

**PUBLIC SCHOOL-RELATED LEGISLATION**  
**50<sup>TH</sup> LEGISLATURE, 1<sup>ST</sup> SPECIAL SESSION, 2011**

**HOUSE BILLS**

- \*H 1**      **FEED BILL [SGND (Sept. 13) Ch. 1]**, *Rep. W.K. Martinez* — provides funding for the first special session of the 2011 Legislature, including redistricting of Public Education Commission districts and other legislative activities; and funds certain pre-session activities of the 2012 Legislature.
- H 16**      **REDISTRICTING PEC CONCEPT A [SGND (Oct. 5) Ch. 4]**, *Rep. M.H. Garcia* —  
**CS/CS/H 16**      creates the 2011 Educational Redistricting Act; establishes Public Education Commission districts; provides for staggered terms and the filling of vacancies; sets precincts; and sets residency requirements. (Identical to FL/CS/S 11)
- \*H 17**      **COMBINE CULTURAL AFFAIRS & TOURISM DEPTS.**, *Rep. Bandy* — combines the Cultural Affairs Department and the Tourism Department; creates the African American Cultural Division within the Tourism and Cultural Affairs Department; enacts the African American Cultural Center Act; and provides for the transfers of functions, personnel, appropriations, money, property, contractual obligations, and statutory references.
- \*H 18**      **LIMIT ISSUANCE OF DRIVER'S LICENSES**, *Rep. Nuñez* — requires a Social Security number from eligible driver's license applicants; and places limits on the issuance of driver's licenses and identification cards to foreign nationals. (Related to H 22, \*H 23, and H 26)
- \*H 19**      **UNEMPLOYMENT BENEFITS & CONTRIBUTIONS**, *Rep. Stewart* — amends certain provisions of the unemployment compensation law that expand eligibility or allow increased benefits; provides that extended benefits shall be paid only if fully reimbursed from federal sources; and establishes a temporary schedule for contributions. (May affect public schools) (Related to \*H 31, \*H 44, \*S 29a, and \*S 37)
- \*H 20**      **RESTRICT USE OF SALE OF FIREWORKS**, *Rep. Gentry* — amends and enacts sections of the All Hazard Emergency Management Act and the Fireworks Licensing and Safety Act to provide the Governor, municipalities, and counties with authority to proclaim a state of emergency to ban or restrict the sale and use fireworks in any area where the national fire danger rating is high, very high, or extreme. (May affect public schools) (Similar to H 25 and \*S 28)
- H 22**      **FOREIGN NAT'L DRIVER'S LICENSE REQUIREMENTS**, *Rep. B. Luján* — discontinues the issuance of driver's licenses for eight-year and four-year issuance periods to certain foreign nationals; requires additional identification and proof of residency for certain foreign nationals; limits the duration of driver's licenses of certain foreign nationals to a two-year issuance period; requires the driver's record from another jurisdiction to become part of the driver's record in this state; increases penalties; and imposes new penalties. (Related to \*H 18, \*H 23, and H 26) (May affect public schools)
- \*H 23**      **TRIBAL ISSUANCE OF DRIVER'S LICENSES**, *Rep. Begaye* — enables a tribe that enters into a joint powers agreement with the state regarding the issuance or revocation of

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driver's licenses to foreign nationals to obtain a waiver from the state's criteria for the issuance or revocation of driver's licenses. (May affect public schools) (Related to \*H 18, H 22, and H 26)

