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April 25, 2013 (revised June 4, 2013)

**MEMORANDUM**

**TO:** New Mexico Legislators

**FR:** Frances Ramírez-Maestas

A handwritten signature in black ink, appearing to read "FRM".

**RE: SUMMARY OF PUBLIC EDUCATION-RELATED LEGISLATION PASSED BY THE 51<sup>ST</sup> LEGISLATURE, 1<sup>ST</sup> SESSION, 2013**

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At the end of each legislative session, the Legislative Education Study Committee (LESC) staff compiles and summarizes legislation affecting public education, including the language and appropriations of the *General Appropriation Act of 2013*. This memorandum and its attachments provide an overview of the FY 14 appropriations and policy initiatives passed by the 2013 Legislature, after Executive action.

This memorandum and the attached materials, developed by LESL staff, review the legislation from the 2013 regular 60-day session related to public schools, including public school support and other public education-related appropriations. The materials are organized as follows:

- **Selected FY 14 Recurring Appropriations;**
- **Percent to Public Schools and Higher Education;**
- **Development of FY 14 Public School Support Appropriations (including Special Education Maintenance of Effort (MOE));**
- **FY 14 Public School Support and Related Appropriations;**
- **FY 13 Final and FY 14 Preliminary Unit Values;**
- **Public School Capital Outlay;**
- **Legislation Endorsed by the LESL;**
- **Legislative Memorials; and**
- **Other Public School-related Legislation.**

Attachments include:

- **Table 1, *History of General Fund Recurring Appropriations, Public Schools and Higher Education*;**
- **Chart 1, *FY 13 and FY 14 Appropriations and Transfers Related to State-level Maintenance of Effort Requirements for Special Education*;**
- **Table 2, *FY 14 Public School Support and Related Appropriations*;**
- **Selected Public Education-related Language, *General Appropriation Act of 2013, (Laws 2013, Chapter 227 (CS/HB 2 et al., as amended))*;**
- **Table 3, *History of the Unit Value*;**
- **Table 4, *Public School Capital Outlay, CS/S 60 and CS/H 337, with emergency clause (Laws 2013, Ch. 226 [partial veto])*; and**
- **Table 5, *Public School Capital Outlay Reauthorizations, CS/H 353, with emergency clause (Laws 2013, Ch. 202 [partial veto])*.**

### **SELECTED FY 14 RECURRING APPROPRIATIONS**

In total, the *General Appropriation Act of 2013* (Laws 2013, Ch. 227), appropriated \$5.88 billion from the General Fund, an increase of \$245.7 million or 4.4 percent over FY 13, including:

- nearly \$2.6 billion for public schools, an increase of \$112.1 million or 4.6 percent over FY 13 appropriations; and
- approximately \$796.5 million for higher education, an increase of \$38.8 million or 5.1 percent over FY 13 appropriations.

### **PERCENT TO PUBLIC SCHOOLS AND HIGHER EDUCATION**

**Table 1, *History of General Fund Recurring Appropriations, Public Schools and Higher Education***, outlines the recurring General Fund appropriations for public schools and higher education, including the percent to the total state government appropriation in each year's *General Appropriation Act*, for the past 10 years.

For FY 14, the percent to public schools and higher education is 57.2 percent, which includes:

- 43.7 percent for public schools; and
- 13.5 percent for higher education.

### **DEVELOPMENT OF FY 14 PUBLIC SCHOOL SUPPORT APPROPRIATIONS**

The primary responsibility of the Legislature each legislative session is to develop and pass a budget for the succeeding fiscal year and doing so requires current and accurate data on both revenues and expenditures. During each legislative session, the budget for public schools begins in the House Education Committee as the *Education Appropriation Act*. While this task is always a challenge, it was especially difficult and complex this year partly because of

uncertainty surrounding the state's special education maintenance of effort (MOE) under the federal *Individuals with Disabilities Education Act* Part B (IDEA-B) during FY 10 and FY 11.

### ***Special Education Maintenance of Effort (MOE)***

In order for a state to be eligible for a IDEA-B federal grant award for special education, the state must fulfill certain requirements outlined in the federal Code of Federal Regulations (CFR). Among its provisions, the CFR states that:

- a state must not reduce the amount of state financial support for special education and related services for children with disabilities below the amount of that support for the preceding fiscal year; and
- if a state fails to meet MOE and is not granted a waiver, the U.S. Department of Education Secretary shall reduce a future IDEA award by the same amount by which the State failed to meet the requirement.

The week before the 2013 legislative session was convened, the Legislature became aware of several items surrounding possible MOE shortfalls, including:

- the shortfall itself;
- the submission of a waiver request by the Public Education Department (PED) for FY 10 and FY 11;
- an initial denial of the waiver request by USDE through a phone conversation with the Secretary-designate of Public Education on December 4, 2012; and
- PED requests that USDE allow the department to submit additional information/data.

These events added an element of uncertainty to the budget development process and posed questions as to whether the state also maintained effort in other fiscal years.

As enacted, the *General Appropriation Act of 2013* includes appropriations and language to address potential MOE shortfalls in FY 13 and FY 14. Until the USDE issues a final determination on the waiver requests, it is unclear whether these appropriations will be sufficient. If the appropriated amounts are insufficient, the Legislature also passed, and the Governor signed, \*CS/H 628, *Special Education Funding* (Laws 2013, Ch. 191), to support required funding.

In an attempt to provide clarity of the provisions of both bills, LESC staff developed **Chart 1, FY 13 and FY 14 Appropriations and Transfers Related to State-level Maintenance of Effort Requirements for Special Education**, which condenses and outlines the requirements for the distribution of the appropriations in both bills to meet potential MOE shortfalls in FY 13 and FY 14.

## **FY 14 PUBLIC SCHOOL SUPPORT AND RELATED APPROPRIATIONS**

**Table 2, FY 14 Public School Support and Related Appropriations**, summarizes the nearly \$2.6 billion recurring and the \$33.4 million nonrecurring public school support and education-related appropriations.

## ***Recurring Appropriations***

The recurring appropriations include:

- approximately \$2.36 billion to the State Equalization Guarantee (SEG) Distribution (commonly referred to as the Public School Funding Formula), an \$88.3 million, or 3.9 percent increase over FY 13 (lines 19-21). This figure reflects a 1.0 percent average compensation increase for certified and noncertified school personnel; a 1.5 percent educational retirement (employee/employer) swap reversal; and a 0.75 percent educational retirement employer contribution in FY 14;
- over \$136.8 million for Categorical Public School Support (line 39), including, for transportation, a 1.0 percent average compensation increase for transportation employees; a 1.5 percent educational retirement (employee/employer) swap reversal; and a 0.75 percent educational retirement employer contribution in FY 14;
- approximately \$68.7 million (line 66) to PED to support the department's operations and other education-related initiatives funded with recurring dollars, including:
  - the operations of Regional Education Cooperatives;
  - Advanced Placement;
  - Apprenticeship Assistance;
  - Athletic and Extracurricular Support;
  - Breakfast for Elementary Students;
  - Dropout Prevention Program;
  - Early College High School Start Up;
  - Early Reading Initiative;
  - Graduation, Reality and Dual-role Skills (GRADS);
  - Interventions for D and F Schools;
  - K-3 Plus;
  - Mock Trials Program;
  - New Mexico Cyber Academy/Innovative Digital Education and Learning (IDEAL-NM);
  - Pre-K;
  - Science, Technology, Engineering, and Math (STEM) Initiative;
  - Statewide Formative Assessments;
  - Teacher Mentorship;
  - Teaching Support in Schools with a High Proportion of Low-income Students; and
  - Workforce Readiness.

## ***Nonrecurring Appropriations***

In **Special Appropriations** (for expenditure in FY 13 or FY 14), the *General Appropriation Act of 2013* includes \$33.4 million in General Fund dollars to PED, including:

- \$1.5 million for the transition to the Common Core state standards;
- \$5.8 million in emergency support to school districts experiencing shortfalls;
- \$15.4 million for maintenance of effort for special education for FY 13. This appropriation is supplemented with \$4.6 million in Other State Funds (driver's license fees) for a total appropriation of \$20.0 million;

- \$100,000 for New Mexico produce in schools;
- \$5.2 million to purchase computers for the administration of the Partnership for Assessment of Readiness for College and Career (PARCC) assessments; and
- \$2.0 million to provide stipends to (1) teachers and school leaders to move from A or B rated schools to D or F rated schools that serve a high proportion of at-risk or high-poverty students; and (2) high school teachers of Advanced Placement classes that increase the proportion of students receiving college credit for Advanced Placement classes.

In **Supplemental and Deficiency Appropriations** (for expenditure in FY 13), appropriation language transfers up to \$20.0 million to PED from the SEG in the event that the appropriated program cost and the \$20.0 million Special Appropriation is insufficient to meet the required federal MOE level of state support in FY 13.

### **FY 13 FINAL AND FY 14 PRELIMINARY UNIT VALUES**

For school year 2013-2014, the Secretary-designate of Public Education set a preliminary unit value of \$3,817.55, an increase of \$144.01 or 3.92 percent from the final school year 2012-2013 unit value of \$3,673.54.

The preliminary unit value is based on an appropriated program cost of \$2,426,395,800 and projected statewide program units of 635,589.8 for school year 2013-2014.

It should be noted, however, that the **final** unit values for FY 13 and FY 14 may be adjusted based on a final decision from the US Department of Education regarding a waiver request from state-level MOE requirements for special education under certain conditions (see Development of FY 14 Public School Support Appropriations, beginning on page 2).

For informational purposes, **Table 3, History of the Unit Value**, summarizes the changes to the unit value since 1974.

### **PUBLIC SCHOOL CAPITAL OUTLAY**

**Table 4, Public School Capital Outlay, CS/S 60 and CS/H 337, with emergency clause (Laws 2013, Ch. 226 [partial veto])** and **Table 5, Public School Capital Outlay Reauthorizations, CS/H 353, with emergency clause (Laws 2013, Ch. 202) [partial veto]**, summarize authorized public education-related capital outlay projects.

Please note that Table 4 includes three statewide projects appropriated to the Public Education Department, for the following purposes:

- \$2.5 million to renovate and construct public school prekindergarten classrooms from the Public School Capital Outlay Fund;
- \$13.0 million to purchase school buses from the Public School Capital Outlay Fund; and

- \$298,357 to purchase and install robot equipment and related infrastructure statewide for the public school robot education programs that participate in the annual robot competition in Albuquerque in Bernalillo County, from Severance Tax Bonds.

Also to be noted are the projects in Table 5, which include the reauthorization of \$2.5 million from Severance Tax Bonds to the New Mexico School for the Deaf (Laws 2009, Ch. 125, Section 29) to address critical deficiencies through FY 15, including:

- asbestos abatement;
- mold remediation; and
- other renovations.

### LEGISLATION ENDORSED BY THE LESC

At its final meeting at the end of the 2012 interim, the LESC endorsed 18 measures for consideration of the 2013 Legislature.

Of these measures: two bills were **enacted** into law, three bills that **passed the House and Senate** were **vetoed**, and 13 bills **did not pass**.

#### Enacted

- **CS/S 27a, *Public Employee Retirement Changes (Laws 2013, Ch. 225)***, *Sen. Muñoz and Rep. Varela* – amends the *Public Employees Retirement Act* to improve the actuarial standing of the retirement fund by: reducing cost-of-living adjustments for all retirees; delaying the cost-of-living adjustment for certain future retirees up to seven years from the current two-year waiting period, with a three-year phase-in of this provision; suspending cost-of-living adjustments for certain return-to-work retirees; providing for an increase in member contributions for employees earning more than \$20,000 in salary annually; increasing employer contributions by 0.4 percent for FY 15; clarifying definitions; providing that municipal employers will not pay any portion of the 1.5 percent increase in employee contributions effective July 1, 2013 without passing a resolution or executing a collective bargaining agreement; providing that municipalities may, by subsequent resolution or agreement, elect to pay a portion of employee contribution increases that may occur after July 1, 2013; clarifying how service credit earned under multiple coverage plans will be calculated; changing the benefits for members initially employed after June 30, 2013 by reducing the multiplier and increasing the number of years used to calculate the final average salary; increasing the vesting period; increasing age and service requirements for normal and public safety retirement and increasing the maximum pension benefit; and limiting plan enhancements. (Endorsed by the Investments and Pensions Oversight Committee)
- **\*CS/S 60 and \*CS/H 337, *Severance Tax Bond Projects, with emergency clause (Laws 2013, Ch. 226)***, *Sen. Cisneros and Rep. J. Trujillo* – creates the *2013 Work New Mexico Act* to authorize the issuance of severance tax bonds; authorizes 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: \$2.5 million to the Public Education Department (PED) to renovate and construct public school pre-kindergarten classrooms statewide; \$13.0 million to PED to purchase school buses statewide; and funding for improvement projects at postsecondary institutions.

### Passed and Vetoed

- **H 273, *Public School Capital Outlay Lease Payments*, Rep. Stapleton** – which proposed to amend the *Public School Capital Outlay Act* to make the adjustment for lease payments optional based upon the consumer price index. (Endorsed by the Public Schools Capital Outlay Oversight Task Force)
- **H 392a, *Public Education Commission as Independent*, Rep. M.H. Garcia** – which proposed to: amend the *Public Education Department Act* to establish the Public Education Commission (PEC) as an independent entity and remove its administrative attachment to the Public Education Department (PED); provide for PEC rulemaking authority and staff; allow a charter applicant denied by a local school board to appeal to the PEC and allow an applicant denied by the PEC to appeal to district court; and transfer \$375,000 of the program cost for administrative support of charter schools from PED to the PEC.
- **S 183a, *Replace GED Terms With Equivalency Diploma*, Sen. Kernan** – which proposed to amend state law to replace the terms “General Education Diploma,” “General Educational Development Certificate,” and “GED” with the term “High School Equivalency Diploma.”

### Did Not Pass

- **H 64, *Educational Retirement Changes*, Rep. Stewart** – which proposed to amend the *Educational Retirement Act* to: (1) increase the employee contribution rates of members making over \$20,000 per year, while maintaining lower employee contribution rates for members making under that amount; (2) change the benefits for new members by imposing a minimum retirement age; (3) delay eligibility until age 67 for cost-of-living adjustments for individuals becoming members on or after July 1, 2013; and (4) increase the age and service retirement requirements (however, certain provisions of H 64 were included in S 115aa, *Educational Retirement Changes*, (Laws 2013, Ch. 61)).
- **H 111, *Education Dept. Pays for Standards Tests*, Rep. Roch** – which proposed to amend the *Public School Code* to require the Public Education Department to pay the costs of the standards-based assessments.
- **H 264, *School District Building Systems Needs*, Rep. Gonzales** – which proposed to amend the *Public School Capital Outlay Act* to allow the Public School Capital Outlay Council to expend annually up to \$15.0 million in FY 14 to FY 18 to award grants to

school districts to address building systems needs. (Endorsed by the Public School Capital Outlay Oversight Task Force)

- **H 268aa, *School District Funding Match Waivers*, Rep. C.H. Trujillo** – which proposed to amend the *Public School Capital Outlay Act* to change certain criteria for the Public School Capital Outlay Council to determine whether a school district may be eligible for a waiver of its required funding match. (Endorsed by the Public School Capital Outlay Oversight Task Force)
- **H 290, *K-3 Plus Program School Buses*, Rep. Stewart** – which proposed to amend the *Public School Code* to enable students enrolled in K-3 Plus programs to receive school bus transportation at the discretion of the local school board or governing body of a state-chartered charter school.
- **H 291, *School Deferred-Maintenance Issues*, Rep. Gonzales** – which proposed to appropriate \$10.0 million from the Public School Capital Outlay Fund to the Public School Capital Outlay Council for expenditure in FY 14 to FY 16 to provide allocations for school districts and charter schools that demonstrate a need to address deferred-maintenance issues in classrooms or other facilities that are used primarily by students. (Endorsed by the Public School Capital Outlay Oversight Task Force)
- **H 314, *Charter School Facility Procedures*, Rep. Larrañaga** – which proposed to amend the *Public School Capital Outlay Act* to provide procedures for grant assistance to locally and state-chartered charter schools to assist the schools in their efforts to be located in public facilities; and creates the Charter School Capital Outlay Fund. (Endorsed by the Public School Capital Outlay Oversight Task Force)
- **H 328a, *School Bus Fuel Gross Receipts*, Rep. Gonzales** – which proposed to create a new section of the *Gross Receipts and Compensating Tax Act* to provide for an exemption from the gross receipts tax for receipts for the sale of fuel for school buses; and provide for an exemption from the compensating tax for fuel used for school or school-related bus transportation of students.
- **H 339, *Annual Educator Accountability Report Date*, Rep. Miera** – which proposed to amend the *School Personnel Act* to change from November 1 to July 1 of each year the adoption date for the annual Educator Accountability Report, effective January 1, 2014.
- **H 419aa, *School Transportation Reporting Dates*, Rep. Roch** – which proposed to amend the *Public School Finance Act* to change the dates for school districts and state-chartered charter schools to report school transportation information to the State Transportation Director; and changes the bases for determining transportation distribution allocations, effective July 1, 2014.
- **\*H 447a, *Transportation Emergency Fund*, Rep. Gonzales** – which proposed to appropriate \$1.0 million from the Transportation Emergency Fund to the Public Education Department for expenditure in FY 13 and FY 14 for emergency fuel costs.

- **H 603, *School District Bus Rental Fee Times*, Rep. Gonzales** – which proposed to amend the *Public School Finance Act* to increase the period of time to 12 years from five years that a school district may pay rental fees for each school bus.
- **S 576, *School Bus GPS Devices*, Sen. Morales** – which proposed to appropriate \$565,000 from the General Fund to the Public Education Department for expenditure in FY 14 to provide for installations and operations of security and global positioning system devices for school buses.

## LEGISLATIVE MEMORIALS

The **House and the Senate passed** seven memorials in their respective houses that request studies by, or presentations to, the LESC, as follows:

- **HM 43, *Navajo Nation Bistate Charter School Study*, Rep. Lundstrom** – requesting that the Indian Education Division of the Public Education Department and the Indian Affairs Department study the feasibility of a bi-state charter school in the Red Lake Chapter of the Navajo Nation and develop a report with findings and recommendations to present to the Governor, the LESC, and appropriate legislative committees by December 2013.
- **HM 94, *Identify Tribal College Exclusions*, Rep. Clahchischilliage** – requesting that the Higher Education Department examine state programs, including the Legislative Lottery Scholarship Program, policies and procedures, and accompanying budget and funding processes, to identify where tribal colleges are excluded and submit a final report to the interim Indian Affairs Committee and the LESC 90 days before the 2014 legislative session.
- **HM 97, *Santa Fe Indian School in Funding Process*, Rep. Jeff** – requesting that the Public School Capital Outlay Council, in cooperation with representatives from the LESC, the Legislative Finance Committee, the Public Education Department, and the Department of Finance and Administration, establish a work group to study the feasibility of including the Santa Fe Indian School in the Public School Capital Outlay standards-based funding process and report the results of its study to the Legislature and the Governor prior to the beginning of the 2014 legislative session.
- **SM 62a, *Student Bill of Rights*, Sen. Lopez** – requesting that New Mexicans establish, respect, and honor a student bill of rights, and that the LESC, in collaboration with the Public Education Department, convene a task force of students and student advocates to prepare a draft student bill of rights, perform a yearly examination of those rights, and make recommendations for legislation.
- **SM 72, *Truancy & Dropout Prevention Task Force*, Sen. Kernan** – requesting that the University of New Mexico Center for Education Policy Research appoint a truancy and dropout prevention task force that includes representatives from local school districts, the LESC, the Legislative Finance Committee (LFC), and the Children, Youth and Families Department, as an initiative to develop recommendations for preventing truancy and early

withdrawal from school; and requests that the task force report its findings and recommendations to the LESC and the LFC no later than November 30, 2014.

- **SM 96, *Study American Indian Student Scholarship*, Sen. Shendo** – requesting that a 15-member task force that includes a representative of the LESC be convened to study the creation of a higher education scholarship for American Indian students funded with 10 percent of the state’s share of the tribes’ gaming revenues.
- **SM 101, *Lottery Scholarship Fund Solvency Work Group*, Sen. M. Sanchez** – requesting that the Higher Education Department form and staff a 21-member work group that includes the LESC Director or a designee to study the solvency of the Lottery Tuition Fund; and requires the work group to meet at least three times during the 2013 interim and report its recommendations to the Legislature by December 1, 2013.

Finally, **both chambers passed** one joint memorial requesting a study on the use of standardized test scores for purposes other than those for which the test was designed. More specifically,

- **HJM 30, *Study Uses of Standardized Test Scores*, Rep. Stewart** – requests that the LESC convene a work group to study the validity of using standardized test scores for purposes other than those for which the test was designed – principally for teacher and school administrator effectiveness and school grading – and report to the LESC by October 1, 2013.

## **OTHER PUBLIC SCHOOL-RELATED LEGISLATION**

### ***LESC 2012 Interim Focus Areas***

During the 2012 interim, the LESC selected five focus areas, with presentations on each one at virtually every meeting:

1. the waiver of certain provisions of the federal *No Child Left Behind Act of 2001* (NCLB);
2. the A-B-C-D-F School Rating System;
3. the Common Core State Standards (CCSS);
4. teacher and principal evaluation system; and
5. charter schools.

