) to examine: ways to coordinate offerings and degrees; the impact of regional and national accreditation and professional standards; education and work force needs; the state's demographics and institutional statistics; and faculty and staff compensation; (2) to consider funding and revenue issues; and (3) to report to the Legislature by November 30, 2012 and again by November 30, 2013; and
- **SJM 13, *Study School District Administrative Changes***, which requested that PED and the State Auditor convene a work group (1) to consider the efficacy of having regional education cooperatives or other similar entities provide business and administrative services for public schools on a regional basis; (2) to design a pilot project for legislative consideration; and (3) to report the work group's findings to the LESC and the LFC by November 1, 2012.

## Not Printed

- Finally, the bill that was not printed would have amended the *Public School Code* to include a definition of “developmentally delayed” in reference to the provision of speech-only services for three- and four-year-olds.

### LEGISLATIVE MEMORIALS DIRECTED TO THE LESC

In addition to HM 13, described above under “Legislation Endorsed by the LESC,” the House and the Senate passed four memorials in their respective houses that request studies by, or presentations to, the LESC, as follows:

- **HM 25 and SM 39, *Develop School Bullying Prevention Programs***, encouraging school districts to engage parents and community members in the development of school bullying prevention programs;
- **HM 42 and SM 53, *Study Training for Education Careers***, requesting that the LESC establish a work group to study, in collaboration with PED, state colleges of education, and other stakeholders, the sustainability for future growth, recruitment, and training of high school students to pursue future careers in education;
- **HM 67, *Comprehensive Strategic Education Plan***, requesting that the Legislative Council convene a work group to develop a comprehensive strategic education plan to eliminate the achievement gap and increasing the graduation rates of Hispanic, Native American, and African-American students; and requesting that the LESC and the LFC assist in staffing the work group;
- **SM 73, *Study Costs of All School Assessments***, requesting that the LESC and the LFC, in conjunction with PED, conduct an analysis of the cost, both in instructional time and money, of all assessments of New Mexico students, including proposed assessments related to Common Core State Standards; and that the LESC and LFC report the results of the study to the 2013 Legislature and the Governor; and
- **SM 86, *Review A-B-C-D-F School Rating System***, requesting that the LESC and the LFC, with the assistance of PED form a work group of education stakeholders to review the recent implementation of the A-B-C-D-F Schools Rating System; and that the work group report its findings and recommendations to the LESC and LFC by October 31, 2012.

Finally, both chambers passed a joint memorial requesting a study of the solvency of the Legislative Lottery Scholarship Fund. More specifically,

- **HJM 14a, *Study Lottery Tuition Fund Solvency***, requests that the Higher Education Department, in cooperation with the LESC and LFC, appoint a task force to study the solvency of the Lottery Tuition Fund and to make recommendations to the Governor and the First Session of the 51<sup>st</sup> Legislature by December 1, 2012.

## OTHER PUBLIC SCHOOL-RELATED LEGISLATION

The 2012 regular session saw the introduction of approximately 1,035 bills, joint memorials, memorials, and resolutions.

Among them were measures focused on the evaluation of teachers and principals and on the retention and remediation of certain public school students.

### Evaluation of Teachers and Principals

The following three bills all proposed to add a new section to the *Public School Code* to establish new evaluation provisions, specifically:

- **CS/CS/HB 249 & CS/HB 251, *Teacher & School Leader Effectiveness Act***, would have created the *Teacher and School Principal Effectiveness Act*. Among its provisions, the bill would have established a council and certain timelines for implementing evaluation measures for teachers based on certain multiple measures and for principals based on certain measures of student and school growth;
- **CS/SB 293, *Teacher & School Leader Effectiveness Act***, would have created the *Teacher and School Leader Effectiveness Act*. Among its provisions, the bill would have required the Secretary of Public Education to convene an advisory committee and to develop a formula to measure individual student achievement on the state's standardized assessments; and require school districts to use PED-adopted student achievement growth measures;
- **CS/SB 315, *Teacher Evaluation Framework***, would have established an evaluation framework for teachers, principals, and head administrators. For teachers, the evaluation was to be based on standards of practice that account for the complexities of teaching, including formative and summative evaluation criteria, evidence of teaching ability, and student learning from multiple sources. For principals and head administrators, the legislation would have required evidence of school leadership effectiveness from multiple sources, established standards for determining school leadership effectiveness, and provided evaluation instruments, rubrics and other tools, and procedures for conducting evaluations.

### Retention and Remediation of Certain Public School Students

Finally, the following four bills proposed the repeal of current remediation and promotion provisions in the *Public School Code* and the creation of a new section to limit school retention through remediation and interventions, specifically:

- **CS/CS/SB 50a, *Limit School Retentions through Remediation***, would have required, within the first three weeks of the school year, that each student in grades K-8 be evaluated with a reading screening assessment and each student in grades 4-8 be evaluated with a mathematics screening assessment; provided immediate implementation of intervention or remediation for non-proficient reading or mathematics students; required parental notification if a student did not progress after intervention or remediation by the end of the first grading period of the school year; provided that a



student who had not achieved grade-level proficiency after intervention or remediation be retained no more than one school year; and provided that, if a parent signed a refusal of retention notice, the student would be promoted to the next grade with an academic improvement plan;

- **HB 53, *Limit School Retentions through Remediation***, would have required remediation for students not proficient in reading and mathematics at the end of grades K-8; allowed retention of a student who had not achieved grade-level proficiency for no more than one year after consultation with the parent and with the recommendation of teacher and principal; and allowed a parent to sign a refusal of retention waiver (for one year only), in which case the student would have been promoted to the next grade with an academic improvement plan;
- **HB 69aa, *Limit School Retentions through Interventions***, would have provided intervention and remediation for students in grades K-3 who have been identified as non-proficient in reading; retained a third grade student who is not proficient in reading after intervention and remediation for no more than one year upon recommendation of teacher and principal; provided that a student who is not academically proficient at the end of grades 4 through 8 be provided with remediation; provided that, if a parent refuses to allow the student to participate in prescribed intervention, the school district shall provide an appropriate form that must be signed by the parent; and allowed a parent of a student in kindergarten through grade 3 who is not proficient in reading after completion of intervention and remediation to petition the school principal for promotion if prescribed conditions are met; and
- **SB 96aa, *Limit School Retentions through Interventions***, would have provided for the retention of a third grade student who is not proficient in reading after completion of intervention and remediation for no more than one year upon recommendation of the teacher and principal; provided that a student who is not academically proficient at the end of grades 4 through 8 not be retained but provided with intensive remediation; and provided for assessment, intervention, and remediation programs to address deficiencies identified between kindergarten and grade 8.

The final attachments to this memo are summaries of all public school-related legislation that passed in the 2012 regular session.

A separate listing of public education-related legislation that did not pass is available upon request from the LESC office.

xc: Governor Susana Martinez  
Lieutenant Governor John Sanchez  
Ms. Hanna Skandera, Secretary-designate of Public Education  
Dr. José Z. Garcia, Secretary of Higher Education  
Members of the Public Education Commission  
Presidents of Local School Boards  
Public School District Superintendents  
State-chartered Charter School Administrators  
Other Interested Parties

TABLE 1

## FY 13 PUBLIC SCHOOL SUPPORT AND RELATED APPROPRIATIONS

(dollars in thousands)

*Strikethrough indicates Executive veto*

	FY 12 Final Unit Value \$3,598.87	FY13 Preliminary Unit Value \$3,668.18
	Adjusted FY 12 Appropriation	FY 13 Appropriation CS/HB 2 et al. as amended Laws 2012, Ch. 19 (partial veto)
1 PROGRAM COST	\$2,255,050.1	\$2,294,777.4
2 Replace Federal Fiscal Stabilization Funds and Education Jobs Fund	\$88,275.6	
3 Laws 2011, Chapter 178 Retirement Adjustments	(\$25,274.4)	\$25,274.4
4 Laws 2011, Chapter 179 Unemployment Adjustments	(\$756.9)	
5 ENROLLMENT GROWTH	\$3,000.0	\$11,099.5
6 New Charter Schools		\$8,182.4
7 Year-to-year Base Unit Changes		(\$6,179.7)
8 INSURANCE COSTS		\$10,284.9
9 FIXED COSTS		see line 68
10 Administrative and Efficiency Savings to Minimize Impact on Instructional Programs	(\$17,193.0)	
11 Suspend High School Graduation/Standards-Based Assessment Requirements for 1 Year	(\$3,463.5)	
12 Shift Return-to-work Employee ERB Contribution to Employee (9.4%)	(\$4,860.5)	
13 PROGRAM COST	\$2,294,777.4	\$2,343,438.9
14 Dollar Difference over Prior Year Appropriation		\$48,661.5
15 Percent Change		2.1%
16 LESS PROJECTED CREDITS	(\$68,436.0)	(\$69,000.0)
17 LESS OTHER STATE FUNDS (from driver's license fees)	(\$850.0)	(\$850.0)
18 STATE EQUALIZATION GUARANTEE	\$2,225,491.4	\$2,273,588.9
19 Dollar Difference over Prior Year Appropriation		\$48,097.5
20 Percent Change		2.2%
21 CATEGORICAL PUBLIC SCHOOL SUPPORT		
22 TRANSPORTATION		
23 Operational	\$82,339.0	\$83,874.2
24 Laws 2011, Chapter 178 Retirement Adjustments	(\$1,101.6)	\$1,101.6
25 Laws 2011, Chapter 179 Unemployment Adjustments	(\$31.5)	
26 Rental Fees (contractor-owned buses)	\$11,724.4	\$11,700.2
27 TOTAL TRANSPORTATION	\$92,930.3	\$96,676.0
28 SUPPLEMENTAL DISTRIBUTIONS		
29 Out-of-state Tuition	\$346.0	\$346.0
30 Emergency Supplemental	\$1,924.6	\$2,500.0
31 INSTRUCTIONAL MATERIAL FUND	\$15,092.8	\$26,975.8
32 Dual Credit Instructional Materials	\$812.3	\$857.0
33 INDIAN EDUCATION FUND	\$1,824.6	\$1,824.6
34 TOTAL CATEGORICAL	\$112,930.6	\$129,179.4
35 TOTAL PUBLIC SCHOOL SUPPORT	\$2,338,422.0	\$2,402,768.3
36 Dollar Difference over Prior Year Appropriation		\$64,346.3
37 Percent Change		2.8%
38 RELATED APPROPRIATIONS: RECURRING		
39 PUBLIC EDUCATION DEPARTMENT	\$10,534.2	\$10,739.6
40 Regional Education Cooperatives Operations	\$938.2	\$938.2
41 K-3 Plus	\$5,292.6	\$11,000.0
42 Prekindergarten Program	\$6,292.6	\$10,000.0
43 Early Childhood Education	\$500.0	
44 Early Reading Initiative		\$8,500.0
45 Breakfast for Elementary Students	\$1,924.6	\$1,924.6
46 Teaching Support in Schools with a High Proportion of Low-income Students		\$500.0
47 Interventions for Low Performing Schools ("D" & "F" Schools)		\$3,500.0
48 New Mexico Cyber Academy	\$500.0	\$890.0
49 OBMS/STARS Hosting and Operational Costs	\$673.6	\$750.0
50 Advanced Placement	\$541.8	\$541.8
51 College and Career Readiness (ACT, SAT, PSAT, Explore, Plan)		\$309.4
52 Statewide Formative Assessments (Short Cycle Grades 4-10)		\$2,500.0
53 Apprenticeship Assistance	\$192.4	\$192.4
54 Mock Trials Program		\$87.1
55 GRADS – Teen Pregnancy Prevention	\$200.0	\$200.0
56 <del>Athletic and Extracurricular Support</del>		<del>\$50.0</del>
57 TOTAL RELATED APPROPRIATIONS: RECURRING	\$27,590.0	\$52,573.1
58 GRAND TOTAL	\$2,366,012.0	\$2,455,341.4
59 Dollar Difference over Prior Year Appropriation		\$89,329.4
60 Percent Change		3.8%

TABLE 1

## FY 13 PUBLIC SCHOOL SUPPORT AND RELATED APPROPRIATIONS

(dollars in thousands)