- \*H 24      SAN JUAN COUNTY DOMESTIC VIOLENCE SHELTER, *Rep. Begaye* — appropriates \$100,000 for a domestic violence shelter in the western portion of San Juan County. (May affect public schools)
- H 25      FIREWORKS TAX TO FOREST FIRE PREVENTION, *Rep. Begaye* — appropriates 60 percent of the revenues from the gross receipts tax on fireworks to the Forestry Division of the Energy, Minerals and Natural Resources Department to conduct prevention projects in wildlands of the state; and creates the Wildlands Fire Prevention Fund. (May affect public schools) (Similar to \*H 20 and \*S 28)
- H 26      2 TIERED DRIVER'S LICENSE SYSTEM, *Rep. Anderson* — provides for a two-tiered system of driver's licenses and identification cards; requires a Social Security number from eligible applicants for driver's licenses; provides for driver's licenses and identification cards for use or recognition for official federal purposes; limits the duration of driver's licenses and identification cards of certain foreign nationals who apply for a driver's license for use or recognition for federal purposes; and appropriates a portion of the fees collected to defray expenses. (May affect public schools) (Related to \*H 18, H 22, and \*H 23)
- \*H 28a     MEDICAID & SUPPLEMENTAL NUTRITION ASSISTANCE (**PASSED H**), *Rep. Roch* — appropriates the entire balance of the New Mexico Recovery and Reinvestment Fund, and all other money subsequently credited to that fund, to the Human Services Department for Medicaid expenses in the first quarter of FY 12; and appropriates \$450,000 from the General Fund to provide matching funds for the federal Supplemental Nutrition Assistance Program. (May affect public schools) (Related to \*S 3a)
- \*H 31     UNEMPLOYMENT CONTRIBUTION RATES & COUNCIL, *Rep. Doyle* — amends the Unemployment Compensation Law to require unemployment contributions to remain at the Contribution Schedule 1 rate through calendar year 2013; provides per diem and mileage for state Unemployment Compensation Advisory Council members; directs the state Unemployment Compensation Advisory Council to make recommendations to the Legislature; and appropriates \$65.0 million from the General Fund to the Unemployment Compensation Fund in FY 12 and again in FY 13 to maintain an adequate reserve. (May affect public schools) (Related to \*H 19, \*H 44, \*S 29a, and \*S 37)
- \*H 34     SEVERANCE TAX BOND PROJECTS, *Rep. Taylor* — authorizes the issuance of severance tax bonds and expenditures from certain funds and balances; clarifies conditions for the issuance of bonds; establishes conditions for the expenditure of severance tax bond proceeds; establishes conditions for the reversion of unexpended balances; and makes appropriations, including \$4.3 million to the Public Education Department to purchase school buses statewide; \$850,000 for infrastructure improvements at the New Mexico School for the Blind and Visually Impaired; and \$1.85 million for improvements at the New Mexico School for the Deaf. (Related to \*S 10 and S 32)

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- H 35        RESTRICT CERTAIN PER DIEM & MILEAGE PAYMENTS, *Rep. Rehm* — amends the Per Diem and Mileage Act to restrict per diem and mileage payments by the state if the payments are supplemented by non-state funds. (May affect public schools)
- \*H 38        FIREWORKS BANS, RESTRICTIONS & TAX USES, *Rep. Begaye* — amends and enacts new sections of state law to provide the Governor, municipalities, and counties with authority to proclaim a state of emergency to ban or restrict the sale and use of fireworks in any area where the national fire danger rating is high, very high, or extreme; creates the Wildlands Fire Prevention Fund; and appropriates 60 percent of revenues from the gross receipts tax on fireworks to be distributed to the Forestry Division of the Energy, Minerals and Natural Resources Department to conduct fire prevention projects in woodlands of the state. (May affect public schools) (Related to \*H 20 and H 25)
- \*H 44        UNEMPLOYMENT COUNCIL RECOMMENDATIONS, *Rep. Stewart* — amends the Unemployment Compensation Law to provide for the appointment of council members to the State Unemployment Advisory Council; directs the council to make recommendations to the Legislature and the Governor on or before November 1 of each year; provides for per diem and mileage for council members; and provides for the transition of council membership. (May affect public schools) (Related to \*H 19, \*H 31, \*S 29a, and \*S 37)