Although there was no legislation relating specifically to the NCLB waivers or the CCSS during the 2013 legislative session, one bill attempted to clarify the state’s federal waiver for Adequate Yearly Progress (AYP) by removing all references to AYP from state law; and several bills addressed information technology infrastructure requirements for the CCSS-based online assessments to be administered by the Partnership for Assessment of Readiness for College and Careers beginning in school year 2014-2015. Furthermore, a bill was introduced to revamp the A-B-C-D-F School Rating System, and a number of other measures involved the evaluation of teachers and principals, intervention and remediation for certain public school students, and charter schools. Overall, the 2013 regular session saw the introduction of approximately 1,656 bills, joint memorials, memorials, and resolutions.

## **The Waiver of Certain Provisions of the Federal *No Child Left Behind Act of 2001* (NCLB)**

The following bill proposed to align state statute with one of the NCLB waivers, specifically:

- **H 215a, *Remove School AYP & Funding Incentives*, Rep. Roch** – would have amended and repealed multiple sections of the *Public School Code* to remove Adequate Yearly Progress requirements and associated incentive funding for public schools; and required the Public Education Department to report to the LESC by the end of 2014 any recommended changes to laws to comport with federal requirements. **(Did not pass)**

## **The A-B-C-D-F School Rating System**

In addition to HJM 29, *LESC A-F School Grading System Study*, another bill proposed to form a state school grades council, specifically:

- **S 587, *State School Grades Council*, Sen. Morales** – would have created a 21-member State School Grades Council to: study, make periodic reports, and make final recommendations to the LESC and the Legislative Finance Committee on a new school grading system to be operational in school year 2015-2016; terminate the council after its final report to the LESC by November 2014; provide temporary guidelines that include multiple valid and reliable factors in determining school grades; amend a section of the *Public School Code* to eliminate reference to school grading; repeal the *A-B-C-D-F Schools Rating Act*; and clarify the definition of “standards-based assessments.” **(Vetoed)**

## **The Common Core State Standards (CCSS)**

The following three bills proposed to amend the *Public School Code* and the *Public School Capital Outlay Act* to allocate capital outlay funds to purchase compatible technology equipment for the online CCSS assessment, specifically:

- **CS/H 660, *Education Technology Equipment*, Rep. Stewart** – would have amended the *Public School Capital Outlay Act* to provide for allocations from the Public School Capital Outlay Fund for education technology equipment; and required the Public School Capital Outlay Council to prepare and submit a report on the progress of all funded projects to the Public Education Commission, the Governor, the LESC, and the Legislative Finance Committee, no later than December 15 of each year. [Identical to CS/S 620] **(Did not pass)**
- **CS/S 147a, *Education Technology Definitions*, Sen. Candelaria** – would have amended the definitions of “education technology” and “education technology equipment” as those terms are used in the *Public School Code* and set a cap on educational technology expenditures. **(Vetoed)**
- **CS/S 620, *Education Technology Equipment*, Sen. Sapien** – would have amended the *Public School Capital Outlay Act* to provide for allocations from the Public School Capital Outlay Fund for education technology equipment; and required the Public School Capital Outlay Council to prepare and submit a report on the progress of all funded

projects to the Public Education Commission, the Governor, the LESC, and the Legislative Finance Committee, no later than December 15 of each year. [Identical to CS/H 660] **(Did not pass)**

## **Teacher and Principal Evaluation System**

The following four bills all proposed to establish new evaluation provisions, specifically:

- **H 276, *Teacher Licensing & Performance Ratings*, Rep. Roch** – would have amended the *School Personnel Act* to link tiered licensure of teachers to annual objective performance evaluation ratings and provide an improvement plan process for teachers that do not demonstrate effectiveness. [Identical to S 316] **(Did not pass)**
- **H 589, *School Teacher & Principal Evaluation System*, Rep. Miera** – would have added a new section of the *School Personnel Act* to: require the Public Education Department (PED) to convene a 30-member council from July 1, 2013 to December 31, 2017 to develop a teacher and principal evaluation system; require the council to make recommendations by July 31, 2014; require PED to adopt the system by August 15, 2015; and require reporting on the implementation of the state teacher and principal evaluation system to the Governor and the LESC in 2016 and 2017. [Similar to S 588aaa] **(Did not pass)**
- **S 316, *Teacher Licensing & Performance Ratings*, Sen. Rue** – would have amended the *School Personnel Act* to link tiered licensure of teachers to annual objective performance evaluation ratings and provide an improvement plan process for teachers that do not demonstrate effectiveness. [Identical to H 276] **(Did not pass)**
- **S 588aaa, *Teacher & Principal Evaluation System Council*, Sen. Morales** – would have added a new section of the *School Personnel Act* to: require the Public Education Department (PED) to convene a 30-member council from July 1, 2013 to December 31, 2017 to develop a teacher and principal evaluation system; require the council to make recommendations by July 31, 2014; require PED to adopt the system by August 15, 2015; and require reporting on the implementation of the state teacher and principal evaluation system to the Governor and the LESC in 2016 and 2017. [Similar to H 589] **(Vetoed)**

## **Charter Schools**

In addition to two LESC-endorsed bills (see HB 273 and HB 314) and the above-mentioned HM 43, there were several other bills regarding charter schools, specifically:

- **H 166a, *Charter School Audit Finding Reporting*, Rep. Hall** – would have amended the *Public School Finance Act* to require a charter school to report quarterly to its authorizer on creating corrective action plans to resolve audit findings until cleared by a subsequent audit. **(Did not pass)**
- **H 354a, *Charter School Facility Conditions*, Rep. J. Trujillo** – would have amended the *Public School Code* to allow the Public School Capital Outlay Council to recommend

approval, denial, suspension, nonrenewal, or revocation of a charter based on the charter school's condition index ranking. (Endorsed by the Public School Capital Outlay Oversight Task Force) **(Did not pass)**

- **H 453a, *School Chartering Authority to State*, Rep. Cote** – would have amended the *Charter Schools Act* to provide for the transfer of chartering authority to the Public Education Commission when a charter school does not correct audit findings or comply with a corrective action plan but the local school board finds revocation inappropriate. **(Did not pass)**
- **H 622, *Charter Schools as Local Agencies*, Rep. Stewart** – would have amended multiple sections of the *Charter Schools Act* to: make charter schools local education agencies; clarify the status of charter schools regarding federal and state laws; clarify who may apply for a charter; allow only the Public Education Commission (PEC) to authorize charter schools and make all charter schools state-chartered; clarify that a governing body and charter school employees, not private entities, must manage and administer the school and its educational program; require that members of a governing board be New Mexico residents; provide for appeals from decisions of the PEC to district court; transfer the Charter School Division of the Public Education Department (PED) to the PEC; and require data-sharing agreements between the PEC and PED. **(Did not pass)**
- **CS/S 231aaa, *School District & Charter School Investments*, Sen. Keller** – would have amended state law to allow school district and charter school employee designees to make investments of public money and make deposits with local qualified depositories. **(Pocket Vetoed)**
- **S 302aa, *Home & Charter School Student Program Units*, Sen. Brandt** – creates a new section of the *Public School Finance Act* to allow home-schooled students to enroll in classes at public schools; provides for the calculation and distribution of program units; and applies to school year 2014-2015 and subsequent school years. **(Laws 2013, Ch. 113)**
- **\*CS/S 338, *Define Virtual Charter School & Moratorium*, Sen. Kernan** – would have created an act to establish a one-year moratorium from June 1, 2013 through May 31, 2014 on the creation of certain full-time online charter schools. **(Did not pass)**
- **S 519, *Charter School Education Tech Act Proceeds*, Sen. Cisneros** – would have: amended the *Education Technology Equipment Act* to make locally and state-chartered charter schools eligible to receive a prorated share of *Education Technology Equipment Act* proceeds; defined the term “school district” to include charter schools; and prescribed responsibilities of charter schools and districts. **(Did not pass)**

### ***Introduced Legislation Relating to Intervention and Remediation for Certain Public School Students***

Finally, the following bills proposing to amend current *Public School Code* provisions relating to school retention were introduced:

- **H 360, *Create Reading First Program*, Rep. Stewart** – would have added a new section of the *Public School Code* to: create the Reading First Program; provide eligibility for grant applications and review panels; require local and statewide professional development; create the Reading First Fund; and appropriate \$9.5 million from the General Fund to the Reading First Fund for expenditure in FY 14 and subsequent years to carry out the provisions of the Reading First Program. **(Did not pass)**
- **S 260a, *Academic Success Through Remediation Act*, Sen. Kernan** – would have added a new section of the *Public School Code* to: create the *Academic Success Through Remediation Act*; provide that a student who is deficient in reading at the end of kindergarten or first or second grade be provided with intensive remediation; provide that a student who is deficient in reading at the end of third grade, with certain exceptions, be retained upon the recommendation of the school principal in consultation with the teacher and provided with intensive remediation; provide for assessment, intervention, and remediation programs to address deficiencies identified between kindergarten and eighth grade; and make exceptions. **(Did not pass)**
- **S 474, *School Intervention & Remediation Practices*, Sen. Lopez and Rep. Stewart** – would have repealed and created a section of the *Assessment and Accountability Act* to provide for improved intervention and remediation practices for kindergarten through grade 8 and top to bottom accountability; and appropriated \$67.8 million from the General Fund to the State Equalization Guarantee distribution for expenditure in FY 14 to fund reading and mathematics intervention teachers for students in kindergarten through grade 8 who are in need of intervention. **(Did not pass)**
- **CS/S 640, *Reading Proficiency Act*, Sen. Sapien and Rep. Miera** – would have added and amended multiple sections of the *Public School Code* to: create the *Reading Proficiency Act* to ensure multiple opportunities for intervention and remediation measures for students in kindergarten through grade 8 who do not demonstrate reading proficiency; require baseline assessment data on reading proficiency for students in kindergarten through grade 3; provide intervention and differentiated remediation measures for students in kindergarten through grade 8 who do not demonstrate reading proficiency; require the PED to report to the LESC in alternate months during the interim on the accountability reports received, programs adopted and implemented, data maintained, and goals established pursuant to the act; require school districts to maintain student intervention files; align promotion and retention policies to valid and reliable assessment results; and appropriate \$11.0 million from the General Fund to the State Equalization Guarantee for expenditure in FY 14 to fund interventions and differentiated remediation for students pursuant to the *Reading Proficiency Act* and professional development for teachers' adoption of effective instructional methodologies and strategies in the areas of reading English language development or English as a second language. **(Did not pass)**

The final attachments to this memo are summaries of all public school-related legislation that **passed** in the 2013 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  
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**  
**HISTORY OF GENERAL FUND RECURRING APPROPRIATIONS**  
**PUBLIC SCHOOLS & HIGHER EDUCATION**  
**(FY 03 through FY 14)**  
*(dollars in thousands)*

Fiscal Year	Total Appropriation	Public Schools*	Increase/(Decrease) (from prior year)	Percent to Public Schools	Higher Education (in thousands)	Increase/(Decrease) (from prior year)	Percent to Higher Education	Percent to Public Schools and Higher Education
2003	\$3,896,246.7	\$1,808,677.6	\$3,139.0	46.4%	\$605,049.5	\$35,071.6	15.5%	62.0%
2004	\$4,119,803.3	\$1,883,638.4	\$74,960.8	45.7%	\$639,328.1	\$34,278.6	15.5%	61.2%
2005	\$4,384,999.0	\$1,992,856.7	\$109,218.3	45.4%	\$670,120.7	\$30,792.6	15.3%	60.7%
2006	\$4,708,633.3	\$2,131,901.6	\$139,044.9	45.3%	\$714,951.0	\$44,830.3	15.2%	60.5%
2007	\$5,113,148.0	\$2,293,467.1	\$161,565.5	44.9%	\$761,956.8	\$47,005.8	14.9%	59.8%
2008	\$5,674,955.6	\$2,484,677.9	\$191,210.8	43.8%	\$846,341.5	\$84,384.7	14.9%	58.7%
2009 (adjusted for solvency) <sup>1</sup>	\$5,862,403.0	\$2,538,686.6	\$54,008.7	43.3%	\$862,776.1	\$16,434.6	14.7%	58.0%
2010 (estimated) (adjusted for solvency) <sup>2</sup>	\$5,269,660.0	\$2,276,079.3	(\$262,607.3)	43.2%	\$816,389.9	(\$46,386.2)	15.5%	58.7%
2011 (estimated, after sanding of 0.544% and 3.244% reduction) <sup>3</sup>	\$5,202,846.8	\$2,339,263.2	\$63,183.9	45.0%	\$762,281.8	(\$54,108.1)	14.7%	59.6%
2012	\$5,416,684.6	\$2,366,012.0	\$26,748.8	43.7%	\$733,343.9	(\$28,937.9)	13.5%	57.2%
2013 (estimated)	\$5,635,478.0	\$2,455,341.4	\$89,329.4	43.6%	\$757,716.6	\$24,372.7	13.4%	57.0%
2014 (estimated)	\$5,881,133.3	\$2,567,475.9	\$112,134.5	43.7%	\$796,480.9	\$38,764.3	13.5%	57.2%

FY 10 appropriation to Higher Education does not include \$13,400.0 appropriation to the higher education formula from the federal ARRA.

FY 11 appropriation to Higher Education does not include \$10,937.5 appropriation to the higher education formula from the federal ARRA.

\* Beginning in FY 06, public education includes public school support, funding for the Public Education Department, and special projects. Prior to FY 06, public education also included General Fund appropriations to the School for the Blind and Visually Impaired and the School for the Deaf.

<sup>1</sup> The FY 09 appropriation for public education does not include a one-time \$35,753.6 appropriation to the State Equalization Guarantee (SEG) from the "education lockbox."

<sup>2</sup> The FY 10 appropriation for public education does not include a one-time \$210,200.0 appropriation to the SEG from federal *American Recovery and Reinvestment Act of 2009* (ARRA).

<sup>3</sup> The FY 11 appropriation for public education does not include a one-time \$23,898.0 appropriation to the SEG from federal ARRA dollars. However, the FY 11 appropriation does reflect the restoration in General Fund dollars of \$164,700.0 that was supplanted in the SEG with federal ARRA dollars in FY 10.

Chart 1. FY 13 and FY 14 Appropriations and Transfers Related to State-level Maintenance of Effort Requirements for Special Education

		For FY 13		For FY 14			
		Occurs if...	Appropriates	Transfers	Occurs if...	Appropriates	Transfers
General Appropriation Act of 2013 (Laws 2013, Ch. 227)	Step 1)	<ul style="list-style-type: none"> <li>• PED certifies that the program cost made available in FY 13 is <u>not</u> sufficient to meet MOE requirements; and</li> <li>• PED obtains Board of Finance approval to transfer and distribute funds.<sup>1</sup></li> </ul>	\$20.0 million special appropriation to PED to ensure MOE requirements are met in FY 13. <sup>2</sup> (Section 5, Special Appropriations)		<ul style="list-style-type: none"> <li>• PED certifies that the program cost made available in FY 14 is <u>not</u> sufficient to meet MOE requirements; and</li> <li>• PED obtains Board of Finance approval to transfer and distribute funds.<sup>1</sup></li> </ul>	\$10.0 million to PED for a categorical Supplemental Special Education Maintenance of Effort Distribution to ensure MOE requirements are met in FY 14. <sup>2</sup> (Section 4, K, Public School Support)	
	Step 2)	<ul style="list-style-type: none"> <li>• PED certifies that the program cost and the \$20.0 million special appropriation are <u>not</u> sufficient to meet MOE requirements; and</li> <li>• PED obtains Board of Finance approval to transfer and distribute funds.<sup>1</sup></li> </ul>	Up to \$20.0 million transferred to PED from the SEG, if program cost in the SEG and the special appropriation are <u>not</u> sufficient to meet MOE requirements in FY 13. <sup>2,3 &amp; 4</sup> (Section 6, Supplemental and Deficiency Appropriations)		<ul style="list-style-type: none"> <li>• PED certifies that the program cost and the \$10.0 million categorical Supplemental Special Education Maintenance of Effort Distribution are <u>not</u> sufficient to meet MOE requirements; and</li> <li>• PED obtains Board of Finance approval to transfer and distribute funds.<sup>1</sup></li> </ul>	Up to \$16.0 million transferred to the categorical Supplemental Special Education Maintenance of Effort Distribution from the SEG if the program cost in the SEG and the categorical appropriation are <u>not</u> sufficient in FY 14. <sup>2,3 &amp; 4</sup> (Section 4, K, Public School Support)	
<p>If the appropriations and transfers in the General Appropriation Act (GAA) of 2012 and 2013 are <u>not</u> sufficient, then certain provisions of *CS/H 628 (Laws 2013, Ch. 191) may take effect.</p>							
*CS/H 628 (Laws 2013, Ch. 191)	Step 3)	<ul style="list-style-type: none"> <li>• after final settlement with the US Department of Education (USDE) the state is required to make up funding for state-level MOE; and</li> <li>• the appropriations for that purpose provided in the GAA of 2012 and 2013 are <u>not</u> sufficient.</li> </ul>	Up to \$20.0 million appropriated to PED from the operating reserve. <sup>2</sup> (Section 1, A, Appropriations)		<ul style="list-style-type: none"> <li>• after final settlement with the US Department of Education (USDE) the state is required to make up funding for state-level MOE; and</li> <li>• the appropriations for that purpose provided in the GAA of 2012 and 2013 are <u>not</u> sufficient.</li> </ul>	Up to \$16.0 million appropriated to PED from the operating reserve. <sup>2</sup> (Section 1, A, Appropriations)	

<sup>1</sup> Language to require review with the Legislative Finance Committee and Legislative Education Study Committee was line item vetoed.

<sup>2</sup> The PED shall not distribute or transfer more than is necessary to meet the MOE requirements for that fiscal year.

<sup>3</sup> If transfers from the SEG are necessary, the FY 13 and FY 14 FINAL unit value shall be reset accordingly.

<sup>4</sup> If the state transferred money from the SEG to meet MOE requirements and the US Department of Education rejects that transfer, the amount transferred from the SEG in FY 13 and FY 14 shall be appropriated from the operating reserve to the SEG distribution and the secretary shall adjust the final unit value in accordance with the amount transferred.

**TABLE 2**  
**FY 14 PUBLIC SCHOOL SUPPORT AND RELATED APPROPRIATIONS**  
(dollars in thousands)

*Strikethrough indicates Executive Veto*

FY 13 Final Unit Value  
\$3,673.54

FY 14 Prelim. Unit Value  
\$3,817.55

The Final FY 13 and FY 14 Unit Values may be adjusted based on a final decision from the U.S. Dept. of Education regarding a waiver request from Maintenance of Effort requirements for state-level funding for special education.