*Strikethrough indicates Executive veto*

		FY 12 Final Unit Value \$3,598.87	FY13 Preliminary Unit Value \$3,668.18	
		Adjusted FY 12 Appropriation	FY 13 Appropriation CS/HB 2 et al. as amended Laws 2012, Ch. 19 ( <i>partial veto</i> )	
61	<b>RELATED APPROPRIATIONS: NONRECURRING (to PED unless otherwise noted)</b>			61
62	Emergency Support to School Districts Experiencing Shortfalls	\$2,000.0	\$4,000.0	62
63	Emergency Supplemental Support to Small, Rural, Isolated Districts with a Total MEM of Fewer than 200		\$1,500.0	63
64	Reauthorization of 2010 Emergency Supplemental Appropriation	\$3,793.0		64
65	Common Core Transition		\$1,000.0	65
66	Governor's Educational Reforms and Initiatives	\$2,500.0		66
67	K-12 Science Instructional Materials for School Districts with Low Student Performance in Science		\$1,500.0	67
68	Supplemental Funding for Increases in School District and Charter School Fixed Costs		\$2,500.0	68
69	Increased Fuel Costs Faced by School Districts and State-chartered Charter Schools (from the Emergency Transportation Fund)	\$1,200.0	\$1,500.0	69
70	Extend through FY 13 the Period of Time to Expend \$1 million from the "Lockbox" to Implement a New Teacher Evaluation System Based on Student Achievement Growth		\$1,000.0	70
71	Update Data from 2007-2008 Public School Funding Formula Study (to Legislative Council Service)		<del>\$75.0</del>	71
72	OBMS Maintenance and Support (Section 7)		\$450.0	72
73	STARS Upgrades and Enhancements (Section 7)		\$200.0	73
74	<b>TOTAL RELATED APPROPRIATIONS: NONRECURRING</b>	<b>\$9,493.0</b>	<b>\$13,650.0</b>	74

**TABLE 2 - HISTORY OF THE UNIT VALUE  
1974-1975 ACTUAL TO 2012-2013 INITIAL**

School Year	Initial Unit Value	Final Unit Value	Increase/ (Decrease) from previous year	Percent Difference
1974-1975		\$616.50		
1975-1976		\$703.00	\$86.50	14.0%
1976-1977		\$800.00	\$97.00	13.8%
1977-1978		\$905.00	\$105.00	13.1%
1978-1979		\$1,020.00	\$115.00	12.7%
1979-1980		\$1,145.00	\$125.00	12.3%
1980-1981		\$1,250.00	\$105.00	9.2%
1981-1982		\$1,405.00	\$155.00	12.4%
1982-1983 <sup>1</sup>	\$1,540.00	\$1,511.33	\$106.33	7.6%
1983-1984		\$1,486.00	(\$25.33)	-1.7%
1984-1985		\$1,583.50	\$97.50	6.6%
1985-1986 <sup>2</sup>	\$1,608.00	\$1,618.87	\$35.37	2.2%
1986-1987		\$1,612.51	(\$6.36)	-0.4%
1987-1988		\$1,689.00	\$76.49	4.7%
1988-1989		\$1,737.78	\$48.78	2.9%
1989-1990		\$1,811.51	\$73.73	4.2%
1990-1991		\$1,883.74	\$72.23	4.0%
1991-1992		\$1,866.00	(\$17.74)	-0.9%
1992-1993 <sup>3</sup>	\$1,851.73	\$1,867.96	\$1.96	0.1%
1993-1994	\$1,927.27	\$1,935.99	\$68.03	3.6%
1994-1995	\$2,015.70	\$2,029.00	\$93.01	4.8%
1995-1996	\$2,113.00	\$2,113.00	\$84.00	4.1%
1996-1997	\$2,125.83	\$2,149.11	\$36.11	1.7%
1997-1998	\$2,175.00	\$2,175.00	\$25.89	1.2%
1998-1999	\$2,322.00	\$2,344.09	\$169.09	7.8%
1999-2000 <sup>4</sup>	\$2,460.00	\$2,460.00	\$115.91	4.9%
2000-2001	\$2,632.32	\$2,647.56	\$187.56	7.6%
2001-2002	\$2,868.72	\$2,871.01	\$223.45	8.4%
2002-2003	\$2,896.01	\$2,889.89	\$18.88	0.7%
2003-2004	\$2,977.23	\$2,976.20	\$86.31	3.0%
2004-2005	\$3,035.15	\$3,068.70	\$92.50	3.1%
2005-2006 <sup>5</sup>	\$3,165.02	\$3,198.01	\$129.31	4.2%
2006-2007 <sup>5,6</sup>	\$3,444.35	\$3,446.44	\$248.43	7.8%
2007-2008	\$3,645.77	\$3,674.26	\$227.82	6.6%
2008-2009 <sup>7</sup>	\$3,892.47	\$3,871.79	\$197.53	5.4%
2009-2010 <sup>8,9</sup>	\$3,862.79	\$3,792.65	(\$79.14)	-2.0%
2010-2011 <sup>10</sup>	\$3,712.45	\$3,712.17	(\$80.48)	-2.1%
2011-2012	\$3,585.97	\$3,598.87	(\$113.30)	-3.1%
2012-2013	\$3,668.18		\$69.31	1.9%

- <sup>1</sup> The 1982-83 General Fund appropriation was reduced by 2.0 percent.
- <sup>2</sup> The final unit value includes \$10.87 due to the ½ mill redistribution (Laws 1985, Chapter 15).
- <sup>3</sup> The "floating" unit value went into effect.
- <sup>4</sup> The basis for funding changed to the prior-year average membership of the 40<sup>th</sup>, 80<sup>th</sup>, and 120<sup>th</sup> school days.
- <sup>5</sup> For FY 06, appropriated program cost contains an additional \$51.8 million to implement the third year of the five-year phase-in of the three-tiered licensure system. Although this funding was distributed based on need in FY 06, the \$51.8 million was incl
- <sup>6</sup> The basis for funding changed to the prior-year average membership of the 80<sup>th</sup> and 120<sup>th</sup> school days.
- <sup>7</sup> In the 2009 legislative session, solvency measures resulted in a \$20.68 decrease in the FY 09 unit value.
- <sup>8</sup> FY 10 initial unit value comprises \$3,606.40 in General Fund dollars and \$256.39 in federal funding from the federal *American Recovery & Reinvestment Act of 2009*
- <sup>9</sup> FY 10 final unit value comprises \$3,458.06 in General Fund dollars and \$334.59 in federal funding from the federal *American Recovery & Reinvestment Act of 2009*
- <sup>10</sup> FY 11 final unit value comprises \$3,572.34 in General Fund dollars, \$37.85 in funding pursuant to the federal *American Recovery & Reinvestment Act of 2009*, and \$101.98 in federal Education Jobs Funds.

**Sources:** LESC; Issues and Answers, 1982-83; A First Look at New Mexico Public School Budgets, 1983-84 through 1998-99; PED funded reports (final unit value), 1999-00 to the present; PED miscellaneous correspondence.

**SELECTED PUBLIC EDUCATION-RELATED LANGUAGE**  
**GENERAL APPROPRIATION ACT OF 2012**  
**CS/HB 2 et al., as amended (Laws 2012, Chapter 19)**

**Strikethrough indicates Executive Veto**

**Section 3. GENERAL PROVISIONS [pages 3-5]**

H. ~~The department of finance and administration will regularly consult with the legislative finance committee staff to compare fiscal year 2013 revenue collections with the revenue estimate. If the analyses indicate that revenues and transfers to the general fund are not expected to meet appropriations, then the department shall present a plan to the legislative finance committee that outlines the methods by which the administration proposes to address the deficit.~~

J. ~~For fiscal year 2013, the number of permanent and term full-time equivalent positions specified for each agency shows the maximum number of employees intended by the legislature for that agency, unless another provision of the General Appropriation Act of 2012 or another act of the second session of the fiftieth legislature provides for additional employees. For purposes of the General Appropriation Act of 2012 and any other act of the second session of the fiftieth legislature, no employee shall be deemed to have an annual salary greater than twenty thousand dollars (\$20,000) unless the employee's full-time equivalent base annual salary is greater than that amount or unless the employee's base hourly wage is greater than nine dollars fifty seven and nine tenths cents (\$9.579).~~

**Section 4. FISCAL YEAR 2013 APPROPRIATIONS**

**F. HEALTH, HOSPITALS AND HUMAN SERVICES**

**CHILDREN, YOUTH AND FAMILIES DEPARTMENT**

The general fund appropriations to the early childhood services program of the children, youth and families department include no less than eight million three hundred twelve thousand three hundred ten dollars (\$8,312,310) for direct services and no more than nine hundred twenty-three thousand five hundred ninety dollars (\$923,590) for administrative and program support in the prekindergarten program. [p. 144, lines 5-8]

**I. OTHER EDUCATION**

**PUBLIC EDUCATION DEPARTMENT**

A regional education cooperative may submit an application to the public education department for an allocation from the nine hundred thirty-eight thousand two hundred dollar (\$938,200) appropriation. The public education department may allocate amounts to one or more regional education cooperatives provided that the regional education cooperative's application has adequately justified a need for the allocation and the department finds the regional education cooperative has submitted timely quarterly financial reports, is in compliance with state and

federal reporting requirements, including annual audit requirements pursuant to the Audit Act, and is otherwise financially stable. ~~Prior to making an allocation to a regional education cooperative, the public education department shall provide a detailed report to the legislative education study committee and the legislative finance committee on the effectiveness of the technical assistance and other services provided to members of the regional education cooperative and any nonmember public and private entities to which the cooperative provided educational services.~~ An allocation made to a regional education cooperative may only be used for current year operating expenses. [p. 161, lines 13-25]

~~The general fund appropriation to the public education department for the prekindergarten program and the kindergarten three plus program shall be used only for direct instruction, transportation and approved administrative costs.~~ [p. 162, lines 1-3]

Notwithstanding the provisions of Section 32A-23-9 NMSA 1978 or other substantive law, the general fund appropriation of ten million dollars (\$10,000,000) to the public education department for the prekindergarten program includes no less than nine million dollars (\$9,000,000) for direct services and no more than one million dollars (\$1,000,000) for administrative and program support in the prekindergarten program. [p. 162, lines 4-8]

~~The general fund appropriation to the public education department for the kindergarten three-plus program shall only be used to provide funding for approved full-day kindergarten and grades one through three to be extended by a minimum of twenty-five instructional days to be completed prior to the start of the regular school year. Kindergarten three plus programs shall be funded at no less than thirty percent of the preliminary unit value per student. Schools that are awarded funding for kindergarten three plus for the 2012-2013 school year shall be notified no later than April 15, 2012.~~ [p. 162 lines 9-14]

The general fund appropriation to the public education department for the early reading initiative includes two million dollars (\$2,000,000) to be transferred to the teacher professional development fund to support training on effective reading instruction and data-driven decision making and to support reading and instructional coaches at the district level to support schools with the implementation of formative assessment tools and interventions. [p. 162 lines 15-19]

Prior to the distribution of early reading initiative funding, the public education department ~~and the secretary's superintendents' council~~ shall jointly develop a distribution plan. The public education department shall not approve a school district or charter school budget that does not demonstrate that its early reading initiative allocation will be used to fund proven instructional strategies and professional development activities such as extended school day and extended school year programs, reading coaches and reading specialists and prekindergarten programs. [p. 162, lines 20-25]

The general fund appropriation to the public education department for teaching assistance for low-income students includes five hundred thousand dollars (\$500,000) for a nonprofit

organization that provides teaching support in schools with at least sixty percent of the enrolled students eligible for free or reduced-fee lunch, with a priority for schools with eighty-five percent or more of the enrolled students eligible for free or reduced-fee lunch. [p. 163, lines 1-5]

The general fund appropriation to the public education department for intervention in D and F schools is contingent on the department using the funds for ~~reading coaches or instructional coaches~~ in D and F schools as identified by the A-B-C-D-F Schools Rating Act. [p. 163, lines 6-8]

~~The general fund appropriation to the public education department for the operating budget management system and the student, teacher accountability reporting system is contingent on the public education department providing the legislative education study committee and the legislative finance committee with read and report only access no later than July 1, 2012. The public education department shall take reasonable precautions, including electronic blocking or redacting, to prevent the disclosure of personally identifiable information of a student unless the parent or guardian of a minor student or a student who is no longer a minor consents in writing to the disclosure of personally identifiable information about that student or information that would cause the department to lose federal funding under 20 U.S.C. 1232g, et seq. [p. 163, lines 9-17]~~

~~The general fund appropriation to the public education department includes fifty thousand dollars (\$50,000) for a nonprofit educational association whose principal purpose is the regulation, direction, administration and supervision of interscholastic activities in New Mexico for athletic and extracurricular activities and support for seventh and eighth grade students statewide. [p. 163, lines 19-21]~~

Any unexpended balances in the special appropriations to the public education department remaining at the end of fiscal year 2013 from appropriations made from the general fund shall revert to the general fund. [p. 163, lines 22-24]

## **K. PUBLIC SCHOOL SUPPORT**

### **PUBLIC SCHOOL SUPPORT**

Except as otherwise provided, unexpended balances of appropriations made in this subsection shall not revert at the end of fiscal year 2013. [p. 197, lines 19-20]

The purpose of public school support is to carry out the mandate to establish and maintain a uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state. [p. 197, lines 23-25]