**HOUSE MEMORIAL**

- HM 1        **“EARLY CHILDHOOD CARE & EDUCATION DAY,”** [SGND] *Rep. Miera* — declares September 8, 2011 as “Early Childhood Care and Education Day” in the New Mexico House of Representatives; and requests that the New Mexico congressional delegation and policymakers seek funding for early childhood care and education programs to ensure that all New Mexico children have access to high-quality early childhood services. (Identical to SM 1)

**SENATE BILLS**

- \*S 1a        **PROCUREMENT PREFERENCES** [SGND (Oct. 5) Ch. 3], *Sen. Keller/Rep. Larrañaga* — modifies the preference advantage for in-state businesses; changes the definitions of “resident business” and “resident contractor”; eliminates preferences for resident manufacturers and New York state businesses; and provides penalties. (May affect school districts)
- \*S 2        **LIMIT SCHOOL GRADE PROMOTIONS**, *Sen. Smith/Rep. Espinoza* — provides that a student who is not proficient in reading at the end of third grade may not be promoted to fourth grade; allows exceptions; requires remediation programs and intensive interventions; and provides that a student may be held back only once. (Related to \*S 23)
- \*S 3a        **MEDICAID & SUPPLEMENTAL NUTRITION ASSISTANCE** [SGND (Sept. 29) Ch. 2], *Sen. Lovejoy* — appropriates the balance from the New Mexico Recovery and Reinvestment Fund, and all other money subsequently credited to that fund, to the Human Services Department for Medicaid expenses in the first quarter of FY 12; and appropriates

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\$450,000 from the General Fund to provide matching funds for the federal Supplemental Nutrition Assistance Program. (May affect public schools) (Identical to \*H 28a)

- \*S 10  
\*CS/S 10      **SEVERANCE TAX BOND PROJECTS [SGND (Oct. 7) Ch. 5]**, *Sen. Cisneros* — authorizes the issuance of severance tax bonds and expenditures from certain funds and balances; clarifies conditions for the issuance of bonds; establishes conditions for the expenditure of severance tax bond proceeds; and establishes conditions for the reversion of unexpended balances.
- S 11  
FL/CS/S 11      **REDISTRICTING PEC CONCEPT A (PASSED S)**, *Sen. Lopez* — creates the 2011 Educational Redistricting Act; establishes Public Education Commission districts; provides for staggered terms and the filling of vacancies; sets precincts; and sets residency requirements. (Identical to CS/CS/H 16)
- \*S 23      **LIMIT SCHOOL GRADE PROMOTIONS**, *Sen. Smith/Rep. Espinoza* — provides that a student who is not proficient in reading at the end of third grade may not be promoted to fourth grade; allows exceptions; requires remediation programs and intensive interventions; establishes academic proficiency as the standard for remediation and retention in grades 1, 2, and 4-7, with a parental option to waive retention for one year and provides for mid-year promotion for retained students who achieve proficiency under certain circumstances; and provides that a student may be held back only once. (Related to \*S 2)
- \*S 26      **MOVE INFO TECH FUNCTIONS TO GSD**, *Sen. Eichenberg* — eliminates the Department of Information Technology and creates the Information Technology Division within the General Services Department; enacts the Information Technology Act; and provides for transfers of functions, personnel and property. (May affect the Public Education Department)
- \*S 27      **HIGH-WAGE JOBS CREDIT FOR WAGES & BENEFITS**, *Sen. P. Griego* — clarifies that the high-wage jobs tax credit applies to wages and benefits; denies eligibility for the credit if the job was created within 180 days of a business merger or acquisition, or performed prior to the merger or acquisition; denies eligibility for the credit if the job is created due to an eligible employer contracting with a governmental entity to replace one or more entities that performed the same service; and defines wages and benefits. (May affect public schools)
- \*S 28      **RESTRICT USE OR SALE OF FIREWORKS**, *Sen. Feldman* — amends and enacts multiple sections of the All Hazard Emergency Management Act to provide the Governor, municipalities, and counties with authority to proclaim a state of emergency to ban or restrict the use of fireworks in any area where the national fire danger rating is high, very high, or extreme. (May affect public schools) (Similar to \*H 20 and H 25)
- \*S 29a      **UNEMPLOYMENT BENEFITS & CONTRIBUTIONS (PASSED S)**, *Sen. Smith* — amends certain provisions of the Unemployment Compensation Law that expand eligibility or allow increased benefits; provides that extended benefits shall be paid only if fully reimbursed from federal sources; and establishes a temporary schedule for contributions. (May affect public schools) (Related to \*H 19, \*H 31, \*H 44, \*S 37, and \*S 39)