	FY 13 Appropriation	FY 14 Appropriation CS/H 2 et al. as amended Laws 2013, Ch. 227 (partial veto)
1 <b>PROGRAM COST</b>	\$2,294,777.4	\$2,343,438.9
2 Laws 2011, Chapter 178 Retirement Adjustments	\$25,274.4	
3 <b>ENROLLMENT GROWTH</b>	\$11,099.5	\$6,937.1
4 New Charter Schools	\$8,182.4	
5 Year-to-year Base Unit Changes	<del>(\$6,179.7)</del>	
6 <b>INSURANCE COSTS</b>	\$10,284.9	\$17,566.9
7 <b>FIXED COSTS</b>	see line 83	\$3,841.6
8 1.5 percent ERB Retirement Swap Reversal		\$20,478.4
9 0.75 percent ERB Retirement Contribution Increase [see Selected Language, p. 4-5]		\$11,166.4
10 Compensation Increase (1.0 percent average) [see Selected Language, p. 4]		\$18,657.1
11 College and Career Readiness (AP, ACT, SAT, PSAT, Explore, Plan)		\$309.4
12 Early Reading Initiative [see line 53 and Selected Language, p. 5]		\$4,000.0
13 Adjustment to Meet Maintenance of Effort for Special Education for FY 14 [see Selected Language, p. 5]		to be determined *
14 <b>PROGRAM COST</b>	\$2,343,438.9	\$2,426,395.8
15 Dollar Difference over Previous Year's Appropriation		\$82,956.9
16 Percent Change		3.5%
17 <b>LESS PROJECTED CREDITS</b>	<del>(\$69,000.0)</del>	<del>(\$63,000.0)</del>
18 <b>LESS OTHER STATE FUNDS</b> (from driver's license fees)	<del>(\$850.0)</del>	<del>(\$1,500.0)</del>
19 <b>STATE EQUALIZATION GUARANTEE</b>	\$2,273,588.9	\$2,361,895.8
20 Dollar Difference over Previous Year's Appropriation		\$88,306.9
21 Percent Change		3.9%
22 <b>CATEGORICAL PUBLIC SCHOOL SUPPORT</b>		
23 <b>TRANSPORTATION</b>		
24 Maintenance and Operations	\$83,874.2	\$73,759.7
25 Fuel (FY 14 is the first year in which fuel has been separately accounted from Maintenance and Operations) [see Selected Language, p. 10]		\$13,546.4
26 1.5 percent ERB Retirement Swap Reversal		\$576.0
27 0.75 percent ERB Retirement Contribution Increase [see Selected Language, p. 6]		\$293.8
28 Compensation Increase (1.0 percent average) [see Selected Language, p. 6]		\$466.4
29 Laws 2011, Chapter 178 Retirement Adjustments	\$1,101.6	
30 Rental Fees (contractor-owned buses)	\$11,700.2	\$11,700.2
31 <b>TOTAL TRANSPORTATION</b>	\$96,676.0	\$100,342.5
32 <b>SUPPLEMENTAL DISTRIBUTIONS</b>		
33 Out-of-state Tuition	\$346.0	\$346.0
34 Emergency Supplemental [see Selected Language, p. 7]	\$2,500.0	\$2,500.0
35 Special Education Maintenance of Effort Distribution for FY 14 [see Selected Language, p. 7-8]		\$10,000.0 *
36 Dual Credit Instructional Materials [see Selected Language, p. 7]	\$857.0	\$857.0
37 <b>INSTRUCTIONAL MATERIAL FUND</b> [see Selected Language, p. 7]	\$26,975.8	\$20,975.8
38 <b>INDIAN EDUCATION FUND</b> [see Selected Language, p. 7]	\$1,824.6	\$1,824.6
39 <b>TOTAL CATEGORICAL</b>	\$129,179.4	\$136,845.9
40 <b>TOTAL PUBLIC SCHOOL SUPPORT</b>	\$2,402,768.3	\$2,498,741.7
41 Dollar Difference Over Previous Year's Appropriation		\$95,973.4
42 Percent Change		4.0%
43 <b>RELATED APPROPRIATIONS: RECURRING</b>		
44 <b>PUBLIC EDUCATION DEPARTMENT</b>	\$10,739.6	\$11,711.9
45 Regional Education Cooperatives (REC) Operations [see Selected Language, p. 2]	\$938.2	\$938.2
46 Advanced Placement	\$541.8	\$750.0
47 Apprenticeship Assistance	\$192.4	\$192.4
48 Athletic and Extracurricular Support [see Selected Language, p. 3]	<del>\$50.0</del>	\$100.0
49 Breakfast for Elementary Students	\$1,924.6	\$1,924.6
50 College and Career Readiness (AP, ACT, SAT, PSAT, Explore, Plan)	\$309.4	
51 Dropout Prevention Program		\$500.0
52 Early College High School Start Up		\$500.0
53 Early Reading Initiative [see line 12 and Selected Language, p. 3]	\$8,500.0	\$11,500.0
54 Graduation, Reality, And Dual-role Skills (GRADS) – Teen Pregnancy Prevention	\$200.0	\$200.0
55 Interventions for D & F Schools [see Selected Language, p. 3]	\$3,500.0	\$4,000.0
56 K-3 Plus [see Selected Language, p. 2-3]	\$11,000.0	\$15,950.0
57 Mock Trials Program	\$87.1	\$102.1
58 New Mexico Cyber Academy / Innovative Digital Education And Learning (IDEAL-NM)	\$890.0	\$890.0
59 Operating Budget Management System (OBMS) and Student Teacher Accountability Reporting System (STARS) Operational Costs [see Selected Language, p. 2]	\$750.0	included in PED budget on line 44
60 Pre-kindergarten Program [see Selected Language, p. 2]	\$10,000.0	\$14,950.0
61 Science, Technology, Engineering and Math Initiative [see Selected Language, p. 3]		\$1,500.0
62 Statewide Formative Assessments (Short Cycle Grades 4-10)	\$2,500.0	\$2,000.0
63 Teacher Mentorship [see Selected Language, p. 2]		\$25.0
64 Teaching Support in Schools with a High Proportion of Low-income Students [see Selected Language, p. 3]	\$500.0	\$500.0
65 Workforce Readiness		\$500.0
66 <b>TOTAL RELATED APPROPRIATIONS: RECURRING</b>	\$52,573.1	\$68,734.2
67 <b>GRAND TOTAL</b>	\$2,455,341.4	\$2,567,475.9
68 Dollar Difference Over Previous Year's Appropriation		\$112,134.5
69 Percent Change		4.6%

TABLE 2  
**FY 14 PUBLIC SCHOOL SUPPORT AND RELATED APPROPRIATIONS**  
(dollars in thousands)

*Strikethrough indicates Executive Veto*

FY 13 Final Unit Value  
\$3,673.54

FY 14 Prelim. Unit Value  
\$3,817.55

The Final FY 13 and FY 14 Unit Values may be adjusted based on a final decision from the U.S. Dept. of Education regarding a waiver request from Maintenance of Effort requirements for state-level funding for special education.

		FY 13 Appropriation	FY 14 Appropriation CS/H 2 et al. as amended Laws 2013, Ch. 227 (partial veto)	
70	<b>RELATED APPROPRIATIONS: NONRECURRING (to PED unless otherwise noted)</b>			70
71	Common Core Transition [see Selected Language, p. 9]	\$1,000.0	\$1,500.0	71
72	Emergency Supplemental Support to Small, Rural, Isolated Districts with a Total MEM of Fewer than 200	\$1,500.0		72
73	Emergency Support to School Districts Experiencing Shortfalls [see Selected Language, p. 8]	\$4,000.0	\$5,800.0	73
74	Increased Fuel Costs Faced by School Districts and State-chartered Charter Schools	\$1,500.0		74
75	K-12 Science Instructional Materials for School Districts with Low Student Performance in Science	\$1,500.0		75
76	Maintenance of Effort for Special Education for FY 13 [see Selected Language, p. 9]		\$15,400.0 **	76
77	New Mexico Produce in Schools [see Selected Language, p. 8]		\$100.0	77
78	New Teacher and School Leader Evaluation System [see Selected Language, p. 8]	\$1,000.0	\$3,400.0	78
79	Operating Budget Management System (Section 7) Maintenance and Support	\$450.0		79
80	Purchase Computers for Administration of the Partnership for Assessment of Readiness for College and Career (PARCC) Assessment for Grades 3-11 [see Selected Language, p. 8]		\$5,200.0	80
81	Provide Stipends to: (1) <del>Level-2 and Level-3</del> Teachers and School Leaders to Move from Schools Rated A or B to Schools Rated D or F that Serve a High Proportion of At-risk or High-poverty Students; and (2) High School Teachers of Advanced Placement Classes that Increase the Proportion of Students Receiving College Credit for Advanced Placement Classes [see Selected Language, p. 9]		\$2,000.0	81
82	Student Teacher Accountability Reporting System (Section 7) Upgrades and Enhancements	\$200.0		82
83	Supplemental Funding for Increases in School District and Charter School Fixed Costs	\$2,500.0		83
84	<del>Update Data from 2007-2008 Public School Funding Formula Study</del>	<del>\$75.0</del>		84
85	<b>TOTAL RELATED APPROPRIATIONS: NONRECURRING</b>	<b>\$13,650.0</b>	<b>\$33,400.0</b>	85
86	<b>SUPPLEMENTAL AND DEFICIENCY APPROPRIATIONS</b>			86
87	Additional Maintenance of Effort for Special Education in FY 13 [see Selected Language, p. 10-11]		Up to \$20,000.0 *	87
88	<b>TOTAL SUPPLEMENTAL AND DEFICIENCY APPROPRIATIONS</b>		<b>Up to \$20,000.0</b>	88

\* See \*CS/HB 628, *Special Education Funding* (Laws 2013, Chapter 191), for related appropriations and transfers.

\*\* The appropriation is supplemented by \$4.6 million from other state funds (driver's license fees) for a total of \$20.0 million. Also, see \*CS/628, *Special Education Funding* (Laws 2013, Chapter 191), for related appropriations and transfers.

**SELECTED PUBLIC EDUCATION-RELATED LANGUAGE**  
**GENERAL APPROPRIATION ACT OF 2013**  
**CS/HB 2 et al., as amended (Laws 2013, Chapter 227)**

**Strikethrough indicates Executive Veto**

**Section 3. GENERAL PROVISIONS**

~~H. The department of finance and administration will regularly consult with the legislative finance committee staff to compare fiscal year 2014 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. [p. 3, line 25 – p. 4, lines 1-4]~~

~~J. For fiscal year 2014, 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 2013 or another act of the first session of the fifty-first legislature provides for additional employees. For purposes of the General Appropriation Act of 2013 or any other act of the first session of the fifty-first 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). [p. 4, lines 10-17]~~

**Section 4. FISCAL YEAR 2014 APPROPRIATIONS**

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

**CHILDREN, YOUTH AND FAMILIES DEPARTMENT**

The general fund appropriation to the early childhood services program of the children, youth and families department ~~in the contractual services category~~ includes nine million two hundred thirty-five thousand nine hundred dollars (\$9,235,900) for the prekindergarten program. [p. 144, lines 16-18]

The general fund appropriation to the early childhood services program of the children, youth and families department in the contractual services category includes one hundred twenty-five thousand dollars (\$125,000) for services that provide early childhood ~~oral-deaf-spoken language~~ education to deaf and hard-of-hearing children who use cochlear implants and hearing aids. [p. 144, lines 19-22]

## I. OTHER EDUCATION

### PUBLIC EDUCATION DEPARTMENT

The general fund appropriations to the public education department include seven hundred fifty thousand dollars (\$750,000) for operating and maintaining the operating budget management system and student, teacher accountability reporting system ~~contingent on the public education department granting access to these systems to the legislative finance committee and the legislative education study committee.~~ [p. 159, lines 3-6]

The general fund appropriation to the public education department for teacher mentorship includes twenty-five thousand dollars (\$25,000) for a nonprofit organization to operate and manage a program that matches master teachers in mentorship relationships with students in teacher preparation programs and with teachers in their first three years of teaching, offers meaningful teaching experiences for students in teacher preparation programs and provides for professional development opportunities. [p. 161, lines 12-16]

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) general fund appropriation. The public education department may allocate amounts to a regional education cooperative provided 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 financial reporting requirements, including annual audit requirements pursuant to the Audit Act, and is otherwise financially stable. An allocation made to a regional education cooperative may only be used for current year operating expenses. [p. 161, lines 17-24]

The general fund appropriation of fourteen million nine hundred fifty thousand dollars (\$14,950,000) to the public education department for the prekindergarten program includes no less than thirteen million four hundred fifty-five thousand dollars (\$13,455,000) to be used to fund student participation and no more than one million four hundred ninety-five thousand dollars (\$1,495,000) to be used for administrative and program support. If, after considering all appropriations made for prekindergarten to the public education department and the children, youth and families department, including appropriations in Senate Bill 113 or similar legislation enacted during the first session of the fifty-first legislature, the agencies do not receive equal amounts of funding in fiscal year 2014, pursuant to Section 32A-23-9 NMSA 1978, the public education department shall transfer an amount of the department's prekindergarten appropriation to the children, youth and families department to equalize appropriations between the agencies. [p. 161, line 25 – p. 162, lines 1-10]

Notwithstanding the provisions of Section 22-13-28 NMSA 1978, for the 2013 kindergarten-three-plus program, elementary schools that received a D or F school grade for the 2011-2012 school year pursuant to the A-B-C-D-F Schools Rating Act shall be eligible to apply for kindergarten-three-plus funds. The public education department shall ensure applicant schools that meet the high poverty standard defined in Section 22-13-28 NMSA 1978 are

prioritized and remaining funds are made available to applicant schools that do not meet the high poverty standard but received a D or F school grade for the 2011-2012 school year. [p. 162, lines 11-17]

The general fund appropriation to the public education department for the early reading initiative includes three million six hundred thousand dollars (\$3,600,000) to be transferred to the teacher professional development fund to support training on effective reading instruction and data-driven decision-making and for regional and district reading coaches and intervention support in the district to support teachers with the implementation of a common formative assessment tool and reading interventions. [p. 162, lines 18-22]

Prior to the distribution of early reading initiative funding to a school district or regional education cooperative, the public education department shall develop a distribution plan ~~that targets funds for direct services to students at schools with high proportions of students not proficient in reading and high proportions of at-risk students.~~ The public education department shall not approve a school district budget that does not demonstrate that its early reading initiative allocation will be used to fund proven instructional strategies and professional development strategies ~~such as extended school day and extended school year programs, reading coaches and reading specialists and prekindergarten programs.~~ [p. 162, lines 23-25 – p. 163, lines 1-5]

The general fund appropriation to the public education department for teaching support 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 6-10]

The general fund appropriation to the public education department for intervention in D and F schools is contingent on the department allocating the funds to schools rated D or F for ~~both the 2011-2012 school year and the 2012-2013 school year~~ pursuant to the A-B-C-D-F Schools Rating Act. The public education department may prioritize funding to school districts that commit to provide matching funds. [p. 163, lines 11-14]

The general fund appropriation to the public education department for a science, technology, engineering and mathematics initiative includes one million five hundred thousand dollars (\$1,500,000) to provide stipends to qualified ~~level two and level three~~ teachers to teach science, math, engineering and mathematics courses. [p. 163, lines 15-18]

The general fund appropriation to the public education department includes one hundred thousand dollars (\$100,000) 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 public school students. [p. 163, lines 19-22]

~~Except as otherwise provided by substantive law, no portion of the appropriations made in paragraphs (a) through (r) shall be retained by the public education department for administration or oversight of the individual initiatives contained therein. The general fund appropriations to the public education department made in paragraphs (j) through (r) are contingent on the public education department providing a detailed report to the legislative finance committee and the legislative education study committee on planned expenditure of funds prior to encumbrance of any funds, a detailed report during the fiscal year on progress made as a result of individual appropriations, and a detailed report at the close of the fiscal year on expenditures and student outcomes. [p. 163, lines 23-25 – p. 164, lines 1-5]~~

Any unexpended balances in the special appropriations to the public education department remaining at the end of fiscal year 2014 from appropriations made from the general fund shall revert to the general fund. [p. 164, lines 6-8]

## **K. PUBLIC SCHOOL SUPPORT**

Except as otherwise provided, unexpended balances of appropriations made in this subsection shall not revert at the end of fiscal year 2014. [p. 201, lines 18-19]

### **PUBLIC SCHOOL SUPPORT**

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. 201, lines 22-24]

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 2013-2014 school year and then, on verification of the number of units statewide for fiscal year 2014 but no later than January 31, 2014, the secretary of public education may adjust the program unit value, except as otherwise provided. [p. 202, lines 1-5]

The state equalization guarantee distribution includes sufficient funds to provide a one percent average salary increase for all teachers, other instructional staff and other licensed and unlicensed staff, and the compensation shall be effective the first full pay period after July 1, 2013. This amount does not include and is in addition to salary increases due to licensure advancement pursuant to the School Personnel Act, Article 10A of Chapter 22, NMSA 1978. ~~Prior to the approval of a school district or charter school's budget, the secretary of public education shall verify each school district or charter school is providing an average one percent salary increase for all teachers and other licensed school employees and an average one percent salary increase for all unlicensed school employees. [p. 202, lines 6-13]~~

The general fund appropriation to the state equalization guarantee distribution includes eleven million one hundred sixty-six thousand four hundred dollars (\$11,166,400) pursuant

to Section 22-11-21 NMSA 1978 and is contingent on enactment of legislation of the first session of the fifty-first legislature to improve actuarial solvency of the educational retirement fund. [p. 202, lines 14-17]

The general fund appropriation to the state equalization guarantee distribution includes funding to implement targeted early literacy interventions and remediation, including reading coaches, reading specialists and teacher professional development to support kindergarten through third grade students who are not proficient in reading. [p. 202, lines 18-21]

For fiscal year 2014, if the program cost and the appropriation for the supplemental special education maintenance of effort distribution made available in fiscal year 2014 are insufficient to meet the level of state support required by the special education maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act, up to sixteen million dollars (\$16,000,000) is transferred from the state equalization guarantee distribution to the supplemental special education maintenance of effort distribution to meet the level of state support required by Part B of the federal Individuals with Disabilities Education Act for fiscal year 2014, and the secretary of public education shall reset the final unit value accordingly. The transfer is contingent on the public education department: 1) certifying that the program cost and the appropriation for the supplemental special education maintenance of effort distribution made available in fiscal year 2014 are insufficient in fiscal year 2014 to meet the maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act; 2) ~~reviewing with the legislative finance committee and the legislative education study committee the certification that the state equalization guarantee distribution transfer is needed to meet the maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act for fiscal year 2014;~~ and 3) obtaining board of finance approval to transfer and distribute funds. The public education department shall not request the transfer of more of the state equalization guarantee distribution to the supplemental special education maintenance of effort distribution than is necessary to meet the maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act for fiscal year 2014. Distribution from the fund shall be made in the same manner and on the same basis as the state equalization guarantee distribution. [p. 202, lines 22-25 – p. 203, lines 1-16] *{Related Legislation: see \*CS/HB 628 (Laws 2013, Chapter 191)}*

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. 203, lines 17-21]

For the 2013-2014 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 on the first reporting date in the calculation of program units for the new formula-based program. [p. 203, lines 22-25]

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. 204, lines 1-4]

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. 204, lines 5-7]

The secretary of public education shall verify and audit student membership and program units claimed by school districts and charter schools and shall work with and assist superintendents and school boards and head administrators and governing bodies of charter schools to ensure efficient spending practices, membership and program units are calculated correctly, 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 the number of instructional days budgeted by a school district or charter school for the 2013-2014 school year is not reduced from the 2012-2013 school year. [p. 204, lines 8-15]

~~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 outreach, recruitment and school promotional activities including advertising and marketing efforts through mailers, telephone, television, newspaper or other print, radio or the internet. 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. 204, lines 16-22]

Any unexpended balances in the authorized distributions remaining at the end of fiscal year 2014 from appropriations made from the general fund shall revert to the general fund. [p. 204, lines 23-24]

The general fund appropriation to the transportation distribution includes sufficient funds to provide a one percent average salary increase for all transportation employees, and the compensation shall be effective the first full pay period after July 1, 2013. This amount does not include and is in addition to salary increases due to licensure advancement pursuant to the School Personnel Act, Article 10A of Chapter 22, NMSA 1978. ~~Prior to the approval of a school district or state chartered charter school’s budget, the secretary of public education shall verify each school district or state chartered charter school is providing an average one percent salary increase for all transportation employees.~~ [p. 205, lines 14-20]

The general fund appropriation to the transportation distribution includes two hundred ninety-three thousand eight hundred dollars (\$293,800) pursuant to Section 22-11-2 NMSA 1978 and is contingent on enactment of legislation of the first session of the fifty-first legislature to improve actuarial solvency of the educational retirement fund. [p. 205, lines 21-24]

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. 206, lines 4-8]

Emergency supplemental funds shall not 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. 206, lines 9-11]

Any unexpended balances in the supplemental distribution of the public education department remaining at the end of fiscal year 2014 from appropriations made from the general fund shall revert to the general fund. [p. 206, lines 12-14]

The appropriation to the instructional material fund is made from the federal Mineral Leasing Act (30 U.S.C. 181, et seq.) receipts. [p. 206, lines 22-23]

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. 207, lines 1-4]

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. 207, lines 8-10]

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, 2013~~. [p. 207, lines 11-16]

The general fund appropriation of ten million dollars (\$10,000,000) to the public education department for the supplemental special education maintenance of effort distribution is made to ensure the state makes sufficient funds available in fiscal year 2014 to meet the special education maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act. The appropriation is contingent on the public education department: ~~1) certifying that the program cost made available in fiscal year 2014 is insufficient to meet the maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act in fiscal year 2014; 2) reviewing with the legislative finance committee and the legislative education study committee the certification~~

~~that the supplemental special education maintenance of effort distribution is needed to meet the maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act for fiscal year 2014; and 3) obtaining board of finance approval to transfer and distribute funds. The public education department shall not distribute more of the supplemental special education maintenance of effort distribution than is necessary to meet the maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act for fiscal year 2014. Distribution from the fund shall be made in the same manner and on the same basis as the state equalization guarantee distribution. [p.207, lines 20-25 – p.208, lines 1-9] {Related Legislation: see \*CS/HB 628 (Laws 2013, Chapter 191)}~~

## **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 2013 and 2014. Unless otherwise indicated, any unexpended balances of the appropriations remaining at the end of fiscal year 2014 shall revert to the appropriate fund. [p. 208, lines 14-17]

(68) PUBLIC EDUCATION DEPARTMENT 3,400.0

For implementing a new teacher and school leader evaluation system. The 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. 217, lines 12-15]

(69) PUBLIC EDUCATION DEPARTMENT 5,800.0

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. [p. 217, lines 16-18]

(70) PUBLIC EDUCATION DEPARTMENT

Unexpended and unencumbered balances in the kindergarten plus fund established in Section 22-2-20 NMSA 1978 shall be transferred to the kindergarten-three-plus fund established in Section 22-13-28.1 NMSA 1978. [p. 217, lines 19-22]

(71) PUBLIC EDUCATION DEPARTMENT 100.0

To distribute to school districts and charter schools for the purchase of New Mexico grown fresh fruits and vegetables for school meal programs. [p. 217, lines 23-25]

(72) PUBLIC EDUCATION DEPARTMENT 5,200.0

To purchase computers for administration of the next generation assessment developed by the partnership for assessment of readiness for college and careers to students in grades three through eleven. The 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. 218, lines 1-6]

(73) PUBLIC EDUCATION DEPARTMENT

15,400.0 (Gen. Fund)     4,600 (Other State Funds: Driver’s License Fees)     20,000 (Total)