The rate of distribution of the state equalization guarantee distribution shall be based on a program unit value determined by the secretary of public education. The secretary of public

education shall establish a preliminary unit value to establish budgets for the 2012-2013 school year and then, on verification of the number of units statewide for fiscal year 2013 but no later than January 31, 2013, the secretary of public education may adjust the program unit value. [p. 198, lines 2-6]

The secretary of public education, in collaboration with the department of finance and administration, shall ensure all teachers have been evaluated under the tiered licensure evaluation system and have the professional competencies of the appropriate level. The secretary of public education shall withhold from the state equalization guarantee distribution funding for the minimum salary of any teacher who has not been evaluated. [p. 198, lines 7-11]

The secretary of public education, in collaboration with the department of finance and administration, shall ensure all principals and assistant principals have been evaluated under the highly objective uniform statewide standards of evaluation and have the professional competencies to serve as a principal or assistant principal. The secretary of public education shall withhold from the state equalization guarantee distribution funding for the minimum salary of any principal or assistant principal who has not been evaluated. [p. 198, lines 12-17]

After considering those elementary physical education programs eligible for state financial support and the amount of state funding available for elementary physical education, the secretary of public education shall annually determine the programs and the consequent numbers of students in elementary physical education that will be used to calculate the number of elementary physical education program units. [p. 198, lines 18-22]

For the 2012-2013 school year, the state equalization guarantee distribution includes sufficient funding for school districts and charter schools to implement a new formula-based program. Those districts and charter schools shall use current year membership in the calculation of program units for the new formula-based program. [p. 198-199]

~~Notwithstanding the provisions of the Public School Finance Act or other substantive law, no charter school in its first year of operation in fiscal year 2013 shall generate an average per MEM program cost that is greater than the average per MEM program cost of the school district in which the charter school is located.~~ [p. 199, lines 2-5]

The general fund appropriation to the state equalization guarantee distribution reflects the deduction of federal revenue pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA 1978 that includes payments commonly known as “impact aid funds” pursuant to 20 U.S.C. 7701 et seq., and formerly known as “PL874 funds”. [p. 199, lines 6-9]

If federal revenue pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA 1978 or other revenues for which the state takes credit fall short of the projected amount of sixty-nine million dollars (\$69,000,000) in fiscal year 2013, the public education department may, after exhausting any fund balance in the state-support reserve fund, request from the state board of



finance a transfer of up to four million dollars (\$4,000,000) from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004, to augment the appropriation for the state equalization guarantee distribution. [p. 199, lines 10-16]

The general fund appropriation to the public school fund shall be reduced by the amounts transferred to the public school fund from the current school fund and from the federal Mineral Leasing Act receipts otherwise unappropriated. [p. 199, lines 17-19]

Pursuant to Article 12, Section 6 of the New Mexico Constitution, the secretary of the public education department has administrative and regulatory powers and duties, including all functions relating to the distribution of school funds and financial accounting for the public schools to be performed as provided by law. To administer effective spending priorities when approving programs, school district and charter school budgets, budget adjustment requests, and in setting the unit value, the secretary shall verify and audit student membership and program units. The secretary of public education shall work with and assist superintendents and school boards and head administrators and governing bodies of charter schools to ensure efficient spending practices, that membership and program units are correctly calculated, and school district and charter school operating budgets are implemented in a manner that will minimize adverse impacts to instructional programs and student achievement. The secretary shall ensure that the number of instructional days will not be reduced. [pp. 199-200]

The general fund appropriation to the state equalization guarantee distribution shall not be used by any school district or charter school to pay for expenses associated with student recruitment and promotional activities including advertising and marketing efforts through mailers, television, newspaper or radio. A school district or charter school found by the public education department to have spent state equalization guarantee distribution funds in this manner shall have their state equalization guarantee distribution decreased by the public education department accordingly. [p. 200, lines 6-11]

Any unexpended balances in the authorized distributions remaining at the end of fiscal year 2013 from appropriations made from the general fund shall revert to the general fund. [p. 200, lines 12-13]

Prior to the distribution of emergency supplemental funds to any public school district or charter school, the secretary of public education shall verify with the New Mexico state auditor that the school district or charter school is in compliance with all provisions of Section 12-6-12 NMSA 1978. No emergency supplemental distributions shall be made to any school district or charter school not current with its audits. [p. 201, lines 10-14]

~~Prior to the distribution of any emergency supplemental funds, the secretary of public education shall provide the legislative finance committee and the legislative education study committee with a report outlining the criteria used to qualify for funds, the financial status of recipients,~~

~~including the status of recipients' financial audits, and any cost savings measures recipients implemented before applying for funds. In no event shall money be distributed to any school district or charter school having cash and invested reserves or other resources or any combination thereof, equaling five percent or more of their operating budget. [p. 201, lines 15-21]~~

Any unexpended balances in the supplemental distributions to the public education department remaining at the end of fiscal year 2013 from appropriations made from the general fund shall revert to the general fund. [p. 201, lines 22-24]

~~The general fund appropriation to the instructional material fund includes sufficient funding for adult basic education instructional materials. The public education department shall transfer the allocation for adult basic education to the adult basic education fund pursuant to Section 22-15-9 NMSA 1978. [p. 202, lines 9-12]~~

~~If the public education department proposes a reading adoption for fiscal year 2013, department adopted materials shall be aligned to the common core content standards. [p. 202, lines 13-14]~~

The general fund appropriation to the public education department for dual credit instructional materials shall be used by the department to reimburse school districts, charter schools, state-supported schools and bureau of Indian education high schools in New Mexico for the cost of required textbooks and other course supplies for students enrolled in the dual credit program to the extent of the available funds. [p. 202, lines 17-20]

The general fund appropriation to the public education department for the Indian Education Act includes four hundred thousand dollars (\$400,000) for a nonprofit organization that provides teaching support in schools with a high proportion of Native American students. [p. 202-203]

The general fund appropriation to the public education department for the Indian Education Act includes three hundred thousand dollars (\$300,000) to provide a rural literacy initiative to support after-school and summer literacy block programs for students in kindergarten through eighth grade in schools with a high proportion of Native American students contingent on receipt of three hundred thousand dollars (\$300,000) in matching funds from other than state sources no later than September 30, 2012. [p. 203, lines 2-7]

## **Section 5. SPECIAL APPROPRIATIONS**

The following amounts are appropriated from the general fund or other funds as indicated for the purposes specified. Unless otherwise indicated, the appropriation may be expended in fiscal years 2012 and 2013. Unless otherwise indicated, any unexpended balances of the appropriations remaining at the end of fiscal year 2013 shall revert to the appropriate fund. [p. 203, lines 12-15]

~~(1) LEGISLATIVE COUNCIL SERVICE — 75.0~~

~~To update data from the 2007 through 2008 public school funding formula study. [p. 203, lines 16-17]~~

(32) PUBLIC EDUCATION DEPARTMENT 1,000.0

~~For transition to the common core content standards, limited to professional development for teachers and school leaders on the new content, including professional development on effective instructional strategies and outreach to districts. Prior to expenditure of funds, the public education department shall submit to the legislative finance committee and the legislative education study committee a report on planned expenditure of funds, and by January 1, 2013, progress made as a result of the appropriation. The general fund appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004. [p. 208, lines 2-10]~~

(33) PUBLIC EDUCATION DEPARTMENT 4,000.0

~~For emergency support to school districts experiencing shortfalls. All requirements for distribution of funds shall be in accordance with Section 22-8-30 NMSA 1978. The general fund appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004. Prior to the distribution of any emergency supplemental funds, the secretary of public education shall provide the legislative education study committee and the legislative finance committee with a report outlining the criteria used to qualify for funds, the financial status of recipients, including the status of recipients' financial audits, and any cost-saving measures recipients implemented before applying for funds. In no event shall money be distributed to any school district having cash and invested reserves, or other resources or any combination of cash and invested reserves, equaling five percent or more of its operating budget. [p. 208, lines 11-22]~~

(34) PUBLIC EDUCATION DEPARTMENT 1,500.0

For kindergarten through twelfth grade science instructional materials for school districts with low student performance in science. The general fund appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004. [pp. 208-209]

(35) PUBLIC EDUCATION DEPARTMENT 1,500.0

For emergency supplemental support in fiscal year 2013 to small, rural and isolated school districts with a total membership of fewer than two hundred in their elementary, middle and high schools experiencing shortfalls. The general fund appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and

~~maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004. Prior to the distribution of any emergency supplemental funds, the secretary of public education shall provide the legislative education study committee and the legislative finance committee with a report outlining the criteria used to qualify for funds, the financial status of recipients, including the status of recipients' financial audits, and any cost-saving measures recipients implemented before applying for funds. [p. 209, lines 3-12]~~

(36) PUBLIC EDUCATION DEPARTMENT            2,500.0

For special supplemental funding for school districts and charter schools for increases in fixed costs. The appropriation shall be allocated by September 1, 2012 to school districts and charter schools in proportion to each school district's and charter school's final program units for fiscal year 2012. [p. 209, lines 13-16]

(37) PUBLIC EDUCATION DEPARTMENT            1,000.0

The period of time for expending one million dollars (\$1,000,000) of the appropriation made from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004 contained in Paragraph 25 of Section 5 of Chapter 179 of Laws 2011 is extended through fiscal year 2013 for the purpose of implementing a new teacher evaluation system that is based on student achievement growth. [p. 209, lines 17-22]

(38) PUBLIC EDUCATION DEPARTMENT            1,500.0

For increased fuel costs incurred by school districts or state-chartered charter schools. The appropriation is contingent on certification by the public education department to the department of finance and administration and the legislative finance committee that no other funds, including federal funds, are available in fiscal year 2013 for the purpose specified and the appropriation is necessary to avoid disruption in service and approval by the state board of finance. The distribution of funding shall be based on miles traveled for to-and-from transportation of public school students. School districts and state-chartered charter schools shall request funds for fuel from the secretary of public education and provide supporting documentation that they have incurred increased costs due to higher fuel prices. The secretary of the public education department shall approve requests for funding for fuel cost increases and make distributions on a reimbursement basis. [pp. 209-210]

**Section 7. DATA PROCESSING APPROPRIATIONS**

The following amounts are appropriated from the computer systems enhancement fund, or other funds as indicated, for the purposes specified. Unless otherwise indicated, the appropriation may be expended in fiscal years 2012, 2013 and 2014. Unless otherwise indicated, any unexpended balances remaining at the end of fiscal year 2014 shall revert to the computer systems enhancement fund or other funds as indicated. For executive branch agencies, the department of finance and

administration shall allocate amounts from the funds for the purposes specified upon receiving certification and supporting documentation from the state chief information officer that indicates compliance with the project certification process. The judicial information systems council shall certify compliance to the department of finance and administration for judicial branch projects. For executive branch agencies, all hardware and software purchases funded through appropriations made in Sections 4, 5, 6 and 7 of this act shall be procured using consolidated purchasing .led by the state chief information officer and state purchasing division to achieve economies of scale and to provide the state with the best unit price. [p. 214, lines 11-23]

(20) PUBLIC EDUCATION DEPARTMENT      450.0

For maintenance and support of the operating budget management system. [p. 217, lines 24-25]

(21) PUBLIC EDUCATION DEPARTMENT      200.0

For upgrades and enhancements to the student teacher accountability reporting system. [p. 218, lines 1-2]

**Section 9. CERTAIN FISCAL YEAR 2013 BUDGET ADJUSTMENTS AUTHORIZED**

(36) the public school facilities authority may request budget increases for project management expenses pursuant to the Public School Capital Outlay Act; [p. 230, lines 11-12]

**Section 10. FUND TRANSFERS.**

Forty million dollars (\$40,000,000) is transferred from the general fund to the appropriation contingency fund during fiscal year 2012.

**Section 11. TRANSFER AUTHORITY.**

If revenue and transfers to the general fund at the end of fiscal year 2013 are not sufficient to meet appropriations, the governor, with state board of finance approval, may transfer to the appropriation account of the general fund the amount necessary to meet that fiscal year's obligations from the operating reserve; provided that the total transferred pursuant to this subsection shall not exceed fifty-five million dollars (\$55,000,000).

