

1 HOUSE BILL 3  
2 **48th LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**  
3 INTRODUCED BY  
4 **W. Ken Martinez**  
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10 AN ACT  
11 RELATING TO EDUCATION; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.  
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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

14 Section 1. SHORT TITLE.--This act may be cited as the "Education Appropriation Act".

15 Section 2. DEFINITIONS.--As used in the Education Appropriation Act:

16 A. "federal funds" means any payments by the United States government to state  
17 government or state agencies for specific purposes or in lieu of taxes, including grants,  
18 reimbursements and payments made in accordance with contracts or cooperative agreements, and  
19 shared revenue except those payments made in accordance with the federal Mineral Lands Leasing  
20 Act (30 USCA 181, et seq.) and the State and Local Fiscal Assistance Act of 1972 (31 USCA  
21 1221-1264), as amended;

22 B. "general fund" means that fund created by Section 6-4-2 NMSA 1978 and includes  
23 federal Mineral Lands Leasing Act receipts; and

24 C. "other state funds" means:

25 (1) unencumbered nonreverting balances in state agency accounts, other than in

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total
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1 internal service funds accounts, appropriated by the Education Appropriation Act;

2 (2) all revenue available to state agencies from sources other than the general  
3 fund, internal service funds, interagency transfers and federal funds; and

4 (3) all revenue, the use of which is restricted by statute or agreement.

5 Section 3. FORMAT.--The general format of the appropriations set forth in the Education  
6 Appropriation Act with respect to symbols used, column headings and amounts stated are those used  
7 in the General Appropriation Act of 2008.

8 Section 4. APPROPRIATIONS.--  
9 PUBLIC SCHOOL SUPPORT:

10 Except as otherwise provided, unexpended balances of appropriations made in this subsection  
11 shall not revert at the end of fiscal year 2009.

12 (1) State equalization guarantee: 2,397,185.7      750.0      2,397,935.7

13 The purpose of public school support is to carry out the mandate to establish and maintain a  
14 uniform system of free public schools sufficient for the education of, and open to, all of the  
15 children of school age in the state.

16 The rate of distribution of the state equalization guarantee distribution shall be based on  
17 a program unit value determined by the secretary of public education. The secretary shall  
18 establish a preliminary unit value to establish budgets for the 2008-2009 school year and, upon  
19 verification of the number of units statewide for fiscal year 2009 but no later than January 31,  
20 2009, the secretary of public education may adjust the program unit value.

21 The general fund appropriation to the state equalization guarantee distribution includes  
22 thirty-nine million one hundred seventy-eight thousand six hundred dollars (\$39,178,600) to  
23 provide an average two percent salary increase for all teachers, other instructional staff and  
24 other licensed and unlicensed staff, effective July 1, 2008. Prior to the approval of a school  
25 district's or charter school's budget, the secretary of public education shall verify that each

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1 school district or charter school is providing an average two percent salary increase for all  
2 teachers and other licensed school employees and an average two percent salary increase for  
3 nonlicensed school employees.

4 The secretary of public education, in collaboration with the office of education  
5 accountability of the department of finance and administration, shall ensure that all teachers  
6 have been evaluated under the tiered licensure evaluation system and have the professional  
7 competencies of the appropriate level. The secretary of public education shall withhold from the  
8 public school distribution funding for the minimum salary of any teacher who has not been  
9 evaluated.

10 The general fund appropriation to the state equalization guarantee distribution contains  
11 sufficient funding to provide a three-fourths percent increase in the employer contribution to  
12 the educational retirement fund.

13 The general fund appropriation to the state equalization guarantee distribution contains  
14 sufficient funding to provide a two-tenths percent increase in the employer contribution to the  
15 retiree health care fund, contingent on the enactment of enabling legislation of the second  
16 session of the forty-eighth legislature.

17 The general fund appropriation to the state equalization guarantee distribution contains  
18 twenty-five million dollars (\$25,000,000) for implementing a new funding formula, contingent on  
19 the enactment of legislation of the second session of the forty-eighth legislature.