To ensure the state makes sufficient funds available in fiscal year 2013 to meet the special education maintenance of effort requirements pursuant to the federal Individuals with Disabilities Education Act. The appropriation of twenty million dollars (\$20,000,000) includes fifteen million four hundred thousand dollars (\$15,400,000) 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 and four million six hundred thousand dollars (\$4,600,000) in other state funds transferred to the public education department from the taxation and revenue department pursuant to Section 66-5-44 NMSA 1978. The appropriation is contingent on the public education department: 1) certifying that the program cost made available in fiscal year 2013 is insufficient to meet the maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act in fiscal year 2013; 2) ~~reviewing with the legislative finance committee and the legislative education study committee the certification that the twenty million dollar (\$20,000,000) supplemental appropriation is needed to meet the maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act for fiscal year 2013;~~ and 3) obtaining board of finance approval to transfer and distribute funds. The public education department shall not distribute more of the supplemental appropriation than is necessary to meet the maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act for fiscal year 2013. The public education department shall distribute the required amount of the supplemental appropriation to each school district and charter school in the same manner and on the same basis as the state equalization guarantee distribution. [p. 218, lines 7-25 – p. 219, line 1] *{Related Legislation: see \*CS/HB 628 (Laws 2013, Chapter 191)}*

(74) PUBLIC EDUCATION DEPARTMENT

2,000.0

To the public education department to provide stipends to ~~level two and level three~~ teachers and school leaders to move from schools rated A or B to schools rated D or F pursuant to the A-B-C-D-F Schools Rating Act that serve a high proportion of at-risk students or high-poverty students and to provide stipends to high school teachers of advanced placement classes that increase the proportion of students receiving college credit for advance placement classes. The 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. 219, lines 2-9]

(75) PUBLIC EDUCATION DEPARTMENT

1,500.0

For transition to the common core content standards. ~~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, 2014, progress made as a result of the appropriation.~~ The 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. 219, lines 10-16]

(76) PUBLIC EDUCATION DEPARTMENT

The period of time for expending one million five hundred thousand dollars (\$1,500,000) of the appropriation made in Subsection 38 of Section 5 of Chapter 19 of Laws 2012 is extended through fiscal year 2014 to provide supplemental funding for increased fuel costs incurred by school districts and 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 or fiscal year 2014 for the purpose specified. 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 public education shall approve requests for funding for fuel cost increases and make distributions on a reimbursement basis. [p. 219, lines 17-25 – p. 220, lines 1-4]

(77) PUBLIC SCHOOL FACILITIES AUTHORITY 172.8

For loan repayment for the Animas school district. The appropriation is from the public school capital outlay fund. [p. 220, lines 6-7]

**Section 6. SUPPLEMENTAL AND DEFICIENCY APPROPRIATIONS**

The following amounts are appropriated from the general fund, or other funds as indicated, for expenditure in fiscal year 2013 for the purposes specified. Disbursement of these amounts shall be subject to certification by the agency to the department of finance and administration ~~and the legislative finance committee~~ that no other funds are available in fiscal year 2013 for the purpose specified and approval by the department of finance and administration. Any unexpended balances remaining at the end of fiscal year 2013 shall revert to the appropriate fund. [p. 221, lines 2-8]

(11) PUBLIC EDUCATION DEPARTMENT

For fiscal year 2013, if the program cost and the twenty million dollar (\$20,000,000) special appropriation made available in fiscal year 2013 are insufficient to meet the level of state support required by the special education maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act, up to twenty million dollars (\$20,000,000) is transferred from the state equalization guarantee distribution to the public education department to meet the level of state support required by Part B of the federal Individuals with Disabilities Education Act for fiscal year 2013, and the secretary of the public education department shall reset the final unit value accordingly. The transfer is contingent on the public education department: 1) certifying that the program cost and the twenty million dollar (\$20,000,000) special appropriation to the public education department made available in fiscal year 2013 are insufficient in fiscal year 2013 to meet the maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act; 2) ~~reviewing with the legislative finance committee and the legislative education study committee the certification that the state equalization guarantee distribution transfer is needed to meet the maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act for fiscal year 2013;~~ and 3) obtaining board of

finance approval to transfer and distribute funds. The public education department shall not request the transfer of more of the state equalization guarantee distribution than is necessary to meet the maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act for fiscal year 2013. The public education department shall distribute the required amount of the transferred state equalization guarantee distribution to each school district and charter school in the same manner and on the same basis as the state equalization guarantee distribution. [p. 222, lines 11-25 – p. 223, lines 1-6] ***{Related Legislation: see \*CS/HB 628 (Laws 2013, Chapter 191)}***

## **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 2013, 2014 and 2015. Unless otherwise indicated, any unexpended balances remaining at the end of fiscal year 2015 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. 223, lines 9-21]

### **(6) EDUCATIONAL RETIREMENT BOARD**

The period of time for expending the three million five hundred thousand dollar (\$3,500,000) appropriation from the educational retirement fund contained in Subsection 3 of Section 7 of Chapter 179 of Laws 2011 to upgrade the integrated retirement information system is extended through fiscal year 2015. [p. 224, lines 22-25 – p. 225, line 1]

### **(8) PUBLIC EMPLOYEES RETIREMENT ASSOCIATION 2,800.0**

To upgrade the retirement information online system. The appropriation is from interest earned on investments. [p. 225, lines 11-13]

## **Section 8. COMPENSATION APPROPRIATIONS**

A. Eight million one hundred ninety-seven thousand sixty-eight dollars (\$8,197,068) is appropriated from the general fund to the department of finance and administration for expenditure in fiscal year 2014 to provide salary increases to employees in budgeted positions who have completed their probationary period subject to satisfactory job performance. The salary increases shall be effective the first full pay period after July 1, 2013 and distributed as follows:

(1) one hundred sixteen thousand one hundred dollars (\$116,100) to provide permanent legislative employees, including permanent employees of the legislative council service, legislative finance committee, legislative education study committee, legislative building services, the house and senate, house and senate chief clerks' offices and house and senate leadership, with an average salary increase of one percent;

(2) two hundred thirty-one thousand eight hundred eighty-four dollars (\$231,884) to provide the justices of the supreme court a salary increase to one hundred twenty-four thousand nine hundred twenty-eight dollars (\$124,928) and to provide the chief justice of the supreme court; the chief judge of the court of appeals; and judges of the court of appeals, district courts, metropolitan courts and magistrate courts a salary increase pursuant to the provisions of Section 34-1-9 NMSA 1978;

(3) one million two hundred thousand three hundred dollars (\$1,200,300) to provide child support hearing officers, special commissioners, all judicial permanent employees and all district attorney permanent employees other than elected district attorneys and other than employees whose salaries are set by statute, with an average salary increase of one percent;

(4) eighteen thousand seven hundred dollars (\$18,700) to provide a salary increase of one percent for district attorneys;

(5) five million forty-four thousand two hundred and four dollars (\$5,044,204) to provide incumbents in agencies governed by the State Personnel Act with a salary increase of one percent as follows:

(a) two million six hundred forty-six thousand one hundred eighty-two dollars (\$2,646,182) for classified employees not covered by a collective bargaining agreement;

(b) two million three hundred ninety-eight thousand twenty-two dollars (\$2,398,022) for classified employees covered by a collective bargaining agreement in effect on July 1, 2013;

(6) seven hundred seven thousand eight hundred eighty dollars (\$707,880) for executive exempt employees, including attorney general employees and workers' compensation judges to provide an average salary increase of one percent; and

(7) eight hundred seventy-eight thousand dollars (\$878,000) of which seven hundred sixty-three thousand dollars (\$763,000) is for commissioned police officers of the state police division to provide an average salary increase of three percent in accordance with the New Mexico state police career pay system and one hundred fifteen thousand dollars (\$115,000) for commissioned officers in the motor transportation division governed by the State Personnel Act to provide an average salary increase of three percent.

[p. 227, lines 8-25 – p. 228, lines 1-21]

B. Five million eight hundred forty-four thousand eight hundred dollars (\$5,844,800) is appropriated from the general fund to the higher education department for expenditure in fiscal

year 2014 to provide faculty and staff of four- and two-year public post-secondary educational institutions with an average annual salary increase of one percent effective the first full pay period after July 1, 2013. [p. 228, lines 22-25]

C. The department of finance and administration shall distribute a sufficient amount to each agency to provide the appropriate increase for those employees whose salaries are received as a result of the general fund appropriations in the General Appropriation Act of 2013. Any unexpended or unencumbered balances remaining at the end of fiscal year 2014 shall revert to the general fund. [p. 229, lines 1-4]

D. For those state employees whose salaries are referenced in or received as a result of non-general fund appropriations in the General Appropriations Act of 2013, the department of finance and administration shall transfer from the appropriate fund to the appropriate agency the amount required for the salary increases equivalent to those provided for in this section, and such amounts are appropriated for expenditure in fiscal year 2014. Any unexpended or unencumbered balance remaining at the end of fiscal year 2014 shall revert to the appropriate fund. [p. 229, lines 5-10]

#### **Section 10. CERTAIN FISCAL YEAR 2014 BUDGET ADJUSTMENTS AUTHORIZED**

E. In addition to the budget authority otherwise provided in the General Appropriation Act of 2013, the following agencies may request specified budget adjustments: [p. 234, lines 16-17]

(12) the benefits and risk program and program support program of the public school insurance authority may request budget increases from internal service funds/interagency transfers, other state funds and fund balances; [p. 236, lines 16-18]

(15) the educational retirement board may request budget increases from other state funds to meet emergencies or unexpected physical plant failures that might impact the health and safety of workers or visitors to the agency; [p. 237, lines 3-5]

(18) the public employees retirement association may request budget increases from other state funds to meet emergencies or unexpected physical plant failures that might impact the health and safety of workers or visitors to the agency; [p. 237, lines 16-18]

(33) the children, youth and families department may request program transfers up to one million dollars (\$1,000,000) between programs; [p. 240, lines 16-17].

#### **Section 11. FUND TRANSFERS**

Seventeen million dollars (\$17,000,000) is transferred from the operating reserve to the appropriation contingency fund to address reductions in federal funding to New Mexico agencies resulting from the federal sequester. [p. 241, lines 22-24]

## **Section 12. TRANSFER AUTHORITY**

A. 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 one hundred twenty million dollars (\$120,000,000). This transfer is in addition to the transfer provided in Laws 2012 Chapter 19, Section 11. [p. 242, lines 1-6]

B. If, after the total amount authorized in Subsection A of this section has been transferred, revenue and transfers to the general fund at the end of fiscal year 2014 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 sixty million dollars (\$60,000,000). [p. 242, lines 7-12]

**SELECTED HIGHER EDUCATION-RELATED LANGUAGE**  
**GENERAL APPROPRIATION ACT OF 2013**  
**CS/HB 2 et al., as amended (Laws 2013, Chapter 227)**

**Strikethrough indicates Executive Veto**

**Section 4. FISCAL YEAR 2014 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. 165, lines 3-8]

Except as otherwise provided, any unexpended balances remaining at the end of fiscal year 2014 shall not revert to the general fund. [p. 165, lines 9-10]

**HIGHER EDUCATION DEPARTMENT**

The purpose of the policy development and institutional financial oversight program is to provide a continuous process of statewide planning and oversight within the department's statutory authority for the state higher education system and to ensure both the efficient use of state resources and progress in implementing a statewide agenda. [p. 165, lines 13-16]

The general fund appropriation to the policy development and institutional financial oversight program of the higher education department in the other category includes an additional one hundred thousand dollars (\$100,000) for the mathematics, engineering and science achievement program. [p. 166, lines 1-3]

The general fund appropriation to the policy development and institutional financial oversight program of the higher education department in the other category includes one hundred thousand dollars (\$100,000) to implement the tribal college dual credit program. [p. 166, lines 4-6]

~~The higher education department shall work with the department of finance and administration, the legislative finance committee and institutions to recommend revisions to the instruction and general purpose funding formula authorized in Section 21-2-5.1 NMSA 1978, including revisions to base funding, workload and awards matrices, the institutional share credit, and new mission specific measures. The department shall submit these recommendations to the legislature no later than September 1, 2013. [p. 166, lines 7-11]~~

The purpose of the student financial aid program is to provide access, affordability, and opportunities for success in higher education to students and their families so that all New

Mexicans may benefit from postsecondary education and training beyond high school. [p. 166, lines 24-25 – p. 167, line 1]

~~The other state funds appropriation to the student financial aid program of the higher education department in the other category includes five hundred thousand dollars (\$500,000) from the education trust board for the General Knowles legislative scholarship program at the New Mexico military institute and seventy five thousand dollars (\$75,000) from the education trust board for the boys and girls state program. [p. 167, lines 5-9]~~

## **Section 5. SPECIAL APPROPRIATIONS**

~~(78) HIGHER EDUCATION DEPARTMENT \_\_\_\_\_ 75.0~~

~~To study the feasibility of establishing the Gallup branch campus of the university of New Mexico as an independent community college. [p. 220, lines 8-10]~~

(79) HIGHER EDUCATION DEPARTMENT \_\_\_\_\_ 50.0

To study the expansion of intercollegiate sports at comprehensive universities pursuant to the Higher Education Act of 1965, Title IX. [p. 220, lines 11-13]

~~(80) HIGHER EDUCATION DEPARTMENT \_\_\_\_\_ 20,000.0~~

~~To replenish the higher education endowment fund. [p. 220, lines 14-15]~~

~~(81) UNIVERSITY OF NEW MEXICO \_\_\_\_\_ 200.0~~

~~For the university of New Mexico Gallup branch campus to complete phase two campus utility infrastructure and fire suppression improvements. [p. 220, lines 16-18]~~

(82) EASTERN NEW MEXICO UNIVERSITY \_\_\_\_\_ 200.0

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 allow students to compete in an international robot competition for student teams to demonstrate their skills and knowledge as academic athletes. [p. 220, lines 19-23]

## **Section 10. CERTAIN FISCAL YEAR 2014 BUDGET ADJUSTMENTS AUTHORIZED**

E. In addition to the budget authority otherwise provided in the General Appropriation Act of 2013, the following agencies may request specified budget adjustments: [p. 234, lines 16-17]

(37) the policy development and institutional financial oversight program of the higher education department may request budget increases up to twenty thousand dollars (\$20,000) from other state funds to review regulations and conduct program enforcement in the private and proprietary schools program. [p. 241, lines 14-17]

**TABLE 3 - HISTORY OF THE UNIT VALUE  
(1974-1975 FINAL TO 2013-2014 PRELIMINARY)**

School Year	Preliminary 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	\$3,862.79 <sup>8</sup>	\$3,792.65 <sup>9</sup>	(\$79.14)	-2.0%
2010-2011	\$3,712.45 <sup>10</sup>	\$3,712.17 <sup>11</sup>	(\$80.48)	-2.1%
2011-2012	\$3,585.97	\$3,598.87	(\$113.30)	-3.1%
2012-2013	\$3,668.18	\$3,673.54 <sup>12</sup>	\$74.67	2.1%
2013-2014	\$3,817.55		\$144.01 <sup>12</sup>	3.9%

<sup>1</sup> The 1982-1983 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 included in the calculation of the unit value in FY 07.

<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> 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 *American Recovery and Reinvestment Act of 2009* (ARRA).

<sup>9</sup> FY 10 final unit value comprises \$3,458.06 in General Fund dollars and \$334.59 in federal ARRA funding.

<sup>10</sup> FY 11 initial unit value comprises \$3,674.75 in General Fund dollars and \$37.70 in federal ARRA funding.

<sup>11</sup> FY 11 final unit value comprises \$3,572.34 General Fund, \$37.85 federal ARRA funding and \$101.98 in Education Jobs funding.

<sup>12</sup> The Final FY 13 and FY 14 Unit Values may be adjusted based on a final decision from the U.S. Department of Education regarding a waiver request from maintenance of effort requirements for state-level funding for special education.

**Sources:** LESC; Issues and Answers, 1982-83; A First Look at NM Public School Budgets, 1983-84 to 1998-99; PED final funded reports 1999-00 to present; and PED correspondence.

**TABLE 4**

**PUBLIC SCHOOL CAPITAL OUTLAY**  
**51st LEGISLATURE, 1st SESSION, 2013**  
**All Appropriations to the Public Education Department (PED) Unless Other Agencies as Noted \***  
*~~stricken through~~ indicates Executive veto*

**CS/S 60 and CS/H 337, with emergency clause (Laws 2013, Ch. 226 [partial veto])**

**STATEWIDE PROJECTS**

Site	Project	Amount	Vetoed Amount	*Other Agency	Fund
1 Statewide	renovate and construct public school prekindergarten classrooms	\$2,500,000		Public School Capital Outlay Council	Public School Capital Outlay Fund
2 Statewide	purchase school buses	\$13,000,000		Public School Capital Outlay Council	Public School Capital Outlay Fund
3 Statewide	purchase and install robot equipment and related infrastructure statewide for the public school robot education programs that participate in the annual robot competition	\$298,357			Severance Tax Bonds
		<b>Statewide Projects</b>	<b>\$15,798,357</b>		
		<b>Executive Vetoes</b>	<b>\$0</b>		
		<b>Total Statewide Projects after Executive Action</b>	<b>\$15,798,357</b>		

**STATE-CHARTERED CHARTER SCHOOLS**

State-Chartered Charter School	Project	Amount	Vetoed Amount	*Other Agency	Fund
4 Albuquerque Institute of Math & Science	expand the facility and purchase equipment and information technology, furniture and infrastructure	\$50,000			Severance Tax Bonds
5 Cesar Chavez Community School	purchase and install information technology, including related furniture, equipment and infrastructure	\$50,000			Severance Tax Bonds

**TABLE 4**

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**CS/S 60 and CS/H 337, with emergency clause (Laws 2013, Ch. 226 [partial veto])**

**STATE-CHARTERED CHARTER SCHOOLS**

State-Chartered Charter School	Project	Amount	Vetoed Amount	* Other Agency	Fund
6 Cien Aguas International School	purchase property for and to design and construct a facility	\$110,000			Severance Tax Bonds
7 East Mountain High School	purchase and equip a school bus	\$90,000			Severance Tax Bonds
8 East Mountain High School	purchase and install information technology, including related equipment, furniture and infrastructure	\$50,000			Severance Tax Bonds
9 East Mountain High School	design, purchase and install an electronic digital security system	\$75,000			Severance Tax Bonds
10 Gilbert L. Sena Charter High School	purchase and install information technology, including related furniture, equipment and infrastructure	\$65,000			Severance Tax Bonds
11 Health Leadership Charter School	purchase furniture and equipment	\$260,000			Severance Tax Bonds
12 La Promesa Early Learning Center	purchase a school bus	\$80,000			Severance Tax Bonds
13 La Promesa Early Learning Center	purchase and install information technology, including related furniture, equipment and infrastructure	\$105,000			Severance Tax Bonds
14 La Promesa Early Learning Center	furnish	\$82,000			Severance Tax Bonds
15 La Promesa Early Learning Center	purchase and install playground equipment	\$158,000			Severance Tax Bonds
16 McCurdy Charter School	purchase an activity bus	\$100,000			Severance Tax Bonds

**TABLE 4**

**PUBLIC SCHOOL CAPITAL OUTLAY**

**51st LEGISLATURE, 1st SESSION, 2013**

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**STATE-CHARTERED CHARTER SCHOOLS**

State-Chartered Charter School	Project	Amount	Vetoed Amount	*Other Agency	Fund
17 Media Arts Collaborative Charter School	purchase property for, plan, design, construct, renovate and equip facilities and classrooms, including purchasing and installing information technology and related furniture and equipment	\$235,000			Severance Tax Bonds
18 The Montessori Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$90,000			Severance Tax Bonds
19 Southwest Aeronautics, Mathematics, and Science Academy	plan, design and construct a soccer field and track, including bleachers and wind breakers	\$170,000			Severance Tax Bonds
20 Southwest Aeronautics, Mathematics, and Science Academy	purchase and install a flight simulator	\$45,000			Severance Tax Bonds
21 Southwest Aeronautics, Mathematics, and Science Academy	purchase and install smart labs and information technology, including related equipment, furniture and infrastructure	\$35,000			Severance Tax Bonds
22 Southwest Intermediate Learning Center	purchase information technology	\$70,000			Severance Tax Bonds
23 Southwest Primary Learning Center	purchase and construct a portable classroom	\$35,000			Severance Tax Bonds
24 Southwest Secondary Learning Center	purchase and install equipment for and to upgrade the smart lab	\$100,000			Severance Tax Bonds

**TABLE 4**

**PUBLIC SCHOOL CAPITAL OUTLAY**  
**51st LEGISLATURE, 1st SESSION, 2013**  
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**CS/S 60 and CS/H 337, with emergency clause (Laws 2013, Ch. 226 [partial veto])**

**STATE-CHARTERED CHARTER SCHOOLS**

State-Chartered Charter School	Project	Amount	Vetoed Amount	*Other Agency	Fund
25	Tierra Adentro Charter School	\$50,000			Severance Tax Bonds
<b>State-Chartered Charter School Appropriations</b>		<b>\$2,270,000</b>			
<b>Executive Vetoes</b>			<b>\$0</b>		
<b>Total State-Chartered Charter School Appropriations</b>		<b>\$2,005,000</b>			

**CONSTITUTIONAL SCHOOLS**

Constitutional School	Project	Amount	Vetoed Amount	*Other Agency	Fund
26	New Mexico School for the Deaf	\$7,000,000			Public School Capital Outlay Fund
27	New Mexico School for the Deaf	\$1,000,000			Public School Capital Outlay Fund
28	New Mexico School for the Blind and Visually Impaired	\$838,000			Public School Capital Outlay Fund