**SELECTED HIGHER EDUCATION-RELATED LANGUAGE**  
**GENERAL APPROPRIATION ACT OF 2012**  
**CS/HB 2 et al., as amended (Laws 2012, Chapter 19)**

**Section 4. FISCAL YEAR 2013 APPROPRIATIONS**

**J. HIGHER EDUCATION**

On approval of the higher education department, the state budget division of the department of finance and administration may approve increases in budgets of agencies, in this section, with the exception of the policy development and institutional financial oversight program of the higher education department, whose other state funds exceed amounts specified. In approving budget increases, the director of the state budget division shall advise the legislature through its officers and appropriate committees, in writing, of the justification for the approval. [p.164, lines 20-25]

Except as otherwise provided, any unexpended balances remaining at the end of fiscal year 2013 shall not revert to the general fund. [p.164, lines 1-2]

The policy development and institutional financial oversight program of the higher education department and higher education institutions that receive general fund appropriations for research and public service projects shall not use more than six percent of the research and public service project general fund appropriation for overhead costs and shall use the general fund appropriation for the direct operation of the research and public service project. [p. 165, lines 3-7]

**HIGHER EDUCATION DEPARTMENT**

~~The department shall recommend revisions to the funding formula authorized by Section 21-2-5.1 NMSA 1978 no later than October 15, 2012. The formula revisions shall include institutional, mission-specific performance outcomes and a proposal for considering the state's institutions', and students' responsibilities in supporting postsecondary education. [pp. 165-166]~~

The general fund appropriation to the student financial aid program of the higher education department includes one hundred thousand dollars (\$100,000) for ~~an additional four~~ students to participate in the western interstate commission on higher education professional student exchange program for dentistry. [pp. 166-167]

**NORTHERN NEW MEXICO COLLEGE:**

~~(2) Research and public service projects:~~

~~Appropriations:~~

~~(a) Faculty salary adjustments — 50.0 [p.188, lines 3-5]~~

**Section 5. SPECIAL APPROPRIATIONS**

(39) HIGHER EDUCATION DEPARTMENT 200.0

To satisfy state-matching requirement for federal adult basic education grant. [p. 210, lines 9-10]

~~(40) EASTERN NEW MEXICO UNIVERSITY—100.0~~

~~To manage a year long program to prepare teams of New Mexico students in grades three through twelve and their teachers to design, build program and test robots and to produce an international robot competition for student teams to demonstrate their skills and knowledge as academic athletes. [p. 210, lines 11-14]~~

**Section 9. CERTAIN FISCAL YEAR 2013 BUDGET ADJUSTMENTS AUTHORIZED**

(37) the higher education department may request transfers to and from the other financing uses category and may request budget increases up to forty-five thousand dollars (\$45,000) for site visits and enforcement actions related to the private and proprietary school program. [p. 230, lines 11-12]

**TABLE 3**

**PUBLIC SCHOOL CAPITAL OUTLAY  
50th LEGISLATURE, 2nd SESSION, 2012**

All Appropriations to the Public Education Department (PED) Unless Other Agencies as Noted \*  
~~strike through~~ - indicates Executive veto

**CS/HB 191a, with emergency clause (Laws 2012, Ch. 64 [partial veto])**

**STATEWIDE PROJECTS**

Project	Site	Amount	Vetoed Amount	*Other Agency	Fund
Pre-kindergarten classrooms -- for expenditure in FY 12 and subsequent years	Statewide	\$2,500,000		Public School Capital Outlay Council	Public School Capital Outlay Fund
Robot systems for engineering competitions	Statewide	\$322,000			Severance Tax Bonds
		<b>Total Statewide Projects</b>	<b>\$2,822,000</b>		

**STATE-CHARTERED CHARTER SCHOOLS**

State-chartered Charter School	Site	Amount	Vetoed Amount	*Other Agency	Fund
Cien Aguas International School	Plan, design, and construct a permanent facility	\$200,000			Severance Tax Bonds
<del>Southwest Aeronautics, Mathematics and Science Academy</del>	<del>Plan, design and construct improvements to a city-owned facility, including tech-related equipment</del>		<del>\$96,000</del>		Severance Tax Bonds
Southwest Aeronautics, Mathematics and Science Academy	Plan, design, and construct smart lab and related equipment	\$77,000			Severance Tax Bonds
Southwest Intermediate Learning Center	Plan, design, purchase, and install a smart lab, including related equipment	\$180,000			Severance Tax Bonds
Southwest Primary Learning Center	Plan, design, purchase, and stall a smart lab, including related equipment	\$40,000			Severance Tax Bonds
Southwest Secondary Learning Center	Purchase and install information technology, including related equipment	\$100,000			Severance Tax Bonds
		<b>Subtotal before Executive action</b>	<b>\$597,000</b>		
			<del>\$96,000</del>		
		<b>Total State-chartered Charter Schools after Executive action</b>	<b>\$511,000</b>		



### TABLE 3

#### PUBLIC SCHOOL CAPITAL OUTLAY 50th LEGISLATURE, 2nd SESSION, 2012

All Appropriations to the Public Education Department (PED) Unless Other Agencies as Noted \*  
~~strike through~~ - indicates Executive veto

#### DIRECT APPROPRIATIONS TO DISTRICTS

School District	School	Site	Amount	Vetoed Amount	*Other Agency	Fund
Albuquerque Public Schools	<del>Alamosa, Carlos Rey, Edward Gonzales, Helen Cordero, and Mary Ann Binford Elementary Schools</del>	<del>Purchase and install physical education equipment</del>		<del>\$100,000</del>		Severance Tax Bonds
	<del>Alamosa, Carlos Rey, Edward Gonzales, Helen Cordero, and Mary Ann Binford Elementary Schools, and Helen Cordero Primary School</del>	<del>Purchase and install physical education equipment</del>		<del>\$37,000</del>		Severance Tax Bonds
	Albuquerque High School	Purchase and install information technology including related equipment	\$100,000			Severance Tax Bonds
	<del>All elementary schools in house-district 25</del>	<del>Purchase and install information technology</del>		<del>\$37,000</del>		Severance Tax Bonds
	<del>All elementary schools in house-district 25</del>	<del>Physical education equipment</del>		<del>\$20,000</del>		
	Alvarado, Cochiti, Edmund G. Ross, Griegos, Hodgin, La Luz, Los Ranchos, Douglas MacArthur, and Mission Avenue Elementary Schools, Garfield and Taft Middle Schools, and Valley High School	Purchase and install information technology	\$377,000			Severance Tax Bonds

**TABLE 3**

**PUBLIC SCHOOL CAPITAL OUTLAY  
50th LEGISLATURE, 2nd SESSION, 2012**

**All Appropriations to the Public Education Department (PED) Unless Other Agencies as Noted \*  
~~strike through~~ indicates Executive veto**

**DIRECT APPROPRIATIONS TO DISTRICTS**

School District	School	Site	Amount	Vetoed Amount	*Other Agency	Fund
CONTINUED: Albuquerque Public Schools	Arroyo Del Oso Elementary School	Purchase and install information technology	\$35,000			Severance Tax Bonds
	<del>Arroyo Del Oso Elementary School</del>	<del>Purchase and install physical education equipment</del>		<del>\$20,000</del>		Severance Tax Bonds
	<del>Bandelier, Emerson, Kirtland, La Mesa, Mark Twain, Whittier, and Zia Elementary Schools</del>	<del>Purchase and install physical education equipment</del>		<del>\$100,000</del>		Severance Tax Bonds
	Bel Air Elementary School	Install information technology, communication and telephone systems, including related equipment, furniture & infrastructure	\$55,000			
	<del>Bel Air Elementary School</del>	<del>Purchase and install physical education equipment</del>		<del>\$20,000</del>		
	Career Enrichment Center	Purchase and install information technology including related equipment	\$55,000			Severance Tax Bonds
	<del>Chaparral Elementary School</del>	<del>Purchase and install physical education equipment</del>		<del>\$20,000</del>		Severance Tax Bonds
	Cleveland Middle School	Purchase & install information technology	\$60,000			Severance Tax Bonds
	<del>Cleveland Middle School</del>	<del>Purchase and install physical education equipment</del>		<del>\$40,000</del>		Severance Tax Bonds
	Comanche Elementary School	Purchase and install information technology	\$55,000			Severance Tax Bonds
	<del>Comanche Elementary School</del>	<del>Purchase and install physical education equipment</del>		<del>\$20,000</del>		Severance Tax Bonds

### TABLE 3

#### PUBLIC SCHOOL CAPITAL OUTLAY

50th LEGISLATURE, 2nd SESSION, 2012

All Appropriations to the Public Education Department (PED) Unless Other Agencies as Noted \*  
~~strike through~~-indicates Executive veto

#### DIRECT APPROPRIATIONS TO DISTRICTS

School District	School	Site	Amount	Vetoed Amount	*Other Agency	Fund
CONTINUED: Albuquerque Public Schools	Del Norte High School	Plan, design, construct, equip, and furnish improvements, a classroom addition, and gymnasium renovations	\$200,000			Severance Tax Bonds
	Digital Arts and Technology Academy (District-chartered School)	Purchase and install information technology	\$100,000			Severance Tax Bonds
	<del>Edward-Gonzales-Elementary-School-and-West-Mesa-and-Atrisco-Heritage-Academy-High-Schools</del>	<del>Gardening-Project</del>	<del>\$50,000</del>			Severance Tax Bonds
	Governor Bent Elementary School	Purchase and install information technology	\$55,000			Severance Tax Bonds
	<del>Governor-Bent-Elementary-School</del>	<del>Purchase-and-install-physical-education-equipment</del>		<del>\$20,000</del>		Severance Tax Bonds
	Grant Middle School	Install information technology, including related equipment, furniture & infrastructure & office equipment for Family Resource Center	\$50,000			Severance Tax Bonds
	Grant Middle School	Family Resource Center information technology	\$45,000			
	Harrison Middle School	Family Resource Center information technology	\$110,000			Severance Tax Bonds
	Hawthorne Elementary School	Purchase and install information technology	\$45,000			Severance Tax Bonds
	<del>Hawthorne-Tomasita-and-McCollum-Elementary-Schools-and-Kennedy-and-Grant-Middle-School</del>	<del>Purchase-and-install-physical-education-equipment</del>		<del>\$100,000</del>		Severance Tax Bonds
	Hays, Van Buren, and Wilson Middle Schools	Purchase and install information technology	\$50,000			Severance Tax Bonds
	Highland High School	Purchase and install information technology	\$100,000			Severance Tax Bonds

### TABLE 3

PUBLIC SCHOOL CAPITAL OUTLAY  
 50th LEGISLATURE, 2nd SESSION, 2012  
 All Appropriations to the Public Education Department (PED) Unless Other Agencies as Noted \*  
~~strike through~~-indicates Executive veto

#### DIRECT APPROPRIATIONS TO DISTRICTS

School District	School	Site	Amount	Vetoed Amount	*Other Agency	Fund
CONTINUED: Albuquerque Public Schools	Highland High School	Purchase and install information technology and telephone equipment	\$10,000			Severance Tax Bonds
	<del>Hodgin Elementary School</del>	<del>Purchase and install physical education equipment</del>		<del>\$20,000</del>		Severance Tax Bonds
	<del>Jimmy Carter Middle School</del>	<del>Purchase and install physical education equipment</del>		<del>\$30,000</del>		Severance Tax Bonds
	La Academia de Esperanza (District-chartered School)	Purchase and install art and drama equipment and information technology	\$100,000			Severance Tax Bonds
	La Cueva High School	Purchase and install a sound system in the main gymnasium	\$60,000			Severance Tax Bonds
	<del>La Cueva High School</del>	<del>Construct a community field</del>		<del>\$900,000</del>		Severance Tax Bonds
	La Promesa Early Learning Center (District-chartered School)	HVAC System	\$375,000			Severance Tax Bonds
	<del>Lavaland Elementary School</del>	<del>Purchase and install physical education equipment</del>		<del>\$20,000</del>		
	<del>Lyndon Johnson Middle School</del>	<del>Purchase and install physical education equipment</del>		<del>\$30,000</del>		Severance Tax Bonds
	<del>Manzano Mesa Elementary School</del>	<del>Plan and construct an athletic field shaded structures</del>		<del>\$20,000</del>		Severance Tax Bonds
	McCollum Elementary School	Purchase and install information technology and telephone equipment	\$35,000			Severance Tax Bonds
	McKinley Middle School	Purchase and install information technology and telephone equipment	\$45,000			Severance Tax Bonds
	McKinley Middle School	Purchase and install sound system & projector	\$25,000			Severance Tax Bonds
	<del>Montessorri Elementary School</del>	<del>Purchase and install carpet for classrooms</del>		<del>\$50,000</del>		Severance Tax Bonds
	<del>Painted Sky Elementary School</del>	<del>Purchase and install physical education equipment</del>		<del>\$20,000</del>		Severance Tax Bonds

### TABLE 3

PUBLIC SCHOOL CAPITAL OUTLAY  
 50th LEGISLATURE, 2nd SESSION, 2012  
 All Appropriations to the Public Education Department (PED) Unless Other Agencies as Noted \*  
~~strike through~~ - indicates Executive veto

