

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 628

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
MAKING APPROPRIATIONS FOR SPECIAL EDUCATION MAINTENANCE OF
EFFORT IN THE EVENT OTHER APPROPRIATIONS ARE INSUFFICIENT OR
THE STATE'S PROPOSAL FOR FUNDING IS DENIED; DECLARING AN
EMERGENCY.

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

SECTION 1. APPROPRIATIONS.--

A. If, after final negotiation and settlement with
the United States department of education, the state is
required to make up funding for state-level special education
maintenance of effort as required by Part B of the federal
Individuals with Disabilities Education Act and the
appropriations for that purpose provided in the general
appropriation acts of 2012 and 2013 are insufficient, up to the

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1 following amounts are appropriated from the operating reserve
2 to the public education department, subject to the provisions
3 of Subsections B and C of this section:

4 (1) twenty million dollars (\$20,000,000) for
5 fiscal year 2013; and

6 (2) sixteen million dollars (\$16,000,000) for
7 fiscal year 2014.

8 B. Prior to the transfer of any amount of the
9 appropriations in Subsection A of this section, the public
10 education department shall:

11 (1) certify to the state board of finance that
12 all means and efforts to make sufficient funding available to
13 meet special education maintenance of effort requirements in
14 the named fiscal years have been taken and the appropriations
15 provided in the general appropriation acts of 2012 and 2013 are
16 insufficient; and

17 (2) review its certification to the state
18 board of finance with the legislative education study committee
19 and the legislative finance committee.

20 C. The public education department shall distribute
21 the required amount of the appropriations provided in
22 Subsection A of this section to each school district and
23 charter school in the same manner and on the same basis as the
24 state equalization guarantee distribution, and the department
25 shall not distribute more than is necessary to meet the

1 maintenance of effort requirement.

2 D. If the state transferred money from the state
3 equalization guarantee distribution to meet the state-level
4 special education maintenance of effort requirement as provided
5 in Subsection A of this section and the United States
6 department of education rejects that transfer after final
7 negotiation and settlement, the amount transferred, up to
8 twenty million dollars (\$20,000,000) for fiscal year 2013 and
9 up to sixteen million dollars (\$16,000,000) for fiscal year
10 2014, shall be appropriated from the operating reserve to the
11 state equalization guarantee distribution.

12 E. If any part of the fiscal year 2013
13 appropriation provided in Subsection D of this section is
14 required to satisfy the state-level special education
15 maintenance of effort requirement pursuant to final negotiation
16 and settlement, and if the secretary of public education had
17 reset the final unit value pursuant to the special education
18 maintenance of effort contingent appropriation in the General
19 Appropriation Act of 2013 for that fiscal year, the secretary
20 shall adjust the final unit value in accordance with the amount
21 transferred from the fiscal year 2013 appropriation in that
22 subsection, and that amount shall be distributed to school
23 districts and charter schools through the state equalization
24 guarantee distribution.

25 F. If any part of the fiscal year 2014

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1 appropriation provided in Subsection D of this section is
2 required to satisfy the state-level special education
3 maintenance of effort requirement pursuant to final negotiation
4 and settlement, and if the secretary of public education had
5 reset the final unit value pursuant to the special education
6 maintenance of effort contingent appropriations in the General
7 Appropriation Act of 2013 for that fiscal year, the secretary
8 shall adjust the final unit value in accordance with the amount
9 transferred from the fiscal year 2014 appropriation in that
10 subsection, and the amount shall be distributed to school
11 districts and charter schools through the state equalization
12 guarantee distribution.

13 SECTION 2. EMERGENCY.--It is necessary for the public
14 peace, health and safety that this act take effect immediately.

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