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**CONSTITUTIONAL SCHOOLS**

Constitutional School	Project	Amount	Vetoed Amount	*Other Agency	Fund
29 New Mexico School for the Blind and Visually Impaired	plan, design, and construct phase 1 improvements to the site, utilities and critical infrastructure at the New Mexico school for the blind and visually impaired in Alamogordo	\$2,900,000			Public School Capital Outlay Fund
30 New Mexico School for the Blind and Visually Impaired	plan, design, renovate, and equip the Watkins Education Center and to demolish the San Andres Building at the New Mexico School for the Blind and Visually Impaired in Alamogordo	\$5,500,000			Public School Capital Outlay Fund
<b>Constitutional School Appropriations</b>		<b>\$17,238,000</b>			
<b>Executive Vetoes</b>			<b>\$0</b>		
<b>Total Constitutional School Appropriations</b>		<b>\$17,238,000</b>			

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**PUBLIC SCHOOL CAPITAL OUTLAY**

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**CS/S 60 and CS/H 337, with emergency clause (Laws 2013, Ch. 226 [partial veto])**

**DIRECT APPROPRIATIONS TO DISTRICTS**

School District	School	Project	Amount	Vetoed Amount	*Other Agency	Fund
31	Albuquerque Public School District	District-wide	purchase rifles and equipment for junior reserve officers training corps programs	\$75,000		Severance Tax Bonds
32		District-wide	purchase and install rifle safety and marksmanship target systems in public schools	\$215,600		Severance Tax Bonds
33		A. Montoya Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$35,000		Severance Tax Bonds
34		<del>La Academia de Esperanza</del>	<del>purchase a facility</del>	\$45,000		<del>Severance Tax Bonds</del>
35		Adobe Acres Elementary School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$122,000		Severance Tax Bonds
36		Alameda Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$60,000		Severance Tax Bonds
37		Alamosa Elementary School	purchase and install information technology and a communication and telephone system, including related equipment, furniture and infrastructure	\$70,000		Severance Tax Bonds
38		Albuquerque High School	purchase and install information technology, including related equipment, furniture and infrastructure	\$45,000		Severance Tax Bonds
39		Alvarado Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$70,000		Severance Tax Bonds

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**DIRECT APPROPRIATIONS TO DISTRICTS**

School District	School	Project	Amount	Vetoed Amount	*Other Agency	Fund
40	CONTINUED: Albuquerque Public School District					Severance Tax Bonds
	Apache Elementary School	purchase and install furniture, fixtures and equipment	\$10,000			Severance Tax Bonds
41	Armijo Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$68,500			Severance Tax Bonds
42	Atrisco Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$80,000			Severance Tax Bonds
43	Atrisco Heritage Academy High School	purchase and install information technology, including related equipment, furniture and infrastructure	\$70,000			Severance Tax Bonds
44	Bandelier Elementary School	plan, design, construct, improve, equip and furnish improvements to the grounds, fields and playground, including irrigation, landscaping and drainage	\$50,000			Severance Tax Bonds
45	Bandelier Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$30,000			Severance Tax Bonds
46	Barcelona Elementary School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$50,000			Severance Tax Bonds
47	Bel-Air Elementary School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$110,000			Severance Tax Bonds

**TABLE 4**

**PUBLIC SCHOOL CAPITAL OUTLAY**

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**CS/S 60 and CS/H 337, with emergency clause (Laws 2013, Ch. 226 [partial veto])**

**DIRECT APPROPRIATIONS TO DISTRICTS**

School District	School	Project	Amount	Vetoed Amount	*Other Agency	Fund
CONTINUED: Albuquerque Public School District	Bellehaven Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$46,000			Severance Tax Bonds
48						48
49	Carlos Rey Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$15,000			Severance Tax Bonds
49						49
50	Chamiza Elementary School	plan, design, construct, renovate, equip and furnish playground improvements, including drainage and landscaping	\$99,000			Severance Tax Bonds
50						50
51	Chaparral Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$45,000			Severance Tax Bonds
51						51
52	<del>Cibola High School</del>	<del>plan, design, renovate, construct, furnish and equip a weight room</del>		<del>\$25,000</del>		<del>Severance Tax Bonds</del>
52						52
53	Cleveland Middle School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$60,000			Severance Tax Bonds
53						53
54	Cochiti Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$35,000			Severance Tax Bonds
54						54
55	<del>Collet Park Elementary School</del>	<del>plan, design, construct, renovate, refurbish, equip and furnish improvements at school facilities, including purchasing and installing a rock climbing wall and gymnasium equipment</del>		<del>\$17,500</del>		<del>Severance Tax Bonds</del>
55						55
56	Coronado Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$15,000			Severance Tax Bonds
56						56

**TABLE 4**

**PUBLIC SCHOOL CAPITAL OUTLAY**

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**DIRECT APPROPRIATIONS TO DISTRICTS**

School District	School	Project	Amount	Vetoed Amount	*Other Agency	Fund
CONTINUED: Albuquerque Public School District	Del Norte High School	purchase and install information technology, including related equipment, furniture and infrastructure	\$70,000			Severance Tax Bonds
57	Digital Arts and Technology Academy	purchase a building	\$195,000			Severance Tax Bonds
58	Dolores Gonzales Elementary School	plan, design, construct, renovate, equip and furnish improvements to school facilities, playgrounds and the gymnasium, including site and drainage improvements	\$132,500			Severance Tax Bonds
59	Double Eagle Elementary School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$110,000			Severance Tax Bonds
60	Douglas MacArthur Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$50,000			Severance Tax Bonds
61	Duranes Elementary School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$55,000			Severance Tax Bonds
62	Ecademy High School	purchase and install information technology, including related equipment, furniture and infrastructure	\$5,000			Severance Tax Bonds
63	Edmund G. Ross Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$45,000			Severance Tax Bonds
64	Edward Gonzales Elementary School	plan, design, construct, renovate, equip and furnish improvements to facilities and grounds	\$50,000			Severance Tax Bonds
65						

**TABLE 4**

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**DIRECT APPROPRIATIONS TO DISTRICTS**

School District	School	Project	Amount	Vetoed Amount	*Other Agency	Fund
66	CONTINUED: Albuquerque Public School District					
66	Emerson Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$35,000			Severance Tax Bonds
67	Ernie Pyle Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$50,000			Severance Tax Bonds
68	Freedom High School	purchase and install information technology, including related equipment, furniture and infrastructure	\$5,000			Severance Tax Bonds
69	Garfield Middle School	purchase and install information technology, including related equipment, furniture and infrastructure	\$15,000			Severance Tax Bonds
70	Griegos Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$50,000			Severance Tax Bonds
71	Harrison Middle School	purchase and install books, furniture and information technology, including related equipment, furniture and infrastructure	\$35,000			Severance Tax Bonds
72	Hawthorne Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$10,000			Severance Tax Bonds
73	Hawthorne Elementary School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$108,000			Severance Tax Bonds
74	Highland High School	furnish and equip	\$20,000			Severance Tax Bonds

**TABLE 4**

**PUBLIC SCHOOL CAPITAL OUTLAY**

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**DIRECT APPROPRIATIONS TO DISTRICTS**

School District	School	Project	Amount	Vetoed Amount	*Other Agency	Fund
CONTINUED: Albuquerque Public School District	Highland High School	purchase and install information technology, including related equipment, furniture and infrastructure	\$30,000			Severance Tax Bonds
	Hodgin Elementary School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$142,000			Severance Tax Bonds
	Hoover Middle School	plan, design, construct, renovate, equip, and furnish facility and infrastructure improvements and to purchase and install equipment and information technology, including related equipment, furniture and infrastructure	\$150,000			Severance Tax Bonds
	Hubert H. Humphrey Elementary School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$35,000			Severance Tax Bonds
	Jefferson Middle School	plan, design, construct, renovate, equip and furnish improvements to the grounds	\$60,000			Severance Tax Bonds
	Jefferson Middle School	purchase and install information technology, including related equipment, furniture and infrastructure	\$30,000			Severance Tax Bonds
	Jimmy E. Carter Middle School	plan, design, renovate, equip, and furnish site improvements	\$100,000			Severance Tax Bonds
	John Adams Middle School	purchase and install books, furniture and information technology, including related equipment, furniture and infrastructure	\$25,000			Severance Tax Bonds
	John Adams Middle School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$24,500			Severance Tax Bonds

**TABLE 4**

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**DIRECT APPROPRIATIONS TO DISTRICTS**

School District	School	Project	Amount	Vetoed Amount	*Other Agency	Fund
CONTINUED:						
Albuquerque Public School District	Kennedy Middle School	purchase and install information technology, including related equipment, furniture and infrastructure	\$50,000			Severance Tax Bonds 84
	Kirtland Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$30,000			Severance Tax Bonds 85
	Kit Carson Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$30,000			Severance Tax Bonds 86
	La Cueva High School	purchase and install equipment, including seating, fixtures, lighting, sound equipment, furniture, and stage curtains, and to purchase and install information technology, including related furniture, equipment, and infrastructure	\$70,000			Severance Tax Bonds 87
	<del>La Cueva High School</del>	<del>purchase and install physical education equipment</del>		<del>\$30,000</del>		<del>Severance Tax Bonds 88</del>
	La Cueva High School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$150,000			Severance Tax Bonds 89
	La Luz Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$50,000			Severance Tax Bonds 90
	La Mesa Elementary School	purchase and install furniture, fixtures, and equipment	\$20,000			Severance Tax Bonds 91
	La Mesa Elementary School	purchase and install library books, furniture, shelving and information technology, including related equipment, furniture and infrastructure	\$10,000			Severance Tax Bonds 92

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**DIRECT APPROPRIATIONS TO DISTRICTS**

School District	School	Project	Amount	Vetoed Amount	*Other Agency	Fund
CONTINUED: Albuquerque Public School District	La Mesa Elementary School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$50,000			Severance Tax Bonds
93						93
	Lew Wallace Elementary School	purchase and install information technology and an intercom system, including related equipment, furniture and infrastructure	\$65,000			Severance Tax Bonds
94						94
	Longfellow Elementary School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$15,000			Severance Tax Bonds
95						95
	Los Padillas Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$35,000			Severance Tax Bonds
96						96
	Los Ranchos Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$20,000			Severance Tax Bonds
97						97
	Lowell Elementary School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$25,000			Severance Tax Bonds
98						98
	<del>Lyndon B. Johnson Middle School</del>	<del>plan, design, construct, equip and furnish improvements to the weight room</del>		<del>\$80,000</del>		<del>Severance Tax Bonds</del>
99						99
	Madison Middle School	purchase and install information technology, including related equipment, furniture and infrastructure	\$20,000			Severance Tax Bonds
100						100
	Manzano Mesa Elementary School	plan, design, construct, purchase, equip, and furnish site improvements, including portable classrooms installation and related equipment and infrastructure upgrades	\$30,000			Severance Tax Bonds
101						101

**TABLE 4**

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**DIRECT APPROPRIATIONS TO DISTRICTS**

School District	School	Project	Amount	Vetoed Amount	*Other Agency	Fund
102	Albuquerque Public School District					
	CONTINUED:					
102	Mark Twain Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$30,000			Severance Tax Bonds
103	Mark Twain Elementary School	purchase and install library books, furniture, and information technology, including related equipment, furniture and infrastructure	\$50,000			Severance Tax Bonds
104	Matheson Park Elementary School	purchase and install cafeteria tables, furniture and related equipment	\$20,000			Severance Tax Bonds
105	McCollum Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$10,000			Severance Tax Bonds
106	McKinley Middle School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$142,468			Severance Tax Bonds
107	Mission Avenue Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$50,000			Severance Tax Bonds
108	Mitchell Elementary School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$110,000			Severance Tax Bonds
109	Monte Vista Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$30,000			Severance Tax Bonds
110	<del>Monte Vista Elementary School</del>	<del>purchase and install marquees and information technology, including related equipment, furniture and infrastructure</del>		<del>\$75,000</del>		<del>Severance Tax Bonds</del>

**TABLE 4**

**PUBLIC SCHOOL CAPITAL OUTLAY**

**51st LEGISLATURE, 1st SESSION, 2012**

**All Appropriations to the Public Education Department (PED) Unless Other Agencies as Noted \***

**~~strikethrough~~ indicates Executive veto**

**CS/S 60 and CS/H 337, with emergency clause (Laws 2013, Ch. 226 [partial veto])**

**DIRECT APPROPRIATIONS TO DISTRICTS**

School District	School	Project	Amount	Vetoed Amount	*Other Agency	Fund
CONTINUED: Albuquerque Public School District	Montezuma Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$30,000			Severance Tax Bonds 111
	Montezuma Elementary School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$40,000			Severance Tax Bonds 112
	Navajo Elementary School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$125,000			Severance Tax Bonds 113
	New Futures High School	purchase and install information technology, including related equipment, furniture and infrastructure	\$5,000			Severance Tax Bonds 114
	<del>Nuestros Valores Charter School</del>	<del>plan and design a facility</del>		<del>\$25,000</del>		<del>Severance Tax Bonds</del> 115
	Nuestros Valores Charter School	purchase and install information technology, including related equipment, furniture and infrastructure	\$90,000			Severance Tax Bonds 116
	Osuna Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$60,000			Severance Tax Bonds 117
	Painted Sky Elementary School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$106,000			Severance Tax Bonds 118
	Petroglyph Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$60,000			Severance Tax Bonds 119

**TABLE 4**

**PUBLIC SCHOOL CAPITAL OUTLAY**

**51st LEGISLATURE, 1st SESSION, 2012**

All Appropriations to the Public Education Department (PED) Unless Other Agencies as Noted \*

~~strikethrough~~ indicates Executive veto

**CS/S 60 and CS/H 337, with emergency clause (Laws 2013, Ch. 226 [partial veto])**

**DIRECT APPROPRIATIONS TO DISTRICTS**

School District	School	Project	Amount	Vetoed Amount	*Other Agency	Fund
120	CONTINUED: Albuquerque Public School District					
120	Reginald Chavez Elementary School	purchase and install security cameras and information technology, including related equipment, furniture, and infrastructure	\$45,000			Severance Tax Bonds 120
121	Reginald Chavez Elementary School	plan, design, construct, renovate, equip and furnish site, playground and drainage improvements	\$15,000			Severance Tax Bonds 121
122	Rio Grande High School	purchase and install equipment, including seating, lighting and sound, and information technology, including related equipment, furniture and infrastructure	\$100,000			Severance Tax Bonds 122
123	Robert F. Kennedy Charter School	construct an auto body and paint shop	\$192,000			Severance Tax Bonds 123
124	Robert F. Kennedy Charter School	purchase, renovate and equip a facility for a media center	\$95,000			Severance Tax Bonds 124
125	Rudolfo Anaya Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$30,000			Severance Tax Bonds 125
126	S.Y. Jackson Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$25,000			Severance Tax Bonds 126
127	San Antonio Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$36,500			Severance Tax Bonds 127
128	Seven Bar Elementary School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$25,000			Severance Tax Bonds 128

**TABLE 4**

**PUBLIC SCHOOL CAPITAL OUTLAY**

**51st LEGISLATURE, 1st SESSION, 2012**

All Appropriations to the Public Education Department (PED) Unless Other Agencies as Noted \*

~~strikethrough~~ indicates Executive veto

**CS/S 60 and CS/H 337, with emergency clause (Laws 2013, Ch. 226 [partial veto])**

**DIRECT APPROPRIATIONS TO DISTRICTS**

School District	School	Project	Amount	Vetoed Amount	*Other Agency	Fund
129	Albuquerque Public School District	Sierra Vista Elementary School plan, design, construct, renovate, furnish, equip and improve a pre-kindergarten playground, including fencing, drainage and landscaping	\$125,000			Severance Tax Bonds 129
130		Taft Middle School purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$60,000			Severance Tax Bonds 130
131		Tomasita Elementary School purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$112,000			Severance Tax Bonds 131
132		Valle Vista Elementary School purchase and install information technology, including related equipment, furniture and infrastructure	\$83,400			Severance Tax Bonds 132
133		<del>Valley High School</del> <del>equip-cultural programs</del>		<del>\$25,000</del>		<del>Severance Tax Bonds</del> 133
134		<del>Valley High School</del> <del>purchase football equipment</del>		<del>\$30,000</del>		<del>Severance Tax Bonds</del> 134
135		Valley High School refurbish and make improvements throughout	\$25,000			Severance Tax Bonds 135
136		Valley High School purchase and install a spectator roof and outdoor bench seating	\$25,000			Severance Tax Bonds 136
137		<del>Valley High School</del> <del>purchase boys' and girls' sports program equipment, including cross-country track, wrestling and volleyball</del>		<del>\$30,000</del>		<del>Severance Tax Bonds</del> 137
138		Van Buren Middle School purchase and install library books, furniture and infrastructure	\$60,000			Severance Tax Bonds 138
139		Volcano Vista High School purchase and install awnings to cover the bleachers	\$200,000			Severance Tax Bonds 139

**TABLE 4**

**PUBLIC SCHOOL CAPITAL OUTLAY**

**51st LEGISLATURE, 1st SESSION, 2012**

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

**CS/S 60 and CS/H 337, with emergency clause (Laws 2013, Ch. 226 [partial veto])**

**DIRECT APPROPRIATIONS TO DISTRICTS**

School District	School	Project	Amount	Vetoed Amount	*Other Agency	Fund
140	Albuquerque Public School District	Washington Middle School	\$45,000			Severance Tax Bonds 140
141	West Mesa High School	purchase and install information technology, including related equipment, furniture and infrastructure	\$100,000			Severance Tax Bonds 141
142	West Mesa High School	plan, design, construct, renovate, equip, and furnish improvements to the facilities and site, including the purchase and installation of information technology and related infrastructure	\$50,000			Severance Tax Bonds 142
143	Wherry Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$55,000			Severance Tax Bonds 143
144	Whittier Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$30,000			Severance Tax Bonds 144
145	Wilson Middle School	purchase and install information technology, including related equipment, furniture and infrastructure	\$95,000			Severance Tax Bonds 145
146	Zia Elementary School	purchase and install security cameras and information technology, including related equipment, furniture and infrastructure	\$50,000			Severance Tax Bonds 146
147	Zia Elementary School	design, purchase and install a shade structure	\$50,000			Severance Tax Bonds 147

**TABLE 4**

**PUBLIC SCHOOL CAPITAL OUTLAY**

**51st LEGISLATURE, 1st SESSION, 2012**

All Appropriations to the Public Education Department (PED) Unless Other Agencies as Noted \*

~~strikethrough~~ indicates Executive veto

**CS/S 60 and CS/H 337, with emergency clause (Laws 2013, Ch. 226 [partial veto])**

**DIRECT APPROPRIATIONS TO DISTRICTS**

School District	School	Project	Amount	Vetoed Amount	*Other Agency	Fund
CONTINUED:						
148 Albuquerque Public School District	Zuni Elementary School	purchase and install information technology, including related equipment, furniture and infrastructure	\$160,000			Severance Tax Bonds 148
149 Artesia Public School District	Artesia High School	plan, design, purchase, install, and equip auditorium seats	\$228,000			Severance Tax Bonds 149
150	Artesia High School	plan, design, purchase, construct, and replace sewer lines	\$61,000			Severance Tax Bonds 150
151	District-wide	purchase and install information technology, including related equipment, furniture and infrastructure	\$75,000			Severance Tax Bonds 151
152 Belen Consolidated School District	Willie Chavez Park	plan, design, and construct an educational agriculture farm	\$100,000			Severance Tax Bonds 152
153 Carlsbad Municipal School District	Carlsbad High School	plan, design, purchase, and install bleachers in the gymnasium	\$25,000			Severance Tax Bonds 153
154	Carlsbad High School	plan, design, purchase, and install a hardwood floor in the gymnasium	\$190,000			Severance Tax Bonds 154
155	Carlsbad High School	plan, design, purchase, and install stadium seating to comply with the <i>Americans with Disabilities Act of 1990</i>	\$50,000			Severance Tax Bonds 155
156	Early Childhood Education Center	plan, design, purchase, and install artificial playground turf	\$123,000			Severance Tax Bonds 156
157	Joe Stanley Smith Elementary School	plan, design, purchase, and install information technology, document cameras and smart boards, including related equipment, furniture and infrastructure	\$60,000			Severance Tax Bonds 157

**TABLE 4**

**PUBLIC SCHOOL CAPITAL OUTLAY**

**51st LEGISLATURE, 1st SESSION, 2012**

All Appropriations to the Public Education Department (PED) Unless Other Agencies as Noted \*