#### DIRECT APPROPRIATIONS TO DISTRICTS

School District	School	Site	Amount	Vetoed Amount	*Other Agency	Fund
CONTINUED: Albuquerque Public Schools	Rio Grande High School	Purchase & install equipment, including lighting and sound equipment, seating and fixtures for performing arts building	\$40,000			Severance Tax Bonds
	Sandia High School	Plan, design, construct, equip, and furnish improvements, a classroom addition, and gymnasium renovations	\$200,000			Severance Tax Bonds
	Truman Middle School	Purchase and install office equipment and information technology in Family Resource Center	\$10,000			Severance Tax Bonds
	<del>West Mesa High School</del>	<del>Purchase &amp; install PE equipment, including furniture</del>		<del>\$50,000</del>		Severance Tax Bonds
	West Mesa High School	Plan, design, construct, renovate, equip, and furnish improvements to facilities and grounds	\$484,000			Severance Tax Bonds
	<del>West Mesa High School</del>	<del>Renovations to athletic locker rooms</del>		<del>\$30,000</del>		Severance Tax Bonds
	West Mesa High School	Purchase and install information technology for Family Resource Center	\$35,000			Severance Tax Bonds
	Zuni Elementary School	Purchase and install information technology including telephone equipment	\$70,000			Severance Tax Bonds
<del>Belen Consolidate Schools</del>	<del>District-wide</del>	<del>School and community use pool</del>		<del>\$250,000</del>		Severance Tax Bonds
Carlsbad Municipal Schools	Alta Vista Middle School	Install security camera system	\$25,000			Severance Tax Bonds
	District-wide	Install interactive white boards	\$50,000			Severance Tax Bonds
	Edison Elementary School	Plan, design and construct electrical upgrade	\$20,000			Severance Tax Bonds
	<del>Joe Stanley Smith Elementary School</del>	<del>Shade structures</del>		<del>\$25,000</del>		Severance Tax Bonds

### TABLE 3

PUBLIC SCHOOL CAPITAL OUTLAY  
 50th LEGISLATURE, 2nd SESSION, 2012  
 All Appropriations to the Public Education Department (PED) Unless Other Agencies as Noted \*  
~~Strikethrough~~-indicates Executive veto

#### DIRECT APPROPRIATIONS TO DISTRICTS

School District	School	Site	Amount	Vetoed Amount	*Other Agency	Fund
CONTINUED: Carlsbad Municipal Schools	P.R. Leyva Middle School	Sound system	\$25,000			Severance Tax Bonds
	<del>Puckett Elementary School</del>	<del>Shade structures</del>		<del>\$55,000</del>		Severance Tax Bonds
<del>Clewis Municipal Schools</del>	<del>Lincoln Jackson Family Center</del>	<del>Construct a sign</del>		<del>\$5,000</del>		Severance Tax Bonds
<del>Espanola Public Schools</del>	<del>Charles F. Vigil Middle School</del>	<del>Athletic facilities improvements</del>		<del>\$25,000</del>		Severance Tax Bonds
Floyd Municipal Schools	District-wide	Install information technology	\$5,000			Severance Tax Bonds
Fort Sumner Municipal Schools	District-wide	Purchase and install vocational equipment	\$10,000			Severance Tax Bonds
<del>Gadsden Independent Schools</del>	<del>District facilities</del>	<del>Air conditioning upgrades</del>		<del>\$254,000</del>		Severance Tax Bonds
	Gadsden Middle School Family Resource Center	Purchase and install office equipment and information technology	\$65,000			Severance Tax Bonds
	<del>Mesquite Elementary School</del>	<del>Construct the Mesquite Environmental Park and Multipurpose Center</del>		<del>\$100,000</del>		Severance Tax Bonds
<del>Hondo Valley Public Schools</del>	<del>District health clinic</del>	<del>Construct school-based health clinic</del>		<del>\$150,000</del>		Severance Tax Bonds
<del>Las Vegas City Public Schools</del>	<del>District-wide</del>	<del>Security, emergency cafeteria, gymnasium, and stadium improvements</del>		<del>\$25,000</del>		Severance Tax Bonds
Los Lunas Public Schools	Ann Parish Elementary School	Sewer system improvements	\$200,000			Severance Tax Bonds
<del>Living Municipal Schools</del>	<del>District schools</del>	<del>Playground equipment</del>		<del>\$60,000</del>		Severance Tax Bonds
Melrose Public Schools	District-wide	Purchase and install vocational equipment	\$5,000			Severance Tax Bonds
<del>Mora Independent Schools</del>	<del>Mora Head Start Program</del>	<del>Purchase and install playground equipment</del>		<del>\$15,000</del>		Severance Tax Bonds
	District capital improvements	Purchase and install furniture and information technology, including related equipment and infrastructure	\$192,500			Severance Tax Bonds

### TABLE 3

#### PUBLIC SCHOOL CAPITAL OUTLAY

50th LEGISLATURE, 2nd SESSION, 2012

All Appropriations to the Public Education Department (PED) Unless Other Agencies as Noted \*  
~~strike through~~-indicates Executive veto

#### DIRECT APPROPRIATIONS TO DISTRICTS

School District	School	Site	Amount	Vetoed Amount	*Other Agency	Fund
Santa Fe & Pojoaque Valley Public Schools	District-wide	Plan, design, construct improvements to the city- and school district-owned Head Start facilities	\$50,000			Severance Tax Bonds
<del>Santa Fe Public Schools</del>	<del>County-wide</del>	<del>Low-income athletic facilities</del>		<del>\$25,000</del>		Severance Tax Bonds
	<del>District-wide</del>	<del>Parking lots</del>		<del>\$35,000</del>		Severance Tax Bonds
	<del>District-wide</del>	<del>Phone system</del>		<del>\$78,000</del>		Severance Tax Bonds
<del>Santa Rosa Consolidated Schools</del>	<del>District athletic program</del>	<del>Design and equip athletic program</del>		<del>\$40,000</del>		Severance Tax Bonds
<del>Vaughn Municipal Schools</del>	<del>Gymnasium</del>	<del>Renovate gymnasium</del>		<del>\$10,000</del>		Severance Tax Bonds
<del>Wagon Mound Public Schools</del>	<del>Garage</del>	<del>Construct garage</del>		<del>\$125,000</del>		Severance Tax Bonds
West Las Vegas Public Schools	District-wide	Building renovation plan	\$75,000			Severance Tax Bonds
	District-wide	ADA compliance renovations	\$35,000			Severance Tax Bonds
	<del>District-wide</del>	<del>Construct weight room</del>		<del>\$205,000</del>		Severance Tax Bonds
<b>Direct Appropriations to Districts</b>			<b>\$3,788,500</b>			
<b>Executive vetoes</b>				<b>\$3,056,000</b>		
<b>Total Direct Appropriations to Districts after Executive Action</b>			<b>\$732,500</b>			

**TABLE 3**  
**Public School Capital Outlay**  
**50<sup>th</sup> Legislature, 2<sup>nd</sup> Session, 2012**  
**CS/HB 191a, with emergency clause (Laws 2012, Ch. 64 [partial veto])**

**SELECTED LANGUAGE**

SECTION 1. SEVERANCE TAX BONDS—AUTHORIZATIONS—APPROPRIATION OF PROCEEDS.—

- A. The state board of finance may issue and sell severance tax bonds in compliance with the Severance Tax Bonding Act in an amount not to exceed the total of the amounts authorized for purposes specified in this act. The state board of finance shall schedule the issuance and sale of the bonds in the most expeditious and economical manner possible upon a finding by the board that the project has been developed sufficiently to justify the issuance and that the project can proceed to contract within a reasonable time. The state board of finance shall further take the appropriate steps necessary to comply with the federal Internal Revenue Code of 1986, as amended. Proceeds from the sale of the bonds are appropriated for the purposes specified in this act.
- B. The agencies named in this act shall certify to the state board of finance when the money from the proceeds of the severance tax bonds appropriated in this section is needed for the purposes specified in the applicable section of this act. If an agency has not certified the need for severance tax bond proceeds for a particular project, including projects that have been reauthorized, by the end of fiscal year 2014, the authorization for that project is void.
- C. Before an agency may certify for the need of severance tax bond proceeds, the project must be developed sufficiently so that the agency reasonably expects to:
- (1) incur within six months after the applicable bond proceeds are available for the project a substantial binding obligation to a third party to expend at least five percent of the bond proceeds for the project; and
  - (2) spend at least eighty-five percent of the bond proceeds within three years after the applicable bond proceeds are available for the project.
- D. Except at otherwise specifically provided by law:
- (1) the unexpended balance from the proceeds of severance tax bonds appropriated in this act for a project shall revert to the severance tax bonding fund no later than the following dates:
    - (a) for a project for which severance tax bond proceeds were appropriated to match federal grants, six months after completion of the project;
    - (b) for a project for which severance tax bond proceeds were appropriated to purchase vehicles, including emergency vehicles and other vehicles that require special equipment; heavy equipment; books; educational technology; or other equipment or furniture that is not related to a more inclusive construction or renovation project, at the end of the fiscal year two years following the fiscal year in which the severance tax bond proceeds were made available for the purchase; and
    - (c) for any other project for which severance tax bonds were appropriated, within six months of completion of the project, but no later than the end of fiscal year 2016; and
  - (2) all remaining balances from the proceeds of severance tax bonds appropriated for a project in this act shall revert to the severance tax bonding fund three months after the latest reversion date specified for that type of project in Paragraph (1) of this subsection.
- E. Except for appropriations to the capital program fund, money from severance tax bond proceeds provided pursuant to this act shall not be used to pay indirect project costs.
- F. Except for a project that was originally funded using a tax-exempt loan or bond issue, a project involving repayment of debt previously incurred shall be funded through the issuance of taxable severance tax bonds with a term that does not extend beyond the fiscal year in which they are issued.
- G. For the purpose of this section, “unexpended balance” means the remainder of an appropriation after reserving for unpaid costs and expenses covered by binding written obligations to third parties.



**TABLE 4**

**PUBLIC SCHOOL CAPITAL OUTLAY**  
**50th LEGISLATURE, 2nd SESSION, 2012**  
**All Appropriations to the Public Education Department (PED) Unless Other Agencies as Noted \***  
**strikethrough indicates Executive veto**  
**CS/SB 66a, with emergency clause (Laws 2012, Ch. 54 [partial veto])**

**STATEWIDE PROJECTS**

<b>Project</b>	<b>Site</b>	<b>Amount</b>	<b>Vetoed Amount</b>	<b>*Other Agency</b>	<b>Fund</b>
Tribal libraries	Statewide	\$700,000		Cultural Affairs Department	General Obligation Bonds
Public libraries	Statewide	\$3,000,000		Cultural Affairs Department	General Obligation Bonds
Academic libraries	Statewide	\$3,000,000		Higher Education Department	General Obligation Bonds
Public school libraries	Statewide	\$3,000,000			General Obligation Bonds
<b>Total Statewide Projects</b>		<b>\$9,700,000</b>			

**SELECTED LANGUAGE**

SECTION 1. SHORT TITLE.--This act may be cited as the 2012 Capital Project General Obligation Bond Act.

SECTION 11. ELECTION.--

A. Bonds issued pursuant to the 2012 Capital Projects General Obligation Bond Act shall be submitted to the registered voters of the state at the general election to be held in November 2012, and, if they receive a majority of all the votes cast thereon at such election, shall take effect upon certification of the state canvassing board announcing the results of the election. No bonds shall be issued or sold under that act until the registered voters of this state have voted upon and approved the bonds and property tax as provided in this section. Any bonds issued under that act shall be issued within thirty months from the date of such election.