20 In addition to the eight million dollars (\$8,000,000) included in the state equalization  
21 guarantee appropriation for fiscal year 2008 and subsequent fiscal years, the general fund  
22 appropriation to the state equalization guarantee distribution contains an additional eight  
23 million dollars (\$8,000,000) to fund approved elementary physical education programs for students  
24 in kindergarten through sixth grade.

25 For the 2008-2009 school year, the state equalization guarantee distribution contains

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sufficient funding for school districts and charter schools to implement a formula-based program for the first time. Those districts and charter schools shall use current year membership in the calculation of program units for the new formula-based program.

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 USCA 7701, et seq., and formerly known as "PL 874 funds".

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 Lands Leasing Act receipts otherwise unappropriated.

Any unexpended balances in the authorized distributions remaining at the end of fiscal year 2009 from appropriations made from the general fund shall revert to the general fund.

(2) Transportation distributions:

Appropriations:	110,682.4	110,682.4
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The general fund appropriation to the transportation distribution contains nine hundred eight thousand dollars (\$908,000) to provide an average two percent salary increase for transportation employees, effective July 1, 2008.

The general fund appropriation for the transportation distribution includes sufficient funding to provide a three-fourths percent increase in the employer contribution to the educational retirement fund.

(3) Supplemental distributions:

(a) Out-of-state tuition	370.0	370.0
(b) Emergency supplemental	2,000.0	2,000.0
Subtotal	2,370.0	2,370.0

Any unexpended or unencumbered balance in the supplemental distributions to the public

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 education department remaining at the end of fiscal year 2009 from appropriations made from the					
2 general fund shall revert to the general fund.					
3 INSTRUCTIONAL MATERIAL FUND:	35,181.3				35,181.3
4 The appropriation to the instructional material fund is made from the federal Mineral Lands					
5 Leasing Act (30 USCA 181, et seq.) receipts.					
6 EDUCATIONAL TECHNOLOGY FUND:	6,000.0				6,000.0
7 SCHOOLS IN NEED OF IMPROVEMENT FUND:	2,500.0				2,500.0
8 INDIAN EDUCATION FUND:	2,500.0				2,500.0
9 SCHOOL LIBRARY MATERIAL FUND:	2,000.0				2,000.0
10 TEACHER PROFESSIONAL DEVELOPMENT FUND:	1,500.0				1,500.0
11 The general fund appropriation to the public education department for the Indian Education					
12 Act includes one million dollars (\$1,000,000) to provide a rural literacy initiative to support					
13 after-school and summer literacy block programs for students in kindergarten through eighth grade					
14 in schools with a high proportion of Native American students, contingent on five hundred					
15 thousand dollars (\$500,000) in matching funds from other than state sources.					
16 FEDERAL FLOW THROUGH:				438,387.0	438,387.0
17 TOTAL PUBLIC SCHOOL SUPPORT:	2,559,919.4	750.0		438,387.0	2,999,056.4
18 PUBLIC EDUCATION DEPARTMENT:					
19 (1) Administration:					
20 (a) Personal services					
21 and employee benefits	15,049.2	484.5		7,031.4	22,565.1
22 (b) Contractual services	791.4	160.0		20,166.2	21,117.6
23 (c) Other	1,663.1	615.1		2,306.2	4,584.4
24 Subtotal	17,503.7	1,259.6		29,503.8	48,267.1
25 Authorized FTE: 318.8. Permanent 212.2; Term 102.0; Temporary 4.6					

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 (2) Apprenticeship assistance:	650.0				650.0
2 The general fund appropriation to the public education department in the contractual					
3 services category includes five hundred thousand dollars (\$500,000) for the student teacher					
4 accountability reporting system and five hundred thousand dollars (\$500,000) for the operating					
5 budget management system.					
6 The other state funds appropriation to the public education department in the personal					
7 services and employee benefits category includes one hundred fifty-two thousand dollars					
8 (\$152,000) and one full-time-equivalent position for the charter schools division, one full-time-					
9 equivalent position for the school finance division and one full-time-equivalent position for the					
10 public education commission.					
11 PUBLIC EDUCATION DEPARTMENT SPECIAL APPROPRIATIONS:					
12 (a) Advanced placement	2,000.0				2,000.0
13 (b) Beginning teacher					
14 mentorship	2,000.0				2,000.0
15 (c) Breakfast for					
16 elementary students	2,450.0				2,450.0
17 (d) Family and Youth					
18 Resource Act	1,500.0				1,500.0
19 (e) GRADS - Teen					
20 pregnancy prevention	1,000.0				1,000.0
21 (f) Kindergarten-three					
22 plus	7,163.4		3,000.0		10,163.4
23 (g) New Mexico cyber					
24 academy	500.0				500.0
25 (h) Pre-kindergarten	7,000.0		2,000.0		9,000.0