~~strikethrough~~ indicates Executive veto

**CS/S 60 and CS/H 337, with emergency clause (Laws 2013, Ch. 226 [partial veto])**

**DIRECT APPROPRIATIONS TO DISTRICTS**

School District	School	Project	Amount	Vetoed Amount	*Other Agency	Fund
158 CONTINUED: Carlsbad Municipal School District	Pate Elementary School	plan, design, purchase and install information technology and smart boards, including related equipment, furniture and infrastructure	\$50,000			Severance Tax Bonds 158
159 Corona Public School District	District-wide	purchase and equip an activity bus	\$25,000			Severance Tax Bonds 159
160 Dora Consolidated School District	District-wide	plan, design, construct, and install plumbing system improvements in the multipurpose building	\$75,000			Severance Tax Bonds 160
161 Floyd Municipal School District	Floyd High School	plan, design, construct, and install bleachers, team seating and an officials' station in the gymnasium	\$100,000			Severance Tax Bonds 161
162 Las Cruces Public School District	District-wide	purchase and install artificial turf at the Field of Dreams athletic fields site	\$310,000			Severance Tax Bonds 162
163 Las Vegas City Public School District	District-wide	purchase and equip activity buses	\$155,000			Severance Tax Bonds 163
164 Logan Municipal School District	District-wide	purchase equipment and information technology, including related furniture and infrastructure, for vocational and career programs	\$17,000			Severance Tax Bonds 164
165 Los Alamos Public School District	Chamisa Elementary School	construct storm drainage improvements	\$45,000			Severance Tax Bonds 165
166	Los Alamos Middle School	replace the roof over the locker room in the gymnasium	\$160,000			Severance Tax Bonds 166
167	Los Alamos Middle School	construct improvements to locker room walls	\$50,000			Severance Tax Bonds 167

**TABLE 4**

**PUBLIC SCHOOL CAPITAL OUTLAY**

**51st LEGISLATURE, 1st SESSION, 2012**

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

**CS/S 60 and CS/H 337, with emergency clause (Laws 2013, Ch. 226 [partial veto])**

**DIRECT APPROPRIATIONS TO DISTRICTS**

School District	School	Project	Amount	Vetoed Amount	*Other Agency	Fund
168 Los Lunas Public School District	School of Dreams Academy	purchase and equip activity vehicles and utility trailers	\$100,000			Severance Tax Bonds 168
169	Valencia High School	plan, design, and construct an outdoor amphitheater	\$100,000			Severance Tax Bonds 169
170	Melrose Public School District	District-wide purchase vocational equipment	\$15,000			Severance Tax Bonds 170
171	Pecos Independent School District	District-wide plan, design, construct, equip, purchase, and install a security camera system, including infrastructure, for the inclusive campus	\$10,000			Severance Tax Bonds 171
172	Rio Rancho Public School District	District-wide purchase and install information technology, including related equipment, furniture and infrastructure, to support the implementation of the partnership for assessment of readiness for college and careers	\$365,000			Severance Tax Bonds 172
173	V. Sue Cleveland High School	construct parking facilities to address emergency and safety concerns in the student parking areas	\$100,000			Severance Tax Bonds 173
174	V. Sue Cleveland High School	construct parking facilities to address safety concerns and emergency access and egress in the visitor parking areas	\$88,000			Severance Tax Bonds 174
175	Roswell Independent School District	East Grand Plains Elementary School plan, design, construct, purchase, and install playground improvements and equipment	\$100,000			Severance Tax Bonds 175
176	Santa Fe Public School District	<del>Academy at Larragoite</del> <del>purchase and install a marquee</del>		\$10,000		<del>Severance Tax Bonds</del> 176

**TABLE 4**

**PUBLIC SCHOOL CAPITAL OUTLAY**

**51st LEGISLATURE, 1st SESSION, 2012**

All Appropriations to the Public Education Department (PED) Unless Other Agencies as Noted \*

~~strikethrough~~ indicates Executive veto

**CS/S 60 and CS/H 337, with emergency clause (Laws 2013, Ch. 226 [partial veto])**

**DIRECT APPROPRIATIONS TO DISTRICTS**

School District	School	Project	Amount	Vetoed Amount	*Other Agency	Fund
177 CONTINUED: Santa Fe Public School District	Agua Fria Elementary School	purchase and install information technology and smart boards, including related equipment, furniture and infrastructure	\$40,000			Severance Tax Bonds 177
178	<del>Capshaw Middle School</del>	<del>purchase and install a marquee</del>		<del>\$10,000</del>		<del>Severance Tax Bonds</del> 178
179	El Dorado Elementary School	purchase, repair, replace, and install perimeter fencing for the playground	\$50,000			Severance Tax Bonds 179
180	El Dorado Elementary School	plan, design, renovate, and construct roofs	\$100,000			Severance Tax Bonds 180
181	Ramirez Thomas Elementary School	purchase and install a public address system	\$30,000			Severance Tax Bonds 181
182	Wood Gormley Elementary School	plan, design, renovate, purchase, and install a fire security system	\$57,000			Severance Tax Bonds 182
183 West Las Vegas Public School District	District-wide	purchase and equip an activity bus	\$140,000			Severance Tax Bonds 183
<b>Direct Appropriations to Districts</b>			<b>\$10,326,968</b>			
<b>Executive vetoes</b>				<b>(\$402,500)</b>		
<b>Total Direct Appropriations to Districts after Executive Action</b>			<b>\$9,924,468</b>			

**TABLE 4**  
**Public School Capital Outlay**  
**51<sup>st</sup> Legislature, 1<sup>st</sup> Session, 2013**  
**SFC/SB 60 and HTRC/HB 337 with emergency clause (Laws 2013, Ch. 226 [partial veto])**

**SELECTED LANGUAGE**

SECTION 1. SHORT TITLE.--This act may be cited as the "2013 Work New Mexico Act".

SECTION 2. 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 the 2013 Work New Mexico 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 the 2013 Work New Mexico Act.
- B. The agencies named in the 2013 Work New Mexico 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 that 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 2015, 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 as 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 2017; and
- (2) all remaining balances from the proceeds of severance tax bonds appropriated for a project in the 2013 Work New Mexico 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 5  
PUBLIC SCHOOL CAPITAL OUTLAY REAUTHORIZATIONS  
51st Legislature, 1st Session, 2013**

*CS/H 353, with emergency clause (Laws 2013, Ch. 202 [partial veto])						
District/Agency Affected	School Affected	Original Purpose	Reauthorized Purpose	Amount	Fund	
1 Public Education Department	San Miguel Elementary School (GISD)	<ul style="list-style-type: none"> <li>• 2008 - to plan, design, construct, and equip a county multipurpose sports complex, including an indoor swimming pool in San Miguel in Doña Ana County;</li> <li>• 2009 - to acquire property to construct and equip improvements including land and buildings to a multipurpose complex and center in San Miguel in Doña Ana County;</li> <li>• 2011 - to renovate the school for use by GISD in Doña Ana County.</li> </ul>	to renovate the school for use by the Gadsden Independent School District in Doña Ana County, extended through FY 15.	\$5,000	GF	1
2 Public Education Department	San Miguel Elementary School (GISD)	<ul style="list-style-type: none"> <li>• 2008 – master plan, including landscaping, drainage, lighting and sidewalks, for San Miguel in Doña Ana County;</li> <li>• 2009 – to acquire property for and construct and equip improvements, including land and buildings, to a multipurpose complex and center in San Miguel;</li> <li>• 2011 – to renovate the San Miguel Elementary School for use by the Gadsden Independent School District in Doña Ana County.</li> </ul>	to renovate the San Miguel Elementary School for use by the Gadsden Independent School District in Doña Ana County, extended through FY 15.	\$10,000	GF	2
3 New Mexico School for the Deaf	New Mexico School for the Deaf	<ul style="list-style-type: none"> <li>• 2009 - to address critical deficiencies such as: asbestos abatement, mold remediation, and other renovations.</li> </ul>	to address critical deficiencies such as: asbestos abatement, mold remediation, and other renovations, extended through FY 15.	\$2,500,000	STB	3
4 Public Education Department	Academy for Technology and the Classics Charter School (SFPS)	<ul style="list-style-type: none"> <li>• 2007 – \$225,000 to plan, design, and construct interior and exterior renovation and improvements to El Museo Cultural's facility in Santa Fe;</li> <li>• 2011 – to construct and equip a kitchen and cafeteria at the Academy for Technology and the Classics Charter School in Santa Fe Public School District.</li> </ul>	to purchase, expand and renovate the charter school facility, extended through FY 15.	\$95,000	GF	4
5 <b>Legend:</b>			<b>TOTAL GENERAL FUND</b>	<b>\$110,000</b>	<b>GF</b>	5
6 <i>STB - Severance Tax Bonds</i>			<b>TOTAL SEVERANCE TAX BONDS</b>	<b>\$2,500,000</b>	<b>STB</b>	6
7 <i>GF - General Fund</i>			<b>TOTAL REAUTHORIZATIONS</b>	<b>\$2,610,000</b>		7

**TABLE 5**

**SELECTED PUBLIC SCHOOL CAPITAL OUTLAY PROJECT REAUTHORIZATIONS  
LANGUAGE  
51<sup>st</sup> Legislature, 1<sup>st</sup> Session, 2013**

**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.

B. Except as provided in Subsection C of this section, the balance of an appropriation made from the general fund or other state fund shall revert pursuant to Subsection A of this section to the originating fund.

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**  
**51<sup>ST</sup> LEGISLATURE, 1<sup>ST</sup> REGULAR SESSION, 2013**

**HOUSE BILLS IN GENERAL**

- \*H 1**      **FEED BILL [SGND (Jan. 18) Ch. 1]**, *Rep. Miera* — appropriates funds to pay the expenses of the legislative session and other legislative activities, including the Legislative Education Study Committee (LESC).
- H 2**      **GENERAL APPROPRIATION ACT OF 2013 [SGND (Apr. 5) Ch. 227 (partial**  
**CS/H 2a**      **veto)]**, *Rep. Saavedra* — appropriates approximately \$2.57 billion from the General Fund for public school support and related recurring appropriations, as well as \$33.4 million in nonrecurring appropriations generally from a separate account of the appropriation contingency fund dedicated for the purposes of implementing and maintaining educational reforms (Education Lockbox); among its recurring provisions, the bill provides funding for an average 1.0 percent compensation increase for all school personnel, including school transportation employees; provides an additional \$21.4 million for fixed costs and insurance costs to be provided through the state equalization guarantee distribution; includes \$14.95 million for the prekindergarten program; includes \$15.95 million for K-3 Plus program; allocates \$11.5 million for an early reading initiative; and includes \$10.0 million as a supplemental distribution to fund special education maintenance of effort requirements for FY 14; in nonrecurring appropriations, funds \$15.4 million to special education maintenance of effort requirements for FY 13; makes an additional \$36.0 million available for special education maintenance of effort requirements in FY 13 and FY 14 to be transferred out of the FY 14 state equalization guarantee distribution, if deemed necessary; and provides funding for: the transition to Common Core, emergency support to districts experiencing shortfalls, a new teacher and school leader evaluation system, infrastructure in preparation of the Partnership for Assessment of Readiness for College and Career (PARCC), and providing stipends to Level 2 and Level 3 teachers and school leaders to move from schools with A or B school grades to schools with D or F school grades. (CS/H 2, 3, 4, 5 & 6)
- H 51**      **SUMMER SCHOOL ELECTIVE CIVICS CLASSES [POCKET VETO]**,  
*Rep. Stapleton* — ~~amends the Public School Code to allow summer civics classes to be offered as electives.~~
- H 53**      **TEACHER LOAN REPAYMENT ACT [SGND (Apr. 4) Ch. 177]**, *Rep. Stapleton* — creates the Teacher Loan Repayment Act; creates the Teacher Loan Repayment Fund; and appropriates money in the Teacher Loan Repayment Fund to the Higher Education Department for making loan repayment awards pursuant to the act.
- H 54a**      **SCHOOL BOARD CYBERBULLYING PREVENTION [SGND (Apr. 4) Ch. 178]**,  
*Rep. Stapleton* — amends the Public School Code to require local school boards to promulgate policies to prevent cyberbullying, and to take appropriate disciplinary action when a case of cyberbullying is confirmed which may include counseling and mediation.

- H 62  
CS/H 62a      **ELECTRONIC PROFESSIONAL LICENSE RENEWAL [SGND (Mar. 25) Ch. 30]**,  
*Rep. Herrell* — amends and adds a section of the Uniform Electronic Transactions Act to allow agencies to provide a manner for applicants to satisfy by electronic means all agency requirements relating to certifications, permits, registrations and licenses to electronically obtain, review, reactivate, and reinstate certifications, permits, registrations, and licenses. (May affect public schools)
- H 93a      **CAMPAIGN FUND TRANSACTION RECORDING [SGND (Mar. 28) Ch. 53]**,  
*Rep. Cote* — amends the Campaign Reporting Act to authorize the expenditure of campaign funds by additional means that automatically record transactions. (May affect the Public Education Commission) [Identical to S 88a]
- H 104a      **EXPAND REASONS FOR AMBER ALERT [SGND (Mar. 28) Ch. 51]**, *Rep. Fajardo*  
— amends the AMBER Alert Law to declare an AMBER alert if a child under the age of 18 has been abducted and is in imminent danger of serious bodily harm or death. (May affect public schools)
- H 112  
CS/H 112      **DATA IN SCHOOL ACCOUNTABILITY REPORTS [SGND (Apr. 5) Ch. 196]**,  
*Rep. Powdrell-Culbert* — amends state law to require public school and public postsecondary educational institution accountability reports to include student achievement disaggregated by gender, ethnicity, race, and other certain factors.
- H 133  
CS/H 133  
CS/CS/H 133a      **DISCLOSURE OF CONTRIBUTIONS BY CONTRACTORS [VETOED (Apr. 5)]**,  
*Rep. Chasey* — ~~creates an act to require prospective contractors to register with the General Services Department; requires disclosure and allows exclusions of certain contributions by prospective state and local contractors; defines political purpose; prohibits certain contributions during the pendency of the procurement process; provides for online access of disclosure statements and registration information on the Sunshine Portal; and becomes effective March 15, 2014.~~
- H 173a      **UNIFORM CHILD ABDUCTION PREVENTION ACT [SGND (Apr. 3) Ch. 156]**,  
*Rep. Stewart* — creates the Uniform Child Abduction Prevention Act; and provides for petitions for and issuance of child abduction prevention orders. (May affect public schools)
- H 180a      **MILITARY & SPOUSES PROFESSIONAL LICENSURE [SGND (Mar. 26) Ch. 33]**,  
*Rep. R. Martinez* — creates a new section of the Uniform Licensing Act to allow expedited occupational and professional licensing of military service members on active duty or in an active reserve component of the armed forces, spouses of military service members, and veterans who are licensed in another jurisdiction and have met the minimal licensing requirements in New Mexico. (May affect public schools) [Similar to S 258aa, which was Pocket Vetoes]
- H 192      **SCHOOL PROGRAM UNITS FOR CERTAIN PERSONNEL [VETOED (Mar. 29)]**,  
*Rep. C.H. Trujillo* — ~~amends the Public School Finance Act to provide program units for licensed school employees certified by the National Board for Professional Teaching Standards.~~

- H 216  
CS/H 216a      **FAIR PAY FOR WOMEN ACT [SGND (Mar. 14) Ch. 12]**, *Rep. Egolf* — creates the Fair Pay for Women Act; prohibits wage discrimination based on an employee’s sex; prohibits retaliation for asserting a claim pursuant to the Fair Pay for Women Act; provides that an action arising under the act shall be brought no later than two years from the last date of the employee’s employment; provides grievance procedures; and provides penalties, including triple damages. (May affect public schools)
- H 219  
CS/H 219      **ADEQUATE ELECTION DAY POLLING PLACE STAFF [SGND (Apr. 5) Ch. 189]**, *Rep. Cote* — amends state law to require adequate resources in polling locations for consolidated precincts to avoid delays on election day. (May affect school boards and the Public Education Commission)
- H 232  
CS/H 232a      **SCHOOL DISTRICT CAMPAIGN REPORTING ACT [SGND (Apr. 4) Ch. 180]**, *Rep. Smith/Sen. Candelaria* — creates the School District Campaign Reporting Act; prescribes report content requirements; requires timely reporting of certain campaign contributions and expenditures; provides for compliance proceedings and penalties for late filing and failure to file; and provides for civil penalties and criminal enforcement.
- H 247a      **MILITARY WAR VETERAN SCHOLARSHIP FUND [SGND (Mar. 26) Ch. 34]**, *Rep. Dodge* — adds a new section of state law to create the Military War Veteran Scholarship Fund to be administered by the Higher Education Department. (For the Military and Veterans’ Affairs Committee)
- H 282a      **ALBUQUERQUE ISOTOPES LICENSE PLATE [POCKET VETO]**, *Rep. Maestas* — ~~creates a new section of the Motor Vehicle Code to create a special registration plate that reflects support for the Albuquerque Isotopes baseball team; appropriates \$10 of the additional fee to the Department of Motor Vehicles to defray production and distribution costs; and appropriates the remaining \$25 of the additional fee to the Public Education Department to fund middle and high school athletics and activities, effective July 1, 2014.~~
- H 300a      **SCHOOL EXCUSED ABSENCES FOR PREGNANCY [SGND (Apr. 5) Ch. 198]**, *Rep. D.Y. Gallegos* — creates a new section of the Public School Code to require school districts and charter schools to establish policies that provide at least 10 days of excused absences for a student who provides documentation of a birth of a child; provides four days per semester of excused absences for a parenting student to care for the student’s child who is under the age of 13; provides excused absences for any additional days missed by a pregnant or parenting student if a longer period of absence is deemed medically necessary by the student’s physician; requires students to be granted time for make-up homework; and requires distribution of policies to all secondary education students. [Similar to S 382a, which was Pocket Vetoed]
- H 304  
CS/H 304a      **HUMAN TRAFFICKING CIVIL REMEDIES & SERVICES [SGND (Apr. 5) Ch. 200]**, *Rep. Chasey* — adds a new section and amends multiple sections of law to provide for civil remedies and certain state benefits and services for human trafficking victims. (May affect public schools)

- H 310  
\*CS/H 310a      **K-3 PROGRAM ELIGIBILITY [SGND (Apr. 4) Ch. 175]**, *Rep. Stewart/Sen. Soules* — amends the Public School Code to lower the eligibility rate for the K-3 Plus program to 80 percent from 85 percent for those public schools in which students are eligible for free or reduced-fee lunch at the time the public school applies for the program, or an elementary school with a D or F school grade the previous year; uses 15<sup>th</sup> day enrollment data for funding; clarifies notice of application deadlines; measures progress through Public Education Department-approved summative and formative assessments; and adds an emergency clause.
- H 327      **PHYSICAL EDUCATION CREDIT HOURS FOR FUNDING [POCKET VETO]**, *Rep. Egolf/Sen. Griego* — ~~amends the Community College Act to require the Higher Education Department to include all physical education student credit hours for purposes of determining funding for community colleges and branch community colleges that provide physical education.~~
- H 343      **HEALTH GROUP BENEFITS FOR NONPROFITS [POCKET VETO]**, *Rep. Dodge* — ~~amends a section of the Group Benefits Act to provide for participation by eligible nonprofit entities; and defines an “eligible nonprofit entity.” (May affect public schools)~~
- H 374a      **SAFE HAVEN FOR INFANTS SITE DEFINITION [SGND (Mar. 15) Ch. 20]**, *Rep. Kane* — amends the Safe Haven for Infants Act and defines a “safe haven site” as a hospital, law enforcement agency, or fire station that has authorized staff on site at the time an infant is left at such a site.
- H 392a      **PUBLIC EDUCATION COMMISSION AS INDEPENDENT [VETOED (Apr. 5)]**, *Rep. M.H. Garcia* — ~~amends the Public Education Department Act to establish the Public Education Commission (PEC) as an independent entity and remove its administrative attachment to the Public Education Department (PED); provides for PEC rulemaking authority and staff; allows a charter applicant denied by a local school board to appeal to the PEC and allows an applicant denied by the PEC to appeal to district court; and transfers \$375,000 of the program cost for administrative support of charter schools from PED to the PEC.~~
- H 460  
CS/H 460  
CS/CS/H 460      **SCHOOL MANAGEMENT CONTRACTS & CHARTER BOARDS [VETOED Mar. 29]**, *Rep. Stewart/Sen. Keller* — ~~creates a new section of the Public School Code to clarify that the Public Education Department, school districts, and charter schools shall not contract with private entities to manage or administer a public school or school district or its educational program; and clarifies that applicants for charters and members of governing boards of charter schools must be New Mexico residents.~~
- H 462a      **SCHOOL DISTRICT SOLVENCY FLEXIBILITY [SGND (Apr. 5) Ch. 187]**, *Rep. D.M. Gallegos* — amends the Public School Code to provide flexibility waivers for school year 2013-2014 for school districts to meet increased state educational requirements; requires the Public Education Department to monitor such waivers; and requires the Secretary of Public Education to report to the LESC and Legislative Finance Committee on any issues or actions of a school district that appear to adversely affect student learning. [Similar to S 464]

- H 481a  
CS/H 481     **EVIDENCE OF TEACHER COMPETENCY [VETOED (Mar. 29)]**, *Rep. Stapleton* — amends the School Personnel Act to require evidence of teacher competency for advancement in the Three-tier Licensure System and defines competency requirements.
- H 493     **GEOSPATIAL DATA CLEARINGHOUSE AT UNM [SGND (Mar. 15) Ch. 18]**, *Rep. Easley* — creates an act to designate the State Digital Geospatial Data Clearinghouse at the University of New Mexico.
- \*H 513  
CS/H 513     **CERTAIN SCHOOL TESTS AS COMPETENCE [VETOED (Mar. 29)]**, *Rep. Stewart* — amends the Public School Code to allow end-of-course, ACT, or SAT assessments to serve as demonstrated competence in required subjects for a high school diploma beginning with school year 2014-2015 and requires the Public Education Department to develop alternative assessments for special education students.
- H 522a     **CHARTER SCHOOLS FEDERAL GRANT REQUIREMENTS [POCKET VETO]**, *Rep. Stewart* — amends the Charter Schools Act to require charter schools to verify to their chartering authorities that they are meeting federal grant compliance requirements.
- H 540a     **POLICE ATHLETIC LEAGUE LICENSE PLATE [POCKET VETO]**, *Rep. Miera* — adds a new section of the Motor Vehicle Code to create a special registration plate that reflects support for the New Mexico Sheriff and Police Athletic League; and appropriates \$25 of the additional fee to the Children, Youth and Families Department to fund recreational and educational programs and equipment for at risk children in New Mexico effective January 1, 2014.
- H 541     **TEACHER LANGUAGE PROFICIENCY & COUNCIL [POCKET VETO]**, *Rep. Miera* — creates a new section of the Bilingual and Multicultural Education Act to establish a seal to denote proficiency in two or more languages; and creates the Bilingual Education Advisory Council, comprising 12 members who are proficient in one or more languages other than English.
- H 542a     **COMMUNITY SCHOOLS ACT [SGND (Mar. 15) Ch. 16]**, *Rep. Miera* — adds a new section of the Public School Code to create the Community Schools Act to provide a strategy to organize, coordinate, and leverage community resources to ensure student success; and provides that a school district shall bear any administrative costs associated with the establishment and implementation of a community school within the school district. [Related to HJM 38]
- \*H 546a     **COMPILATION OF CERTAIN AMENDMENTS INTO LAW [SGND (Apr. 4) Ch. 176]**, *Rep. K. Martinez/Sen. M. Sanchez* — amends state law to provide for the compilation of multiple amendments to the same section of any earlier signed act of law when their provisions are deemed reconcilable and adds an emergency clause.
- H 562     **CREATE TECHNOLOGY RESEARCH COLLABORATIVE [SGND (Apr. 2) Ch. 130]**, *Rep. Garcia Richard* — creates the Technology Research Collaborative and provides for an 11-member board that, among other duties, will prepare annual reports to the Legislature on the expenditures and progress of the collaborative.