**TABLE 5  
PUBLIC SCHOOL CAPITAL OUTLAY REAUTHORIZATIONS  
50th Legislature, 2nd Session, 2012**

<b>CS/HB 190, with emergency clause (Laws 2012, Ch. 63)</b>					
District Affected	School Affected	Original Purpose	Reauthorized Purpose	Amount	Fund
1 Albuquerque Public Schools	Christine Duncan Community Charter School	For a portable classroom at Christine Duncan Community School.	For a portable classroom at Christine Duncan Community School. Extend time of expenditure through FY 14.	\$95,000	GF
2 Albuquerque Public Schools	Eldorado High School	For repairs and improvements to the lecture hall at the media center at Eldorado High School.	For repairs and improvements to the lecture hall at the media center at Eldorado High School. Extends time of expenditure through FY 14.	\$220,000	STB
3 Albuquerque Public Schools	Hayes Middle School	To construct a student drop-off area at Hayes Middle School.	Unexpended balance to purchase and install communication systems, telephones, security camera and information technology, including related equipment, furniture and infrastructure. Extends time of expenditure through FY14.	\$200,000	STB
4 Albuquerque Public Schools	Highland High School	For a classroom or portable building for vocational education instruction, including educational materials at Highland High School.	For a classroom or portable building for vocational education instruction, including educational materials at Highland High School. Extends time of expenditure through FY 14.	\$125,000	GF
5 Albuquerque Public Schools	Native American Community Academy (NACA) Charter School	To plan, design and equip a facility for NACA.	To plan, design, equip and renovate a facility for NACA. Extends time of expenditure through FY 14.	\$588,000	STB
6 Albuquerque Public Schools	Tomasita Elementary School	Plan, design and construct renovations to the computer lab at Tomasita Elementary School.	Unexpended balance to plan, design, upgrade, purchase and install telephone systems, security cameras and information technology, including equipment, furniture and infrastructure at Tomasita Elementary School. Extends time of expenditure through FY 14.	\$50,000	GF
7 Gadsden Independent School District	San Miguel Elementary School	To renovate San Miguel elementary school.	To plan, design, renovate and construct improvements to the public works building in Mesilla in Dona Ana County. Extends the time of expenditure through FY 14.	\$48,790	GF
8 Gadsden Independent School District	San Miguel Elementary School and Gadsden Independent School District	To renovate San Miguel Elementary School.	To renovate facilities district-wide. Extends the time of expenditure through FY 13.	\$25,000	GF
9 Gadsden Independent School District	San Miguel Elementary School and Las Cruces High School	To renovate San Miguel Elementary School.	To purchase and install a public address system for Las Cruces High school. Extends time of expenditure through FY 14.	\$50,000	GF
10 Santa Fe Public School District	Regional Career Technical Center	For a regional career technical center.	To design, construct, repair and resurface school parking lots. Extends time of expenditure through FY 14.	\$130,000	GF
11 State Charter (APS)	Amy Biehl Charter High School	Plan, design and Construct a Patriotism Monument at Amy Biehl Charter High School.	Unexpended balance to purchase and install information technology, including related equipment, furniture and infrastructure at Amy Biehl Charter High School. Extend time of expenditure through FY 14	\$80,000	GF
12 State Charter (Española Public School District)	Espanola Military Academy	To purchase and install information technology at Espanola Military Academy (Espanola Military Academy was denied renewal as a charter school).	To purchase and equip police vehicles for the sheriff's office in Rio Arriba county. The time of expenditure is extended through FY 14.	\$20,000	GF
<b>CS/HB 191a, with emergency clause (Laws 2012, Ch. 64 [partial veto])</b>					
<b>District Affected</b>	<b>School Affected</b>	<b>Original Purpose</b>	<b>Reauthorized Purpose</b>	<b>Amount</b>	<b>Fund</b>
15 State-wide	State-wide	For Human Services Department information technology.	To the Public Education Department for school buses.	\$2,500,000	STB
<b>Legend:</b>				<b>TOTAL GENERAL FUND</b>	<b>\$623,790</b>
				<b>TOTAL SEVERANCE TAX BONDS</b>	<b>\$3,508,000</b>
				<b>TOTAL REAUTHORIZATIONS</b>	<b>\$4,131,790</b>

16 Legend:  
17 STB - Severance Tax Bonds  
18 LGD-DFA - Local Government Division - Department of Finance and Administration

**TABLE 5**

**SELECTED PUBLIC SCHOOL CAPITAL OUTLAY REAUTHORIZATION LANGUAGE  
50<sup>th</sup> Legislature, 2<sup>nd</sup> Session, 2012**

**SECTION 1. SEVERANCE TAX BONDS--REVERSION OF PROCEEDS.-**

A. Except as otherwise provided in another section of this act:

(1) the unexpended balance from the proceeds of severance tax bonds issued for a project that has been reauthorized in this act shall revert to the severance tax bonding fund:

(a) at the end of the expenditure period as set forth in this act, if the expenditure period is changed in this act; or

(b) if the expenditure period is not changed in this act, pursuant to the time frame set forth in the law that originally authorized the severance tax bonds or the time frame set forth in any law that has previously reauthorized the expenditure of the proceeds, whichever is later; and

(2) all remaining balances from the proceeds of severance tax bonds issued for a project that has been reauthorized in this act shall revert to the severance tax bonding fund three months after the reversion date for the unexpended balances.

B. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses covered by binding written obligations to third parties.

**SECTION 2. GENERAL FUND AND OTHER FUND APPROPRIATIONS-- REVERSIONS.**

A. Except as otherwise provided in another section of this act:

(1) the unexpended balance of an appropriation from the general fund or other state fund that has been changed in this act shall revert:

(a) at the end of the expenditure period as set forth in this act, if the expenditure period is changed in this act; or

(b) if the expenditure period is not changed in this act, pursuant to the time frame set forth in the law in which the original appropriation was made or the time frame set forth in any law that has previously changed the appropriation, whichever is later; and

(2) all remaining balances of an appropriation from the general fund or other state fund that has been changed in this act shall revert three months after the reversion date for the unexpended balance.

D. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses covered by binding written obligations to third parties.

**PASSED**  
**PUBLIC SCHOOL-RELATED LEGISLATION**  
**50<sup>TH</sup> LEGISLATURE, 2<sup>ND</sup> SESSION, 2012**

**HOUSE BILLS**

- \*H 1**      **FEED BILL [SGND (Jan. 23) Ch. 1]**, *Rep. W.K. Martinez* — appropriates funds to pay the expenses of the legislative session and other legislative activities, including the Legislative Education Study Committee (LESC).
- H 2**  
**CS/H 2a**  
**et al.**      **GENERAL APPROPRIATION ACT OF 2012 [SGND (Mar. 2) Ch. 19 (partial veto)]**, *Rep. Saavedra* — makes appropriations and authorizes expenditures by state agencies in FY 13, including: \$2.4 billion in recurring funds from the General Fund for Public School Support; \$52.6 million in related recurring appropriations, including \$10.7 million for the Public Education Department budget, \$11.0 million for K-3 Plus, \$10.0 million for New Mexico PreK, and \$13.7 million in nonrecurring related appropriations; and appropriates \$414.2 million in federal flow-through funds. (CS/H 2, 3, 4, 5 & 6)
- H 10**  
**CS/H 10a**      **VETERAN EMPLOYMENT TAX CREDIT [SGND (Mar. 7) Ch. 55]**, *Rep. McMillan* — adds new sections of the Income Tax Act and the Corporate Income and Franchise Tax Act to create the Veteran Employment Tax Credit; to require the Taxation and Revenue Department (TRD) to compile an annual report containing data on the recipients of the tax credit for the Revenue Stabilization and Tax Policy Committee and the Legislative Finance Committee; and to require TRD to advise those committees in 2015 whether the Veteran Employment Tax Credit is performing the purpose for which it was enacted. (CS/H 10 & 154) (May affect public schools)
- H 14a**      **K-3 PLUS PROGRAM TO PUBLIC EDUCATION DEPT. [SGND (Mar. 2) Ch. 21]**, *Rep. Stewart* — amends the Public School Code to convert K-3 Plus from a pilot project to a program in the Public Education Department (PED) to provide additional educational time for disadvantaged students; requires that K-3 Plus programs be funded at no less than 30 percent of the unit value per student; allows up to 2.0 percent of the money received by a school district to be used for student recruitment and to ensure regular attendance by K-3 Plus students; and requires a literacy assessment approved and provided by PED that measures the acquisition of reading skills, including phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension. (For the LESC)
- H 23**      **SCHOOL NONATHLETIC EVENT GROSS RECEIPTS [SGND (Mar. 2) Ch. 22]**, *Rep. MH Garcia/Sen. Cisneros* — extends the deduction from gross receipts, for receipts from admissions to nonathletic special events at certain postsecondary educational institutions.
- \*H 42**      **LEGISLATIVE RETIREMENT CONTRIBUTION CHANGES [SGND (Mar. 7) Ch. 61]**, *Rep. Kintigh* — amends the Public Employees Retirement Act to increase state legislator contributions to the state legislator retirement plan; and changes the pension calculation.
- \*H 46a**      **NMFA PUBLIC PROJECT FUND PROJECTS [SGND (Mar. 4) Ch. 31]**, *Rep. Lundstrom* — authorizes the New Mexico Finance Authority to make loans for public

PASSED  
PUBLIC SCHOOL-RELATED LEGISLATION  
50<sup>TH</sup> LEGISLATURE, 2<sup>ND</sup> SESSION, 2012

projects from the Public Project Revolving Fund; and includes projects for charter schools, school districts, community colleges, and university branch campuses.

- H 116a**     **ELECTRIC CONVERSION FACILITY GROSS RECEIPTS [SGND (Feb. 29) Ch. 12]**, *Rep. B. Luján* — creates certain deductions in the Gross Receipts and Compensating Tax Act for converting electricity; and provides for an expanded exemption for facilities for transmitting electricity using voltage source conversion technology. (May affect public schools)
- H 129**     **HOME SCHOOL STUDENT PROGRAM UNIT CALCULATION [SGND (Mar. 2) Ch. 23]**, *Rep. Strickler* — amends the Public School Finance Act to eliminate the requirement that home school student activities program units be based on “activities” rather than “athletic activities”; and to define “activities” as athletics, co-curricular, and extracurricular activities sanctioned by the New Mexico Activities Association.
- H 161a**     **SCHOOL ATHLETICS REPORTING REQUIREMENTS [SGND (Mar. 2) Ch. 24]**, *Rep. Roch/Sen. Morales* — amends the School Athletics Equity Act to eliminate certain reporting requirements for grades 7 and 8; provides for reporting by athletic program rather than by individual teams; clarifies other reporting requirements; and includes fundraising and booster clubs as reportable funding sources. (For the LESC)
- H 184a**     **“CONSTRUCTION SERVICE” FOR GROSS RECEIPTS [SGND (Feb. 23) Ch. 5]**,  
**CS/H 184**     *Rep. Doyle* — adjusts distributions and amounts in regard to the Small Cities Assistance Fund and the Small Counties Assistance Fund; clarifies a gross receipts deduction for construction-related expenditures; amends the Gross Receipts and Compensating Tax Act to create a deduction from gross receipts for the lease of construction equipment; and expands a gross receipts deduction for manufacturing consumables. (CS/H 184 & 256) (May affect public schools)
- \*H 190**     **REAUTHORIZE PROJECTS [SGND (Mar. 7) Ch. 63 (partial veto)]**, *Rep. Trujillo* —  
**\*CS/H 190**     reauthorizes or reappropriates balances from the proceeds of severance tax bonds issued for projects; changes agencies and establishes conditions for the reversion of unexpended balances of appropriations made by the Legislature in prior years; and, among other things, appropriates unexpended balances to the Public Education Department for school infrastructure and renovation projects.
- \*H 191**     **SEVERANCE TAX BOND PROJECTS [SGND (Mar. 7) Ch. 64 (partial veto)]**,  
**\*CS/H 191a**     *Rep. Trujillo* — authorizes the issuance of severance tax bonds; authorizes expenditures from certain funds and balances; establishes conditions for the reversion of unexpended balances; and makes appropriations, including funding for Public Education Department projects and \$2.5 million from the Public School Capital Outlay Fund to the Public School Capital Outlay Council to renovate and construct public school pre-kindergarten classrooms statewide.
- H 231**     **INCOME TAX LOTTERY TUITION DONATION [SGND (Mar. 7) Ch. 57]**,  
*Rep. Sandoval* — adds a new section to the Income Tax Act to create an optional designation for a personal income tax contribution for the Lottery Tuition Fund.

- H 261a**     **COMMERCIAL DRIVER'S LICENSE RETESTING [VETOED (Mar. 4)],**  
*Rep. Vigil* — amends the New Mexico Commercial Driver's License Act to provide for limited testing for a commercial driver's license within a six-month period for the knowledge and skills test. (May affect public schools)

### HOUSE JOINT MEMORIALS

- HJM 6**     **NMSU UNMANNED FLIGHT CENTER DESIGNATION,** *Rep. Gonzales* — requests the Federal Aviation Administration to designate New Mexico State University's Physical Science Laboratory's Unmanned Aircraft Systems Flight Test Center as a Center of Excellence.
- HJM 14a**   **STUDY LOTTERY TUITION FUND SOLVENCY,** *Rep. Begaye* — requests that the Higher Education Department, in cooperation with the LESC and Legislative Finance Committee, appoint a task force that includes among its members – one member appointed by the New Mexico Lottery Authority Board of Directors; and five members representing institutions of higher education, three of which shall be appointed by the Council of University Presidents, one by the New Mexico Association of Community Colleges, and one by the New Mexico Independent Community Colleges – to study the solvency of the Lottery Tuition Fund and to make recommendations to the Governor and the First Session of the 51<sup>st</sup> Legislature by December 1, 2012,
- HJM 19**   **STUDY CHANGES TO PUBLIC EMPLOYEES RETIREMENT,** *Rep. Trujillo* — requests that the Public Employees Retirement Association assess options for changes to public employees retirement plans to reduce unfunded accrued actuarial liability with a goal to bring the funding status to 100 percent by 2041; and report recommendations to the appropriate legislative interim committee by October 2012. (May affect public schools)
- HJM 21**   **STUDY ACCESS TO SERVICES FOR YOUTH,** *Rep. King* — requests that the Secretary of the Children, Youth and Families Department convene a steering committee to study and develop equal access to services for youth statewide with an emphasis on rural and frontier areas of the state.