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- S 32 SEVERANCE TAX BONDS FOR CERTAIN SCHOOLS, *Sen. Nava* — amends the Public School Capital Outlay Act to designate \$25.0 million of the proceeds from the sale of bonds for FY 11 for expenditures to correct deficiencies at the New Mexico School for the Blind and Visually Impaired and the New Mexico School for the Deaf. (Related to \*S 10 and \*H 34)
- S 35 GUEST WORKER DRIVING PRIVILEGE ACT, *Sen. Fischmann* — enacts the Guest Worker Driving Privilege Act; creates a guest worker program for certain New Mexico resident foreign nationals; directs the Workforce Solutions Department to work with the US Immigration and Customs Enforcement Division of the US Department of Homeland Security regarding immigration reform; provides for driving privilege cards for certain New Mexico resident foreign nationals; imposes a fee on employers who hire guest worker permit holders as employees; and appropriates the fees to the Workforce Solutions Department to defray the expense of the new system of licensing. (May affect public schools) (Related to HJM 1)
- \*S 37 UNEMPLOYMENT CONTRIBUTION RATES & COUNCIL, *Sen. Neville* — requires unemployment contributions to remain at the contribution schedule 1 rate through calendar year 2013; provides per diem and mileage for State Unemployment Compensation Advisory Council members; directs the council to make recommendations to the Legislature; and appropriates up to \$35.0 million from the General Fund to the Unemployment Compensation Fund in FY 12 for the purpose of paying unemployment compensation benefits. (May affect public schools) (Related to \*H 19, \*H 31, \*H 44, and \*S 29a)
- \*S 39 UNEMPLOYMENT CONTRIBUTION RATES & COUNCIL, *Sen. Sapien* — amends the Unemployment Compensation Law to require unemployment contributions to remain at the contribution schedule 1 rate through calendar year 2013 except under certain circumstances; directs the State Unemployment Compensation Advisory Council to make recommendations to the Legislature; requires an assessment on employers upon an appropriation to the Unemployment Compensation Fund; and appropriates \$50.0 million from the General Fund to the Unemployment Compensation Fund in FY 12 and FY 13 for the purpose of paying unemployment compensation benefits. (May affect public schools) (Related to \*H 19, \*H 31, \*H 44, \*S 29a, and \*S 37)

**SENATE MEMORIALS**

- SM 1 **“EARLY CHILDHOOD CARE & EDUCATION DAY,” [SGND]** *Sen. Nava* — declares September 8, 2011 as “Early Childhood Care and Education Day” in the New Mexico Senate; and requests that the New Mexico congressional delegation and policymakers seek funding for early childhood care and education programs to ensure that all New Mexico children have access to high-quality early childhood services. (Identical to HM 1)
- SM 3 IMPLEMENT FEDERAL PATIENT PROTECTION ACT, *Sen. Feldman* — requests that the Governor recognize the economic benefits of the federal Patient Protection and Affordable Care Act of 2010 and aggressively implement the provisions of the act in the state. (May affect public schools) (Identical to SM 4)

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SM 4      IMPLEMENT FEDERAL PATIENT PROTECTION ACT, *Sen. Feldman* — requests that the Governor recognize the economic benefits of the federal Patient Protection and Affordable Care Act of 2010 and aggressively implement the provisions of the act in the state. (May affect public schools) (Identical to SM 3)