H 570  
CS/H 570      **SEX OFFENDER TIERS, REGISTRATION & INFO [SGND (Apr. 3) Ch. 152]**,  
*Rep. Maestas* — amends multiple sections of the Sex Offender Registration and Notification Act to: require additional information; require sex offenders to register and update information within five business days; provide for verification of registration; provide for electronic updates; include additional offenders on the sex offender Internet website; require that certain crimes be committed with sexual intent before they are deemed a sex offense; provide for information to be available on the sex offender Internet website; reiterate state preemption of the field of sex offender registration by prohibiting law enforcement from requiring additional registration or from imposing other restrictions; and provides definitions. (May affect public schools)

H 623a      **SCHOOL COUNSELOR LEVEL 3 LICENSURE [POCKET VETO]**,  
*Rep. C.H. Trujillo* — ~~amends the School Personnel Act to clarify that counselors are eligible for Level 3 licensure salaries; and provides that the minimum salary for a counselor who holds the highest ranked counselor license shall be the same as provided to Level 3-A teachers.~~

### HOUSE BILLS AFFECTING CAPITAL OUTLAY

H 273      **PUBLIC SCHOOL CAPITAL OUTLAY LEASE PAYMENTS [VETOED (Mar. 14)]**, *Rep. Stapleton* — ~~amends the Public School Capital Outlay Act to make the adjustment for lease payments optional based upon the consumer price index. (For the Public School Capital Outlay Oversight Task Force and the LESC)~~

\*H 353  
\*CS/H 353      **CAPITAL OUTLAY PROJECT REAUTHORIZATIONS [SGND (Apr. 5) Ch. 202 (partial veto)]**, *Rep. J. Trujillo* — creates an act to reauthorize or re-appropriate balances from the General Fund, other funds or Severance Tax Bonds, expand or change purposes; extend expenditure periods; change agencies and establish conditions for the reversion of unexpended balances of certain appropriations made by the Legislature in prior years. (May affect public schools)

### HOUSE BILLS AFFECTING REVENUE

H 37a      **ANNUAL DELINQUENT PROPERTY TAX SALES [SGND (Apr. 3) Ch. 155]**,  
*Rep. R. Martinez* — amends state law to require the Taxation and Revenue Department (TRD) after January 1, 2014 to annually offer for sale in each county at least one real property listed on that county's delinquent tax property list, unless the Director of the Property Tax Division for TRD and the County Treasurer enter into a written agreement to postpone the delinquent property tax sale; requires that copies of the agreement be sent to the TRD Secretary and the Department of Finance and Administration Secretary; and requires the agreement to state the reason for the postponement and the proposed remedy that will allow TRD to conduct the sale in the future.

H 120      **LOCOMOTIVE FUEL GROSS RECEIPTS [SGND (Apr. 2) Ch. 123]**,  
*Rep. Lundstrom* — amends the Gross Receipts and Compensating Tax Act to expand the deduction for locomotive fuel from gross receipts and from compensating tax. (May affect public schools)

- H 172**      **LIMIT TAX CREDIT PAID TO ANOTHER STATE [SGND (Apr. 4) Ch. 179]**, *Rep. J. Trujillo* — amends the Income Tax Act to limit the tax credit paid to another state to the amount of tax liability in New Mexico. (May affect public schools)
- H 299a**      **TAX ADMINISTRATION ACT CHANGES [SGND (Mar. 21) Ch. 27]**, *Rep. Taylor* — amends the Tax Administration Act to extend deadlines; to allow interest to apply to longer periods; to allow the Secretary of Taxation and Revenue to abate certain assessments of taxes protested; and to provide for equitable recoupment of taxes paid. (May affect public schools)
- \*H 315a**      **TAX PAYMENT & MANUFACTURER GROSS RECEIPTS [SGND (Apr. 1) Ch. 87]**, *Rep. Strickler* — amends the Gross Receipts and Compensating Tax Act to provide for special agreements to allow payment of taxes by a person other than the taxpayer.
- H 593**      **COUNTY HIGHER ED FACILITY PROPERTY TAX [VETOED (Mar. 13)]**, *Rep. N. Salazar* — ~~creates a new section of the Property Tax Code to authorize counties with a population between 40,000 and 45,000 to impose up to a 1.5 mill property tax levy for county four year higher education facilities.~~
- H 628**      **SPECIAL EDUCATION FUNDING [SGND (Apr. 5) Ch. 191]**, *Rep. K. Martinez* —  
**\*CS/H 628**      appropriates up to \$16.0 million from the Operating Reserve to the Public Education Department (PED) in FY 13, and up to \$20.0 million in FY 14, for Special Education Maintenance of Effort (MOE) if other appropriations are insufficient or the State’s proposal to the US Department of Education for funding is denied; requires PED to certify to the State Board of Finance (SBOF) that MOE funding is insufficient; and requires PED to review its certification to SBOF with the LESC and the Legislative Finance Committee.

### HOUSE CONCURRENT RESOLUTIONS

- HCR 1**      **DISCLOSURE OF LEGISLATIVE INFORMATION**, *Rep. Bratton* — adopts Legislative Joint Rule 12-1 regarding the disclosure of legislative information, and orders the directors of the LESC and the Legislative Finance Committee, the chief clerks of the House and Senate, and their respective employees, to cooperate with the Legislative Council Service to ensure that requests under the Inspection of Public Records Act are fulfilled in compliance with the act.

### HOUSE JOINT MEMORIALS

- HJM 1**      **NM SPEECH-LANGUAGE & HEARING ASSOCIATION DAY**, *Rep. Stapleton* — proclaims March 1, 2013 as “New Mexico Speech-Language and Hearing Association Day” at the House of Representatives.
- HJM 2**      **“BETTER HEARING & SPEECH MONTH,”** *Rep. Stapleton* — requests that the Governor designate the month of May as “Better Hearing and Speech Month.”
- HJM 3**      **USE APPROVAL AGENCIES FOR VETERANS’ BILLS**, *Rep. Hamilton* — requests that the New Mexico Congressional Delegation utilize the New Mexico State Approving Agency and the National Association of State Approving Agencies when legislation is

being considered by congress that could affect education benefits for New Mexico veterans. (For the Military and Veterans' Affairs Committee)

- HJM 30**      **STUDY USES OF STANDARDIZED TEST SCORES**, *Rep. Stewart* — requests that the LESC convene a work group to study the validity of using standardized test scores for purposes other than those for which the test was designed – principally for teacher and school administrator effectiveness and school grading – and report to the LESC by October 1, 2013.
- HJM 38**      **“COMMUNITY SCHOOLS DAY,”** *Rep. Maestas* — proclaims February 13, 2013 to be “Community Schools Day” at the Legislature. [Related to H 542a]
- HJM 39**      **PRESIDENTIAL YOUTH COUNCIL**, *Rep. Maestas* — proclaims support by the New Mexico Legislature for the formation of a Presidential Youth Council.

### HOUSE JOINT RESOLUTION

- HJR 2a**      **SCHOOL ELECTION TIMING, CA [SGND (C.A. 1)]**, *Rep. Smith/Sen. Ivey-Soto* — proposes to amend Article 7, Section 1 of the Constitution of New Mexico to provide that school elections shall be held at different times from partisan elections.

### HOUSE MEMORIALS

- HM 34**      **UNM SCHOOL OF LAW NATIVE AMERICAN PROGRAMS**, *Rep. Louis* — requests a review and study of the commitment to and support of the University of New Mexico (UNM) for the Native American programs at the UNM School of Law; and requests that the Board of Regents of UNM, the President, and the Dean of the School of Law formulate recommendations on how to maximize the impact on the Native American community, both statewide and nationally, of the Law and Indigenous Peoples Program, the Southwest Indian Law Clinic, the Tribal Law Journal, and the Native American Law Students Association.
- HM 41**      **HISPANIC & NATIVE AMERICAN JOB SKILL STUDY**, *Rep. Roybal Caballero* — requests that the Secretary of Workforce Solutions conduct a study on how to provide assistance to Hispanics and Native Americans who seek to gain the skills and education needed to join the workforce and present the results of the study, including recommendations and findings, to the appropriate interim legislative committee by November 1, 2013.
- HM 43**      **NAVAJO NATION BISTATE CHARTER SCHOOL STUDY**, *Rep. Lundstrom* — requests that the Indian Education Division of the Public Education Department and the Indian Affairs Department study the feasibility of a bi-state charter school in the Red Lake Chapter of the Navajo Nation and develop a report with findings and recommendations to present to the Governor, the LESC, and appropriate legislative committee by December 2013.
- HM 45**      **ALIGN EDUCATION WITH AVAILABLE EMPLOYMENT**, *Rep. McCamley* — requests that the Economic Development Department, the Workforce Solutions Department, the Public Education Department, the Bureau of Business and Economic

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Research at the University of New Mexico, and the Arrowhead Center at New Mexico State University, to coordinate efforts to align the education and training provided to New Mexico students to the types of employment available in the state.

- HM 94a**      **IDENTIFY TRIBAL COLLEGE EXCLUSIONS**, *Rep. Clahchischilliage* — requests that the Higher Education Department examine state programs, including the Legislative Lottery Scholarship Program, policies and procedures, and accompanying budget and funding processes, identify where tribal colleges are excluded and submit a final report to the interim Indian Affairs Committee and the LESC 90 days before the 2014 legislative session.
- HM 97**      **SANTA FE INDIAN SCHOOL IN FUNDING PROCESS**, *Rep. Jeff* — requests that the Public School Capital Outlay Council, in cooperation with representatives from the LESC, the Legislative Finance Committee, the Public Education Department, and the Department of Finance and Administration, establish a work group to study the feasibility of including the Santa Fe Indian School in the Public School Capital Outlay standards-based funding process and report the results of its study to the Legislature and the Governor prior to the beginning of the 2014 legislative session.

**SENATE BILLS IN GENERAL**

- S 12a  
CS/S 12a      **NMFA CHANGES [VETOED (Apr. 5)]**, *Sen. Keller/Rep. White* — amends the New Mexico Finance Authority Act to: ~~change the composition of the membership and set a quorum at six members of the New Mexico Finance Authority (NMFA); provide for replacement of members, orientation of new members, and election of the Chair and Vice Chair of the NMFA; specify regulations about NMFA meetings; establish an audit committee from among its membership who will attend the entrance and exit conferences for annual and special audits and meet monthly with the certified public accounting firm performing the audit; require the approval of an annual audit report after it has been released by the State Auditor and become a matter of the public record in an open meeting of the NMFA; impose restrictions and duties on NMFA members; require members to have 10 years experience in specific areas; and specify the transition of membership for the NMFA.~~
- S 16a      **PUBLIC CAMPAIGN FINANCING CHANGES [VETOED (Apr. 5)]**, *Sen. Wirth* — amends, repeals, and enacts sections of the Voter Action Act to remove seed money requirements; changes distribution and matching fund amounts; limits total contributions from a qualified elector to \$100 per election cycle; and clarifies penalty provisions. (For the Courts, Corrections and Justice Committee) (May affect school boards and the Public Education Commission)
- S 24a      **LOCAL GOV'T INVESTMENT POOL [SGND (Mar. 29) Ch. 65]**, *Sen. Munoz* — amends multiple sections of law to clarify authorized investments of the State Treasurer; changes the name of the Participating Government Investment Fund to the Local Government Investment Pool; reinstates the requirement that the State Treasurer have the short-term investment portion of the Local Government Investment Pool rated by a nationally recognized statistical rating organization at the direction of the State Board of Finance; and provides that deposits made by the State Treasurer on behalf of the General Fund and bond proceeds investment pools shall in aggregate be no more than 35 percent of the total amount in the Local Government Investment Pool at any time. (For the Investments and Pensions Oversight Committee)
- S 39      **COLLEGE DISTRICT BONDS FOR HARD & SOFTWARE [SGND (Mar. 26) Ch. 37]**, *Sen. Rue* — amends the College District Tax Act to allow for the expenditure of bond proceeds to purchase and install computer hardware and software with a useful life equal to or exceeding the maturity of the bonds.
- \*S 41a      **BACKGROUND CHECKS FOR CYFD PLACEMENTS [SGND (Mar. 28) Ch. 50]**, *Sen. Rue* — creates a new section of the Children's Code to allow the Children, Youth and Families Department to conduct federal criminal history record checks of each adult residing in the home of a child placed there due to the absence of his or her parents or custodians; and provides that the child may be removed from the home immediately if any adult resident fails to provide fingerprints or written permission to perform a federal criminal history record check when requested to do so. (May affect public schools)

- S 43  
CS/S 43a      **REQUIRE HEALTH SERVICES FOR PREGNANT WOMEN [POCKET VETO]**,  
*Sen. Lopez* — ~~creates a new section of the Public Health Act to require certain healthcare providers that provide substance abuse treatment to provide treatment to pregnant women at the earliest reasonable opportunity after the pregnant woman requests or is referred to substance abuse treatment; requires a healthcare provider that is not able to offer timely substance abuse treatment to a pregnant woman to assist her in finding appropriate treatment; and defines the term “health care provider that provides substance abuse treatment.” (May affect public schools)~~
- S 58            **REPORTS TO IMMUNIZATION REGISTRY [SGND (Apr. 1) Ch. 93]**, *Sen. Beffort*  
— amends the Immunization Act to require healthcare providers to report immunization to the immunization registry unless the patient or a minor’s guardian refuses to allow reporting. (May affect public schools)
- S 79  
CS/S 79      **ELECTRONIC PROFESSIONAL LICENSE RENEWAL [SGND (Mar. 29) Ch. 68]**,  
*Sen. Rue* — creates a new section of the Uniform Electronic Transactions Act to allow agencies to provide a manner for applicants to electronically obtain, renew, reactivate, and reinstate professional and occupational certifications, permits, registrations, and licenses. (May affect public schools)
- S 90a          **LOCAL GOVERNMENT CAMPAIGN REPORTING ACT [POCKET VETO]**,  
*Sen. Padilla* — ~~creates the Local Government Campaign Reporting Act to require timely reporting of campaign contributions and expenditures of \$200 or more; applies to candidates for a school board, the board of a two-year public postsecondary institution or a school district with an enrollment of 12,000 students or more; and provides penalties for late filing or failure to file reports.~~
- S 113  
CS/S 113  
CS/CS/S 113a      **TOBACCO FUND FOR CYFD PROGRAMS [SGND (Apr. 5) Ch. 228 (partial veto)]**,  
*Sen. Smith* — amends state law and creates a new section of the Tax Administration Act to distribute 25 percent of the total funds distributed to the Tobacco Settlement Permanent Fund to the Lottery Tuition Fund in FY 14; makes a distribution from the Tobacco Settlement Permanent Fund to the Tobacco Settlement Program Fund for appropriation for early childhood care and education programs administered by the Children, Youth and Families Department (CYFD); and appropriates \$9.75 million from the Tobacco Settlement Program Fund to CYFD for expenditure in FY 14 for direct services provided by early childhood care and education programs, effective July 1, 2013. (CS/S 113 & 392)
- S 114a        **LEGISLATIVE RETIREMENT QUALIFICATION [VETOED (Apr. 5)]**, *Sen. Ingle*  
— ~~enacts legislation to provide a limited opportunity to make contributions for the purpose of qualifying for certain pensions under State Legislator Member Coverage Plan 1 and Plan 2; and increases contribution amounts.~~
- S 147a  
CS/S 147a      **EDUCATION TECHNOLOGY DEFINITIONS [VETOED (Mar. 13)]**,  
*Sen. Candelaria* — ~~amends the definitions of “education technology” and “education technology equipment” as those terms used in the Public School Code and sets a cap on educational technology expenditures.~~

- S 164**      **EQUALIZATION GUARANTEE AT SCHOOL FOR THE ARTS [SGND (Apr. 2) Ch. 108]**, *Sen. Rodriguez* — amends the New Mexico School for the Arts Act to allow the use of public funds, but prohibit the use of State Equalization Guarantee (SEG) distributions, for outreach activities and student room and board costs beginning with school year 2013-2014.
- S 181a**      **PROFESSIONAL LICENSURE STANDARDS & BOARDS [SGND (Apr. 2) Ch. 110]**, *Sen. Rue* — amends the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act to add a scope of practice for clinical fellows; increase board membership; conform state licensure to national standards; change renewal terms and increase license fees; and provide for bilingual-multicultural licensure endorsement. (May affect public schools)
- S 182**      **PROCUREMENT CODE CHANGES [SGND (Mar. 27) Ch. 40]**, *Sen. Rue/Rep. Varela* — amends the Procurement Code to exempt from the code procurements otherwise exempted under other law; require additional procedures for sole source and emergency procurement; restrict who may make emergency procurements; expand who may protest a procurement award; and increase penalties for violating the Procurement Code. (For the Legislative Finance Committee)
- S 183a**      **REPLACE GED TERMS WITH EQUIVALENCY DIPLOMA [POCKET VETO]**, *Sen. Kernan* — amends state law to replace the terms “General Education Diploma,” “General Educational Development Certificate,” and “GED” with the term “High School Equivalency Diploma.” (For the LESC)
- S 203a**      **JUVENILE DETENTION REQUIREMENTS [POCKET VETO]**, *Sen. Ortiz y Pino* — amends the Delinquency Act to modify detention requirements; requires notifications and time limits for detention hearings for persons taken into custody on juvenile warrants; requires a child held in custody to be segregated from adult offenders and kept in sight supervision on at least 15 minute intervals; provides that if the person is being held on an adult warrant or any adult charge, the procedures for holding detention hearings for adults shall be followed; and allows inspections. (May affect public schools)
- S 217**      **AUTHORITY FOR PUBLIC SECURITIES TERMS [VETOED (Apr. 5)]**,  
**CS/S 217**      *Sen. Morales* — creates a new section of the Public Securities Act to provide for the delegation of authority by a local school board to the local superintendent to determine certain terms of public securities.
- S 231**      **SCHOOL DISTRICT & CHARTER SCHOOL INVESTMENTS [POCKET VETO]**,  
**CS/S 231a**      *Sen. Keller/Rep. Hall* — amends state law to allow school district and charter school employee designees to make investments of public money and make deposits with local qualified depositories.
- S 233**      **WORKERS’ COMP ATTORNEY FEES [SGND (Apr. 4) Ch. 168]**, *Sen. Sapien* — amends sections of the Workers’ Compensation Act and another section of state law to raise limits for attorney fees; and provides for a party who acts in bad faith in a legal action to pay 100 percent of the additional fees for the prevailing party.