### HOUSE JOINT RESOLUTION

- HJR 17a**   **APPOINTED INSURANCE SUPERINTENDENT, CA,** *Rep. Saavedra* — proposes to amend Article 11 of the Constitution of New Mexico to remove the regulation of insurance companies and others engaged in the business of risk assumption from the Public Regulation Commission and place it under a Superintendent of Insurance appointed by the Insurance Nominating Committee as provided by law. (May affect public schools)

### HOUSE MEMORIALS

- HM 3**     **AMPLE OUTDOOR OPPORTUNITIES FOR CHILDREN,** *Rep. Stewart* — supports the idea that every New Mexico child should have ample outdoor opportunities using existing resources. [Identical to SM 10]

PASSED  
PUBLIC SCHOOL-RELATED LEGISLATION  
50<sup>TH</sup> LEGISLATURE, 2<sup>ND</sup> SESSION, 2012

- HM 6 **NM SPEECH-LANGUAGE & HEARING ASSOCIATION DAY**, *Rep. Stapleton* — proclaims February 15, 2012 as “New Mexico Speech-Language and Hearing Association Day” at the House of Representatives. [Related to SM 1]
- HM 7 **“AUTISM DAY,”** *Rep. Sandoval* — declares January 18, 2012 as “Autism Day” in the House of Representatives and recognizes the New Mexico Autism Society for its long-standing work and advocacy. [Related to SM 4 and CS/SM 20]
- HM 8 **“ADULT BASIC EDUCATION DAY,”** *Rep. Cook* — proclaims January 18, 2012 as “Adult Basic Education and Literacy Day” in the House of Representatives. [Related to SM 6]
- HM 9 **“NEW MEXICO MESA DAY,”** *Rep. Sandoval* — declares January 19, 2012 as “New Mexico MESA Day” in the House of Representatives. [Similar to SM 7]
- HM 11 **“DISABILITY RIGHTS AWARENESS DAY,”** *Rep. E. Chávez* — declares January 24, 2012 as “Disability Rights Awareness Day” in the House of Representatives.
- HM 13 **REVIEW PUBLIC SCHOOL REPORTING REQUIREMENTS**, *Rep. J.C. Hall* — requests that the Public Education Department, in collaboration with appropriate representatives from the New Mexico School Boards Association, the New Mexico Coalition of School Administrators, the New Mexico Coalition for Charter Schools, and other pertinent stakeholders, be requested to convene a work group to review current reporting requirements and report its findings and recommendations to the LESC, the Legislative Finance Committee, and the Governor no later than November 1, 2012. (For the LESC)
- HM 14 **“4-H DAY,”** *Rep. J.C. Hall* — declares January 24, 2012 as “4-H Day” in the House of Representatives. [Identical to SM 21]
- HM 16 **“ROY “PUFFY” GONZALES DAY,”** *Rep. Vigil* — declares February 2, 2012 as “Roy ‘Puffy’ Gonzales Day” in the House of Representatives.
- HM 17 **“MEDICAID APPRECIATION DAY,”** *Rep. Stewart* — proclaims January 24, 2012 as “Medicaid Appreciation Day” in the House of Representatives.
- HM 18  
CS/HM 18 **INTEGRATED HEALTH PROGRAM ENROLLMENT**, *Rep. Stewart* — requests that the New Mexico Office of Health Care Reform and the Human Services Department implement an integrated enrollment system for Medicaid, any health insurance exchange, and basic health program coverage.
- HM 21a **RECOGNIZE YOUTH ADVISORY BOARDS & COUNCILS**, *Rep. Irwin* — requests that municipalities create and support youth advisory boards, councils, or commissions and recognize the contributions that those entities make to their communities.
- HM 22 **“SCHOOL NUTRITION DAY,”** *Rep. King* — declares January 26, 2012, as “School Nutrition Day” in the House of Representatives. [Identical to SM 8]

PASSED  
PUBLIC SCHOOL-RELATED LEGISLATION  
50<sup>TH</sup> LEGISLATURE, 2<sup>ND</sup> SESSION, 2012

- HM 23**      **MORRILL ACT & NMSU MISSION, IN RECOGNITION**, *Rep. Nuñez* — recognizes and celebrates the sesquicentennial anniversary of the signing of the Morrill Act of 1862 and subsequent federal legislation that created and enhanced the mission of New Mexico State University, New Mexico’s land-grant college. [Identical to SM 23]
- HM 25**      **DEVELOP SCHOOL BULLYING PREVENTION PROGRAMS**, *Rep. Miera* — encourages school districts to engage parents and community members in the development of school bullying prevention programs.
- HM 26**      **“NEW MEXICO SCHOOL CHOICE WEEK,”** *Rep. Miera* — declares the week of January 22, 2012 through January 28, 2012 “New Mexico School Choice Week” in the House of Representatives. [Identical to SM 24]
- HM 35**      **ROBERT M HAWK, IN MEMORY**, *Rep. Stapleton* — recognizes the life and contributions of former legislator and champion of children’s mental health issues, Robert M. Hawk.
- HM 37**      **“NATIONAL TRIO DAY,”** *Rep. Vigil* — declares February 3, 2012 “National TRiO Day” in the House of Representatives to recognize the achievements of all TRiO programs and their role in advancing equal opportunity in postsecondary education.
- HM 40**      **“SUPPORT FOR NM ALLIANCE OF YMCAS DAY,”** *Rep. J.W. Hall* — declares February 8, 2012 as “Support the New Mexico Alliance of YMCAs Day” in the House of Representatives.
- HM 42**      **STUDY TRAINING FOR EDUCATION CAREERS**, *Rep. Miera* — requests that the LESC establish a work group to study – in collaboration with the Public Education Department, state colleges of education, and certain other stakeholders – the sustainability for future growth, recruitment, and training of high school students to pursue future careers in education. [Identical to SM 53]
- HM 43a**      **STUDY PUBLIC HEALTH SCHOOL**, *Rep. Cervantes* — requests that the Higher Education Department study the feasibility of establishing a School of Public Health in New Mexico and report its findings to the Legislative Health and Human Services Committee and to the Legislative Finance Committee by November 1, 2012
- HM 44a**      **DEVELOP AUTISM SERVICE PLAN**, *Rep. Sandoval* — requests that the state develop a service plan for autism spectrum disorder, through a dynamic planning process led by the Interagency Behavioral Health Purchasing Collaborative, with participation by a number of designated entities, as well as individuals and families affected by autism spectrum disorder, and other appropriate stakeholders, that builds on the tenets of previous plans and reports; and deliver the plan to the interim Legislative Health and Human Services Committee by November 1, 2012.
- HM 48**      **JUVENILE JUSTICE PROFESSIONAL TRAINING**, *Rep. Stewart* — requests that the Juvenile Justice Advisory Committee convene a task force to design and implement a professional training program for juvenile justice staff and juvenile justice system stakeholders pursuant to recommendations of the Juvenile Justice Gender-Responsive Task Force; and report to the interim Legislative Health and Human Services Committee



PASSED  
PUBLIC SCHOOL-RELATED LEGISLATION  
50<sup>TH</sup> LEGISLATURE, 2<sup>ND</sup> SESSION, 2012

on actions taken to implement the recommendations of the Juvenile Justice Gender-Responsive Task Force by October 1, 2012. (May affect public schools)

- HM 55**      **HIGH SCHOOL MOCK TRIAL PROGRAM**, *Rep. Miera* — recognizes the mock trial program in New Mexico and the hosting of the 2012 National High School Mock Trial Championship by the Center for Civic Values, the State Bar of New Mexico, and the University of New Mexico Law School in Albuquerque.
- HM 62a**      **“NEW MEXICO FATHERS & FAMILIES DAY,”** *Rep. A. Lujan* — recognizes that fathers matter to kids, kids matter to fathers, and families and communities are better off when fathers and children are positively engaged in each other’s lives; and declares August 10, 2012 “New Mexico Fathers and Families Day” in the House.
- HM 64**      **SPEAKER BEN LUJAN, IN RECOGNITION**, *Rep. W.K. Martinez* — recognizes the contributions to New Mexico by Speaker of the House of Representatives Ben Lujan and wishes him well on his retirement from the New Mexico Legislature. [Similar to HM 75 and SM 85]
- HM 65**      **REP. AL PARK, IN RECOGNITION**, *Rep. Cervantes* — expresses gratitude to Representative Al Park for his dedicated service to the people of New Mexico.
- HM 66**      **REP. DANICE PICRAUX, IN RECOGNITION**, *Rep. King* — recognizes the accomplishments of Representative Danice Picraux in the New Mexico House of Representatives.
- HM 67**      **COMPREHENSIVE STRATEGIC EDUCATION PLAN**, *Rep. Stapleton* — requests that the Legislative Council convene a work group to develop a comprehensive strategic education plan to eliminate the achievement gap and increase the graduation rates of Hispanic, Native American, and African-American students; and requests that the LESC and the Legislative Finance Committee assist in staffing the work group.
- HM 68**      **RETAIN NMSU ROTC UNIT**, *Rep. Nuñez* — requests that the United States Air Force (USAF) retain the Reserve Officers Training Corps (ROTC) unit at New Mexico State University (NMSU) and calls upon the New Mexico Congressional Delegation, the Secretary of Defense, and the USAF to retain the presence of the Air Force ROTC program at NMSU. [Identical to SM 82]
- HM 71**      **“WOMEN’S HERITAGE MONTH,”** *Rep. E. Chavez* — declares March 2012 to be “Women’s Herstory Month” at the House of Representatives.
- HM 75**      **SPEAKER BEN LUJAN, IN RECOGNITION**, *Rep. Gonzales* — recognizes and honors the contributions to New Mexico by Speaker of the House of Representatives Ben Lujan and wishes him “vaya con dios” on his retirement from the New Mexico Legislature. [Similar to HM 64 and SM 85]

SENATE BILLS

- S 2** **CRIMINAL RECORD EXPUNGEMENT ACT [VETOED (Mar. 2)]**, *Sen. M. Sanchez* — creates the Criminal Record Expungement Act; provides for the expungement of arrest records and public records in certain circumstances; and clarifies that the term “public records” does not include records maintained by the Public Education Department.
- S 9** **CORPORATE TAX RATES & COMBINED REPORTING [VETOED (Mar. 6)]**,  
**CS/S 9a** *Sen. Wirth* — reduces corporate income tax rates; and requires combined reporting for certain unitary corporations. (May affect public schools)
- S 19a** **REIMPOSE COUNTY EDUCATION GROSS RECEIPTS [SGND (Mar. 5) Ch. 39]**,  
*Sen. Cisneros/Rep. Gonzales* — amends a section of the County Local Option Gross Receipts Taxes Act to provide authority for Taos County to reimpose the County Education Gross Receipts Tax; to include state-chartered and locally chartered charter schools in the sharing of revenues generated; and to update certain requirements to reflect current census data.
- \*S 32a** **TEMPORARY UNEMPLOYMENT FUND CONTRIBUTIONS [SGND (Mar. 5) Ch. 35]**, *Sen. Smith* — establishes a temporary schedule for employer contributions to the Unemployment Compensation Fund. (May affect school districts)
- S 59a** **CHILD MURDER AS AGGRAVATING CIRCUMSTANCE [VETOED (Mar. 7)]**,  
*Sen. Garcia* — provides that the murder of a child under 13 years of age is an aggravating circumstance for purposes of capital felony sentencing; and provides that aggravating circumstances shall not be considered for a serious youth offender. (May affect public schools)
- \*S 66** **GENERAL OBLIGATION BOND PROJECTS [SGND (Mar. 7) Ch. 54**  
**\*CS/S 66a** **partial veto]**, *Sen. Cisneros* — creates the 2012 Capital Projects General Obligation Bond Act to authorize the issuance and sale of capital projects general obligation bonds to make capital expenditures for library acquisitions, construction for capital improvements, and acquisitions at institutions of higher education and state special schools; provides for a tax levy for payment of principal of, interest on, and certain costs related to the bonds; and requires approval of the registered voters at the 2012 General Election.
- \*S 83** **STATE FACILITY 5 YEAR MASTER PLANS [POCKET VETO]**, *Sen. Ingle* — requires state agencies to submit five-year facilities master plans; provides for plan guidelines; provides additional duties for the Property Control Division of the General Services Department; authorizes short-term severance tax bonds to be issued; appropriates \$2.3 million of the proceeds from the sale of bonds to the Capital Program Fund to conduct a facility condition assessment of all state facilities; and appropriates \$1.0 million of the proceeds from the sale of bonds to the Property Control Division to conduct facilities master planning with state agencies to develop and design five-year master plans and updates for the State Capital Program.
- S 187** **ELIMINATE CHILD DEVELOPMENT OFFICE & BOARD [SGND (Mar. 1) Ch. 14]**, *Sen. Kernan* — amends the Public School Finance Act to eliminate the Office of

PASSED  
PUBLIC SCHOOL-RELATED LEGISLATION  
50<sup>TH</sup> LEGISLATURE, 2<sup>ND</sup> SESSION, 2012

Child Development and the Child Development Board; and assigns certain duties, including preschool program monitoring, to the Children, Youth and Families Department.