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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 (i) Regional education					
2 cooperative learning					
3 networks	120.0				120.0
4 (j) School improvement					
5 framework	3,000.0				3,000.0
6 (k) Summer reading,					
7 math and science					
8 institutes	3,000.0				3,000.0
9 (l) Truancy and					
10 dropout prevention	1,000.0				1,000.0
11 (m) Emergency support					
12 to hold school					
13 districts harmless					
14 from decreased					
15 revenue	1,500.0				1,500.0
16 (n) Holding school					
17 districts harmless					
18 from reduction in					
19 state equalization					
20 guarantee distributions					
21 resulting from					
22 implementation of a					
23 new public school					
24 funding formula	8,100.0				8,100.0
25 (o) STARS district					

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1	training support				
2	pilot program	69.0			69.0
3	Subtotal	40,402.4		5,000.0	45,402.4

4 The general fund appropriation to the public education department for the Family and Youth  
5 Resource Act shall fund family and youth services pursuant to the Family and Youth Resource Act.

6 The internal service funds/interagency transfers appropriations to the public education  
7 department include three million dollars (\$3,000,000) for the kindergarten-three plus program  
8 from the temporary assistance for needy families block grant to New Mexico.

9 The internal service funds/interagency transfers appropriations to the public education  
10 department include two million dollars (\$2,000,000) for the pre-kindergarten program from the  
11 temporary assistance for needy families block grant to New Mexico.

12 The appropriations to the public education department for the pre-kindergarten program shall  
13 be used only for direct instruction, transportation and approved administrative costs.

14 The public education department and the children, youth and families department shall report  
15 jointly and quarterly to the legislative education study committee and the legislative finance  
16 committee regarding implementation of the pre-kindergarten program. The four quarterly reports  
17 shall address student progress by department, infrastructure expenditures, teacher and provider  
18 qualifications and adequacy of instructional materials.

19 The general fund appropriation in item (n) to hold districts harmless from reduction in  
20 state equalization guarantee distributions is contingent on the enactment of a new public school  
21 funding formula in the second session of the forty-eighth legislature.

22 PUBLIC EDUCATION DEPARTMENT SUPPLEMENTAL AND DEFICIENCY APPROPRIATIONS:

23	(a) Fuel for public				
24	school buses	1,633.1			1,633.1
25	(b) For general services				

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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
department information					
systems division and					
motor pool charges	62.0				62.0
Subtotal	1,695.1				1,695.1

Any unexpended or unencumbered balance in the authorized distributions remaining at the end of fiscal year 2009 from appropriations made from the general fund shall revert to the general fund.

REGIONAL EDUCATION COOPERATIVES:

(1) Northwest 2 (Gallina)				1,134.0	1,134.0
(2) Northeast 4 (Las Vegas)				2,306.1	2,306.1
(3) Lea county 7 (Hobbs)		610.0		485.0	1,095.0
(4) Pecos valley 8 (Artesia)		1,140.0		1,160.0	2,300.0
(5) Southwest 10 (Truth or Consequences)		800.0		4,500.0	5,300.0
(6) Central 5 (Albuquerque)		145.0		1,536.6	1,681.6
(7) High plains 3 (Raton)		3,607.0		1,982.1	5,589.1
(8) Clovis 6 (Portales)		500.0		2,000.0	2,500.0
(9) Ruidoso 9 (Ruidoso)		3,285.0		5,740.6	9,025.6
Subtotal		10,087.0		20,844.4	30,931.4

Section 5. SEVERABILITY.--If any part or application of this act is held invalid, the remainder or its application to other situations or persons shall not be affected.

Section 6. EMERGENCY.--It is necessary for the public peace, health and safety that this ct take effect immediately.