- S 247a CHILDHOOD DEVELOPMENT SERVICES PROCUREMENT [SGND (Mar. 29) Ch. 71]**, *Sen. Beffort* — amends the Procurement Code to exempt from its provisions procurement by or through the Children, Youth and Families Department for services related to early childhood development.
- S 248 DRIVER EDUCATION INSTRUCTOR REQUIREMENTS [SGND (Apr. 5) Ch. 212]**, *Sen. C. Sanchez* — amends the Driving School Licensing Act to remove the requirement that a person hold a valid New Mexico operator’s or chauffeur’s license to qualify to be a driver education instructor. (May affect public schools)
- S 258a PROFESSIONAL LICENSES FOR MILITARY & SPOUSES [POCKET VETO]**, *Sen. Burt* — ~~creates a new section of the Uniform Licensing Act to allow expedited occupational and professional licensing of military service members, spouses or domestic partners of military service members, and veterans who are licensed in another jurisdiction and have met the minimal licensing requirements in New Mexico. (May affect public schools) [Similar to H 180aa, which passed]~~
- S 266 ARCHITECTURE MULTIPLE SOURCE CONTRACTS [SGND (Apr. 1) Ch. 99]**, *Sen. Griego* — amends the Procurement Code to increase the dollar amount limit of multiple source contracts for procurement of architectural or engineering services.
- S 275 WORKERS’ COMP CLEANUP [SGND (Apr. 3) Ch. 134]**, *Sen. Woods* — amends the Workers’ Compensation Act to define “extra-hazardous employer”; raises the minimum threshold for a mandatory safety visit; clarifies compensation benefits to beneficiaries; allows all parties to obtain a periodic examination of the worker from a healthcare provider of choice; replaces the Safety and Fraud Division in the Workers’ Compensation Administration (WCA) with an enforcement bureau; requires the WCA to serve the parties; removes the requirement that hearings on workers’ compensation claims be held in the county in which the injury occurred; and provides penalties. (May affect public schools)
- S 284a VALUATION OF RENEWABLE ENERGY EQUIPMENT [POCKET VETO]**, *Sen. Leavell* — ~~amends state law to add definitions of terms related to renewable energy; and through December 31, 2028, provides for valuation of renewable energy equipment that is subject to property taxation and that is used for the generation, transmission, or distribution of electric power or energy. (May affect public schools)~~
- S 285 LOCAL GOV’T HIGHER ED FACILITY PROPERTY TAX [POCKET VETO]**, *Sen. Martinez* — ~~creates a new section of the Property Tax Code to authorize certain counties to impose a property tax for county higher education facilities.~~
- S 294 CRIMINAL RECORD EXPUNGEMENT ACT [VETOED (Apr. 5)]**, *Sen. M. Sanchez* — ~~creates the Criminal Record Expungement Act; and provides for expungement of arrest records and public records in certain circumstances, including identity theft or wrongful arrest, indictment, or charge. (May affect public schools)~~
- S 297 EXPAND CHILDREN’S TRUST FUND FUNCTIONS [SGND (Mar. 21) Ch. 25]**, *Sen. Ortiz y Pino* — amends multiple sections of the Children’s Trust Fund Act to expand

the fund's purpose and functions; and increases the size of the Children's Trust Fund Board of Trustees.

- S 301** **NM SCHOLARS ACT SCHOLARSHIP ELIGIBILITY [SGND (Apr. 4) Ch. 171]**, *Sen. Brandt* — amends the New Mexico Scholars Act to increase from \$30,000 to \$60,000 per year the combined family income for eligibility for the New Mexico Scholars Act scholarships.
- S 302a** **HOME & CHARTER SCHOOL STUDENT PROGRAM UNITS [SGND (Apr. 2) Ch. 113]**, *Sen. Brandt* — creates a new section of the Public School Finance Act to allow home-schooled students to enroll in classes at public schools; provides for the calculation and distribution of program units; and applies to school year 2014-2015 and subsequent school years.
- S 307a** **PUBLIC RECORDS CHANGES [SGND (Apr. 5) Ch. 214]**, *Sen. Ivey-Soto* — amends multiple sections of state law to: add and remove the types of documents that must be notarized before being filed and recorded; remove a notice requirement of the expiration of a tax lien; require and standardize county recording indexes, forms and procedures; make governmental agencies subject to the Uniform Transactions Act; and repeal the requirement that county commission minutes be published in a newspaper. (May affect public schools)
- S 328** **MOTOR CARRIER QUALITY OF SERVICE STANDARDS [SGND (Mar. 29) Ch. 73]**, *Sen. Griego* — amends the Motor Carrier Act; modifies and expands definitions; provides for community quality of service standards; simplifies and clarifies administrative procedures; provides for additional Unfair Practices Act civil penalties; and provides for fees. (May affect public schools)
- CS/S 328**
- S 334a** **UNEMPLOYMENT FUND CONTRIBUTIONS & FORMULA [SGND (Apr. 3) Ch. 133]**, *Sen. Ingle* — amends multiple sections of the Unemployment Compensation Law to establish a temporary schedule for employer contributions to the Unemployment Compensation Fund; establishes a new formula for employer contributions to the Unemployment Compensation Fund; and provides for an excess claims premium.
- CS/S 334**
- S 349** **PUBLIC SERVICE ATTORNEY LOAN REPAYMENTS [SGND (Apr. 3) Ch. 147]**, *Sen. Wirth* — amends the Public Service Law Loan Repayment Act to raise the earnings cap under the Public Service Law Attorney Loan Repayment Program.
- \*S 353** **LOCAL GOV'T RECORD INDEXING & PROTECTION [SGND (Apr. 2) Ch. 117]**, *Sen. Morales* — amends the Inspection of Public Records Act to insert an internal reference regarding the sale of data. (May affect public schools)
- \*CS/S 353**
- S 365a** **HOME VISITING ACCOUNTABILITY ACT [SGND (Apr. 2) Ch. 118]**, *Sen. Sapien* — creates the Home Visiting Accountability Act to require the Children, Youth and Families Department (CYFD) to establish a home-visiting program and adopt and promulgate rules for the program; prescribes components of the program; and requires CYFD to submit annual outcomes reports to the Governor, the Legislature, and the Early Learning Advisory Council.

- S 370a SCHOOL RATING MODIFIED ASSESSMENT FORMULA [VETOED (Mar. 29)],**  
*Sen. M. Sanchez* — amends the A B C D F Schools Rating Act to add a modified assessment formula for Supplemental Accountability Model schools.
- S 371a NO SOCIAL MEDIA ACCESS FOR EMPLOYERS [SGND (Apr. 5) Ch. 222],**  
*Sen. Candelaria* — creates an act to prohibit prospective employers from requesting or requiring a prospective employee to provide a password to gain access to the prospective employee's social networking account; and does not prohibit federal, state or local government agencies or departments from conducting background checks as required by law. (May affect public schools)
- S 382a EXCUSED SCHOOL ABSENCES FOR PREGNANCY [POCKET VETO],**  
*Sen. Lopez/Rep. Miera* — creates a new section of the Public School Code to require school districts and charter schools to establish policies that provide four days of excused absences per semester, in addition to the number of allowed absences for all students, for pregnant and parenting students for documented pregnancies, for the documented birth of the student's child, and for absences of a parenting student to care for the student's child who is under the age of 13; provides excused absences for any additional days missed by a pregnant or parenting student for which a longer period of absence is deemed medically necessary by the student's physician; requires students to be granted time for make up homework; and requires distribution of policies to all secondary education students. [Similar to H 300a, which passed]
- S 416a RAISE MINIMUM WAGE [VETOED (Mar. 29)],** *Sen. Martinez* — amends the Minimum Wage Act to raise the state minimum wage to \$8.50 from \$7.50 an hour; and provides exceptions under certain conditions for employers who employ 10 or less employees, and trainee employees up to six months from their date of hire.
- S 422 NO COLLEGE REQUESTS FOR STUDENT SOCIAL MEDIA [SGND (Apr. 5)**  
**CS/S 422a Ch. 223],** *Sen. Candelaria* — creates an act to prohibit public and private institutions of postsecondary education from requesting or requiring a student, applicant, or potential applicant for admission to provide a password or access to the social networking account of the student or applicant for admission.
- S 443a GOVERNMENT PROCUREMENT REQUIREMENTS [SGND (Mar. 29) Ch. 70],**  
*Sen. Rue* — creates a new section of the Procurement Code to provide duties of state agencies, local public bodies, and the State Purchasing Agent; provides exemptions from the Procurement Code for certain purchases; revises small purchase amounts; defines "Chief Procurement Officer"; and establishes training requirements.
- S 464 SCHOOL DISTRICT SOLVENCY FLEXIBILITY [SGND (Apr. 5) Ch. 203],**  
*Sen. Kernan* — amends the Public School Code to provide flexibility waivers for school year 2013-2014 for school districts to meet state fiscal solvency requirements; requires the Public Education Department to monitor such waivers; and requires the Secretary of Public Education to report to the LESC and the Legislative Finance Committee on any issues or actions of a school district that appear to adversely affect student learning. [Similar to H 462a]

- S 587a** **STATE SCHOOL GRADES COUNCIL [VETOED (Mar. 29)]**, *Sen. Morales* — creates a 21 member State School Grades Council to study, make periodic reports, and make final recommendations to the LESC and the Legislative Finance Committee on a new school grading system to be operational in school year 2015-2016; terminates the council after its final report to the LESC by November 2014; provides temporary guidelines that include multiple valid and reliable factors in determining school grades; amends a section of the Public School Code to eliminate reference to school grading; repeals the A-B-C-D-F Schools Rating Act; and clarifies the definition of “standards-based assessments.”
- S 588a** **TEACHER & PRINCIPAL EVALUATION SYSTEM COUNCIL [VETOED (Mar. 29)]**, *Sen. Morales* — adds a new section of the School Personnel Act to require the Public Education Department (PED) to convene a 30 member council from July 1, 2013 to December 31, 2017 to develop a teacher and principal evaluation system; requires the council to make recommendations by July 31, 2014; requires PED to adopt the system by August 15, 2015; and requires reporting on the implementation of the state teacher and principal evaluation system to the Governor and the LESC in 2016 and 2017.
- S 638**  
**CS/S 638** **REGISTRATION OF PRIVATE COLLEGES [SGND (Mar. 28) Ch. 59]**, *Sen. Keller* — amends multiple sections of the Post-Secondary Educational Institution Act to require the Higher Education Department to register private colleges and universities that are regionally accredited and comply with US Department of Education requirements; requires those institutions to adopt procedures for resolving student complaints; and limits the time a registration is valid.

**SENATE BILLS AFFECTING CAPITAL OUTLAY**

- \*S 60**  
**\*CS/S 60** **SEVERANCE TAX BOND PROJECTS [SGND (Apr. 5) Ch. 226 (partial veto)]**, *Sen. Cisneros* — creates the 2013 Work New Mexico Act to authorize the issuance of severance tax bonds; authorizes 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: \$2.5 million to the Public Education Department (PED) to renovate and construct public school pre-kindergarten classrooms statewide; \$13.0 million to PED to purchase school buses statewide; and funding for improvement projects at postsecondary institutions. (CS/S 60 & CS/H 337)
- S 101** **ENERGY CONSERVATION BONDS [SGND (Mar. 27) Ch. 46]**, *Sen. Wirth* — creates an act to provide a process for allocating and issuing qualified Energy Conservation Bonds pursuant to the Internal Revenue Code. (May affect public schools)
- S 333a** **SCHOOL LEASES & INTEREST CONFLICTS [POCKET VETO]**, *Sen. Beffort* — amends the Charter Schools Act to require Public School Capital Outlay Council approval of lease payments; requires council development and implementation of a standardized lease format for use by all charter schools for all new leases, amendments, and renewals entered into after July 1, 2014; and requires the chartering authorities to annually review and approve all charter schools’ conflict of interest documentation.

**SENATE BILLS AFFECTING REVENUE**

- S 2a           **STATE AVIATION FUND USES [SGND (Mar. 15) Ch. 19]**, *Sen. M. Sanchez* — amends state law to provide for uses of money in the State Aviation Fund and distributions to the fund from July 1, 2013 through June 30, 2018, effective July 1, 2013.
- S 4a           **DIALYSIS FACILITY GROSS RECEIPTS [VETOED (Apr. 5)]**, *Sen. Cisneros* — amends a section of the Gross Receipts and Compensating Tax Act to provide for a deduction from gross receipts of payments for services rendered by dialysis facilities; requires a taxpayer who is allowed the deduction to report the amount of the deduction separately in a manner required by the Taxation and Revenue Department (TRD); and requires TRD to compile an annual report beginning in 2019 and every five years thereafter to the Revenue Stabilization and Tax Policy Committee and the Legislative Finance Committee with an analysis of the effectiveness, costs, and benefits of the deductions to the state. ~~(For the Revenue Stabilization and Tax Policy Committee) (May affect public schools)~~
- S 7  
CS/S 7  
CS/CS/S 7a       **TAX EXPENDITURE & REVENUE BUDGET & REPORTING [VETOED (Apr. 5)]**, *Sen. Keller/Rep. Varela* — adds a new section to the Tax Administration Act that requires developing a tax expenditure budget and a dedicated revenue budget no later than October 15 each year; requires reporting to the consensus revenue estimating group and posting on the sunshine portal; and provides a penalty. ~~(May affect public schools)~~
- S 9a           **STATE INVESTMENT COUNCIL CHANGES [POCKET VETO]**, *Sen. Neville* — amends state law to: ~~change the membership of the State Investment Council to include the Governor, or a member appointed by the Governor with the advice and consent of the Senate; to change the powers and duties of the council; provide eligibility requirements for certain members, including the requirement for the State Investment Officer to have at least 10 years of training and investment experience; change meeting frequency and notice requirements; provide for the election of the Chair and Vice Chair on the council; extend reporting deadlines; and authorize the council to invest funds for the Small Business Investment Corporation. (For the Investments and Pensions Oversight Committee) (May affect public schools)~~
- S 14a  
CS/S 14a       **EXTEND SUSTAINABLE BUILDING TAX CREDIT [SGND (Apr. 1) Ch. 92]**, *Sen. Wirth/Rep. C.A. Trujillo* — amends the Income Tax Act to extend the Sustainable Building Tax Credit for three years; changes provisions for application of the credit against tax liability; and requires the Taxation and Revenue Department, beginning in 2015 and every five years thereafter, to compile and present annual reports on the effectiveness of the tax credit to the Revenue Stabilization and Tax Policy Committee and the Legislative Finance Committee.
- S 27a  
CS/S 27a       **PUBLIC EMPLOYEE RETIREMENT CHANGES [SGND (Apr. 5) Ch. 225]**, *Sen. Munoz/Rep. Varela* — amends the Public Employees Retirement Act to improve the actuarial standing of the retirement fund by: reducing cost-of-living adjustments for all retirees; delaying the cost-of-living adjustment for certain future retirees up to seven years from the current two-year waiting period, with a three-year phase-in of this provision; suspending cost-of-living adjustments for certain return-to-work retirees; providing for an increase in member contributions for employees earning more than \$20,000 in salary

annually; increasing employer contributions by 0.4 percent for FY 15; clarifying definitions; providing that municipal employers will not pay any portion of the 1.5 percent increase in employee contributions effective July 1, 2013 without passing a resolution or executing a collective bargaining agreement; providing that municipalities may, by subsequent resolution or agreement, elect to pay a portion of employee contribution increases that may occur after July 1, 2013; clarifying how service credit earned under multiple coverage plans will be calculated; changing the benefits for members initially employed after June 30, 2013 by reducing the multiplier and increasing the number of years used to calculate the final average salary; increasing the vesting period; increasing age and service requirements for normal and public safety retirement and increasing the maximum pension benefit; and limiting plan enhancements.

- S 81a**      **LIQUOR TAX MICROBREW VOLUME LIMIT [SGND (Apr. 1) Ch. 94]**, *Sen. Beffort* — amends the Liquor Excise Tax Act to increase for 10 years the volume limit for microbrewers for purposes of the Liquor Excise Tax effective January 1, 2014; increases the Liquor Excise Tax paid by certain microbrewers; and changes the definition of “microbrewer.” (For the Revenue Stabilization and Tax Policy Committee) (May affect public schools)
- S 115a**     **EDUCATIONAL RETIREMENT CHANGES [SGND (Mar. 29) Ch. 61]**, *Sen. Ingle* — amends the Educational Retirement Act to: increase certain members’ contribution rates; change the benefits for new members by imposing a minimum retirement age; delay the cost-of-living adjustment; increase the age and service retirement requirements; provide for a reduction in the cost-of-living adjustment; and add definitions. (For the Investments and Pensions Oversight Committee)
- S 116a**     **LIQUOR TAX SMALL WINEGROWER VOLUME LIMIT [SGND (Apr. 1) Ch. 95]**, *Sen. Smith* — amends the Liquor Excise Tax to increase the volume limit and liquor excise tax rate for small winegrowers producing over a certain amount of wine effective January 1, 2014. (For the Revenue Stabilization and Tax Policy Committee) (May affect public schools)
- \*S 160a**     **BIODIESEL DEFINITIONS [SGND (Apr. 2) Ch. 109]**, *Sen. Ingle* — amends the Special Fuels Supplier Tax Act to define “biodiesel” as a renewable, biodegradable, mono alkyl ester, combustible liquid fuel; clarifies the definition of “special fuel” to include blended biodiesel; provides a deduction for receipt of biodiesel fuel to rack operators for blending and resale; and requires the Taxation and Revenue Department, beginning in 2017 and every five years thereafter, to compile and present annual reports on the effectiveness of the tax deduction to the Revenue Stabilization and Tax Policy Committee and the Legislative Finance Committee. (May affect public schools)
- S 269a**     **DURABLE MEDICAL EQUIPMENT GROSS RECEIPTS [VETOED (Apr. 5)]**, *Sen. Papen* — ~~amends the Gross Receipts and Compensating Tax Act to provide a deduction from gross receipts for sales or rentals of durable medical equipment and medical supplies for three years effective January 1, 2014; and repeals that section of law effective January 1, 2017.~~ (May affect public schools)

- S 289  
CS/S 289a      **5-YEAR SENIOR PROPERTY TAX FREEZE [SGND (Apr. 4) Ch. 161]**, *Sen. Shendo* — amends state law to provide for an automatic application of the limitation on increase in value for single-family dwellings occupied by low-income owners 65 years of age or older or disabled; and provides for penalties. (May affect public schools)
- \*S 406  
\*CS/S 406a      **DIVIDED & COMBINED PROPERTY TAX COLLECTION [SGND (Apr. 2) Ch. 119]**, *Sen. Sapien* — creates a new section of the Property Tax Code to provide for the processing and collection of property taxes on real property that is divided or combined.
- S 539a      **REMOTE SELLERS GROSS RECEIPTS [POCKET VETO]**, *Sen. Smith* — ~~amends the Gross Receipts and Compensating Tax Act to require remote sellers to pay the gross receipts tax effective July 1, 2013.~~ (May affect public schools)
- S 557a      **RURAL JOB TAX CREDIT DEFINITIONS [SGND (Mar. 28) Ch. 58]**, *Sen. Leavell* — amends state law to clarify the application of the Rural Jobs Tax Credit; provides a purpose for the Rural Jobs Tax Credit; and defines “wages.” (May affect public schools)

#### SENATE JOINT MEMORIALS

- SJM 2      **NM SPEECH-LANGUAGE & HEARING ASSOCIATION DAY**, *Sen. Papen* — declares March 1, 2013 as “New Mexico Speech Language and Hearing Association Day” in the Senate.
- SJM 3      **“BETTER HEARING & SPEECH MONTH,”** *Sen. Papen* — requests that the Governor designate the month of May as “Better Hearing and Speech Month.”

#### SENATE JOINT RESOLUTION

- SJR 7      **NORTHERN NM STATE SCHOOL REGENTS, CA [SGND (C.A. 2)]**, *Sen. Martinez* — proposes to amend Article 12, Section 13 of the Constitution of New Mexico to change the Board of Regents of Northern New Mexico State School by filling one Regent position with a student.

#### SENATE MEMORIALS

- SM 46      **SCHOOL DISTRICT RENEWABLE ENERGY PROGRAMS**, *Sen. Campos* — requests that the Energy, Minerals and Natural Resources Department and the Public Education Department work with school districts to develop plans for renewable energy and energy efficiency programs in school districts with membership of less than 300 students.
- SM 62a      **STUDENT BILL OF RIGHTS**, *Sen. Lopez* — requests that New Mexicans establish, respect, and honor a student bill of rights, and that the LESC, in collaboration with the Public Education Department, convene a task force of students and student advocates to prepare a draft student bill of rights, perform a yearly examination of those rights, and make recommendations for legislation.

- SM 63a**      **TOBACCO-FREE COLLEGE CAMPUSES**, *Sen. Cervantes* — requests that the governing bodies of every public postsecondary educational institution in New Mexico implement a tobacco-free campus policy effective July 1, 2014.
- SM 72**      **TRUANCY & DROPOUT PREVENTION TASK FORCE**, *Sen. Kernan* — requests that the University of New Mexico Center for Education Policy Research appoint a truancy and dropout prevention task force that includes representatives from local school districts, the LESC, the Legislative Finance Committee (LFC), and the Children, Youth and Families Department, as an initiative to develop recommendations for preventing truancy and early withdrawal from school; and requests that the task force report its findings and recommendations to the LESC and the LFC no later than November 30, 2014.
- SM 96**      **STUDY AMERICAN INDIAN STUDENT SCHOLARSHIP**, *Sen. Shendo* — requests that a 15-member task force that includes a representative of the LESC be convened to study the creation of a higher education scholarship for American Indian students funded with 10 percent of the state's share of the tribes' gaming revenues.
- SM 101**      **LOTTERY SCHOLARSHIP FUND SOLVENCY WORK GROUP**, *Sen. M. Sanchez* — requests that the Higher Education Department form and staff a 21-member work group that includes the LESC Director or designee to study the solvency of the Lottery Tuition Fund; and requires the work group to meet at least three times during the 2013 interim and report its recommendations to the Legislature by December 1, 2013.