- S 196a** **SCHOOLS FOR DEAF & BLIND CAPITAL OUTLAY [SGND (Mar. 7) Ch. 53]**, *Sen. Nava* — amends the definitions in the Public School Capital Outlay Act to: provide for the facilities at the New Mexico School for the Blind and Visually Impaired and the New Mexico School for the Deaf to be eligible for Public School Capital Outlay Act funding; remove the schools from the Higher Education Department’s capital outlay bill; make them part of the Public School Facilities Authority process; and give the schools a 50 percent local match. (For the Public School Capital Outlay Oversight Task Force and the LESC)
- S 197** **FELONIES BY PUBLIC OFFICIALS [SGND (Feb. 20) Ch. 3]**, *Sen. Payne* — creates a new section of the Criminal Sentencing Act to enhance sentences for felonies relating to public officials. (May affect school boards, the Public Education Commission, and the Public Education Department)
- S 209** **SCHOOL DISTRICT FINANCIAL FLEXIBILITY [SGND (Mar. 7) Ch. 51]**, *Sen. Asbill* — amends the Public School Code to provide flexibility to school districts to meet state fiscal solvency requirements by allowing the Secretary of Public Education to waive requirements of the Public School Code, and rules promulgated in accordance with that code, pertaining to individual class load, teaching load, length of school day, staffing patterns, subject areas, and purchases of instructional materials. (For the LESC)
- S 256a** **TRIBAL COLLEGE DUAL CREDIT PROGRAMS [SGND (Mar. 6) Ch. 44]**, *Sen. Pinto* — creates the Tribal College Dual Credit Program Fund to be administered by the Higher Education Department; and provides that money in the fund is to be used to compensate tribal colleges for the tuition and fees that they waive for dual credit students.

**SENATE JOINT MEMORIALS**

- SJM 1** **“BETTER HEARING & SPEECH MONTH,” [SGND]** *Sen. Papen/Rep. Stapleton* — requests that the Governor designate the month of May as “Better Hearing and Speech Month.”
- SJM 7** **“BEHAVIORAL HEALTH DAY,” [SGND]** *Sen. Papen* — declares February 8, 2012 as “Behavioral Health Day at the Legislature.”
- SJM 19** **NAME SANTA CLARA ARMORY AFTER REP. FOY [SGND]**, *Sen. Jennings* — requests that the Governor name the National Guard armory in Santa Clara after Representative Thomas P. Foy.
- SJM 48** **SISTERS OF LORETTO 200<sup>TH</sup> ANNIVERSARY (Passed S/Passed H)**, *Sen. Ryan* — honors the Sisters of Loretto at the Foot of the Cross on the occasion of their 200<sup>th</sup> anniversary and thanks them for their teaching efforts over the last 160 years in New Mexico.

SENATE MEMORIALS

- SM 1** **NM SPEECH-LANGUAGE & HEARING ASSOCIATION DAY**, *Sen. Papen* — declares February 15, 2012 as “New Mexico Speech-Language and Hearing Association Day” at the Senate. [Related to HM 6]
- SM 4** **“AUTISM DAY,”** *Sen. Feldman* — declares January 18, 2012 as “Autism Day” in the Senate and recognizes the New Mexico Autism Society for its long-standing work and advocacy. [Related to CS/SM 20 and HM 7]
- SM 6** **“ADULT BASIC EDUCATION & LITERACY DAY,”** *Sen. Morales* — proclaims January 18, 2012 as “Adult Basic Education and Literacy Day” in the Senate. [Related to HM 8]
- SM 7** **“NEW MEXICO MESA DAY,”** *Sen. Campos* — declares January 19, 2012 as “New Mexico MESA Day” in the Senate. [Similar to HM 9]
- SM 8** **“SCHOOL NUTRITION DAY,”** *Sen. Campos* — declares January 26, 2012 as “School Nutrition Day” at the Senate. [Identical to HM 22]
- SM 9** **“FOODCORPS & AMERICORPS DAY,”** *Sen. Campos* — declares January 24, 2012 “Foodcorps and Americorps Day” in the Senate; and recognizes their efforts to reduce childhood obesity and produce a measurably healthier school food environment.
- SM 10** **OUTDOOR OPPORTUNITIES FOR CHILDREN**, *Sen. Nava* — supports the idea that every New Mexico child should have ample outdoor opportunities using existing resources. [Identical to HM 3]
- SM 11** **UNM LAW & BUSINESS SCHOOLS OIL & GAS COURSES**, *Sen. Payne* — requests that the University of New Mexico School of Law and Anderson School of Management study the feasibility of increasing their respective oil and gas course offerings in efforts to become important sources for leadership in the subject areas related to the oil and gas industry. (May affect public schools)
- SM 13** **“ROTARY EXCHANGE STUDENT DAY,”** *Sen. McSorley* — declares February 3, 2012 “Rotary Exchange Student Day” in the Senate.
- SM 15** **“COMMUNITY HEALTH COUNCILS DAY,”** *Sen. Morales* — declares January 19, 2012 as “Community Health Councils Day” in the Senate.
- SM 20a** **DEVELOP AUTISM SERVICE PLAN**, *Sen. Ortiz y Pino* — requests that,  
**CS/SM 20** with guidance from the Public Education Department, the state develop a service plan for autism spectrum disorder through a dynamic planning process that builds on the tenets of previous plans and reports by certain entities. [Related to SM 4 and HM 7]
- SM 21** **“4-H DAY,”** *Sen. Harden* — declares January 24, 2012 as “4-H Day” in the Senate. [Identical to HM 14]

PASSED  
PUBLIC SCHOOL-RELATED LEGISLATION  
50<sup>TH</sup> LEGISLATURE, 2<sup>ND</sup> SESSION, 2012

- SM 23**      **MORRILL ACT & NMSU MISSION, IN RECOGNITION**, *Sen. Papen* — recognizes and celebrates the sesquicentennial anniversary of the signing of the Morrill Act of 1862 and subsequent federal legislation that created and enhanced the mission of New Mexico State University, New Mexico’s land-grant college. [Identical to HM 23]
- SM 24**      **“NEW MEXICO SCHOOL CHOICE WEEK,”** *Sen. Nava* — declares the week of January 22, 2012 through January 28, 2012 “New Mexico School Choice Week” in the Senate. [Identical to HM 26]
- SM 25**      **CONTRIBUTIONS OF YOUNG PARENTS IN NEW MEXICO**, *Sen. García* — recognizes the needs and contributions of young parents in New Mexico and designates August 25, 2012 as a day of recognition of young parents.
- SM 27a**      **COVERAGE FOR CHILDREN HURT BY NEGLIGENCE**, *Sen. Curtis* — requests that the Legislative Health and Human Services Committee and the Courts, Corrections and Justice Committee study the Tort Claims Act lifetime medical cap and consider ways in which the state or its political subdivisions may obtain additional coverage for the expenses of providing medical care for children catastrophically injured by public employees. (May affect public schools)
- SM 31**      **“CHILDREN’S CANCER FUND OF NEW MEXICO DAY,”** *Sen. M. Sanchez* — recognizes the difference made by the Children’s Cancer Fund of New Mexico and declares February 1, 2012 “Children’s Cancer Fund of New Mexico Day” in the Senate.
- SM 33**      **ADDRESS INSTITUTIONAL RACISM**, *Sen. Lopez* — encourages every agency and entity that receives state funding to adopt a policy to address institutional racism.
- SM 39**      **SCHOOL BULLYING PREVENTION PROGRAMS**, *Sen. García* — encourages school districts to engage parents and community members in the development of school bullying prevention programs.
- SM 44**      **UNM PRESIDENT DAVID SCHMIDLY, IN RECOGNITION**, *Sen. Payne* — recognizes University of New Mexico President David Schmidly.
- SM 53**      **STUDY TRAINING FOR EDUCATION CAREERS**, *Sen. Nava* — requests that the LESC establish a work group to study, in collaboration with the Public Education Department, state colleges of education, and other stakeholders, the sustainability for future growth, recruitment, and training of high school students to pursue future careers in education. [Identical to HM 42]
- SM 56**      **“NEW MEXICO FATHERS & FAMILIES DAY,”** *Sen. Ortiz y Pino* — declares August 10, 2012 “New Mexico Fathers and Families Day” in the Senate.
- SM 60**      **PRE-K PROGRAM SUCCESS**, *Sen. Beffort* — recognizes and celebrates the families, children, educators, administrators, and program staff who have contributed to the success of the New Mexico pre-kindergarten program.

- SM 65**      **SILVER & COBRE SCHOOL VOCATIONAL CENTER**, *Sen. Morales* — requests that the School of Education of Western New Mexico University and the Silver and Cobre school districts, together with the Higher Education Department and the Public Education Department, conduct a feasibility study to determine the need and resources for a vocational-technical training center for middle school and high school students in the Silver and Cobre school districts; and that, as the feasibility study progresses, the study group seek involvement from local stakeholders.
- SM 67**      **FEDERAL HEALTH INSURANCE EXCHANGE REPORT**, *Sen. Jennings* — requests that the New Mexico Office of Health Care Reform report to and consult with the Legislature about expenditures and activities pursuant to the \$34.2 million Federal Health Insurance Exchange Establishment Grant; and provide periodic reports throughout calendar year 2012 on its expenditures and activities to the interim Legislative Health and Human Services Committee, the Legislative Finance Committee, and any other legislative committee or work group designated to oversee health-care reform implementation efforts in New Mexico. (May affect public schools)
- SM 71**      **“YMCAS DAY,”** *Sen. Ortiz y Pino* — declares February 8, 2012 “Support the New Mexico Alliance of YMCAs Day” in the Senate.
- SM 73**      **STUDY COSTS OF ALL SCHOOL ASSESSMENTS**, *Sen. M. Sanchez* — requests that the LESC and the Legislative Finance Committee (LFC), in conjunction with the Public Education Department, conduct an analysis of the cost, both in instructional time and money, of all assessments of New Mexico students, including proposed assessments related to Common Core State Standards; and that the LESC and LFC report the results of the study to the 2013 Legislature and the Governor.
- SM 78**      **“FUTURE FARMERS OF AMERICA DAY,”** *Sen. Harden* — declares February 9, 2012 “Future Farmers of America Day” in the Senate.
- SM 79**      **“NATIONAL ENTREPRENEURSHIP WEEK,”** *Sen. M. Sanchez* — declares the week of February 18 through February 25, 2012 “National Entrepreneurship Week” in the Senate; and encourages New Mexico youth and adults to expand their knowledge, skills, and attitudes in order to be successful entrepreneurs.
- SM 82**      **RETAIN NMSU ROTC UNIT**, *Sen. Payne* — requests that the United States Air Force (USAF) retain the Reserve Officers Training Corps (ROTC) unit at New Mexico State University (NMSU) and calls upon the New Mexico Congressional Delegation, the Secretary of Defense, and the USAF to retain the presence of the Air Force ROTC program at NMSU. [Identical to HM 68]
- SM 84**      **SANDIA LABS & KIRTLAND AFB, IN RECOGNITION**, *Sen. E. Griego* — recognizes the important mission and economic impact of Sandia National Laboratories and Kirtland Air Force Base on the nation and on New Mexico’s economy, security, and future.
- SM 85**      **SPEAKER BEN LUJAN, IN RECOGNITION**, *Sen. M. Sanchez* — recognizes the contributions to New Mexico by Speaker of the House of Representatives Ben Luján and

PASSED  
PUBLIC SCHOOL-RELATED LEGISLATION  
50<sup>TH</sup> LEGISLATURE, 2<sup>ND</sup> SESSION, 2012

wishes him Godspeed upon his retirement from the New Mexico Legislature. [Similar to HM 64 and HM 75]

**SM 86**      **REVIEW A-B-C-D-F SCHOOL RATING SYSTEM**, *Sen. Morales* — requests that the LESC and the Legislative Finance Committee (LFC), with the assistance of the Public Education Department, be requested to form a work group of education stakeholders to review the recent implementation of the A-B-C-D-F Schools Rating System; and that the work group report its findings and recommendations to the LESC and the LFC by October 31, 2012.