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HOUSE BILL 3
43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997
INTRODUCED BY
SAMUEL F. VIGIL

AN ACT
RELATING TO EDUCATION; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

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

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

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

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

C. "other state funds" means:

(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
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 1996.					
8 Section 4. APPROPRIATIONS.--The appropriation for public school support in fiscal year 1998					
9 shall be:					
10 PUBLIC SCHOOL SUPPORT:					
11 (1) State equalization guarantee					
12 distribution:	1, 216, 566. 6	1, 000. 0			1, 217, 566. 6
13 (2) Transportation distributions:					
14 (a) Operations	69, 363. 9				69, 363. 9
15 (b) School-owned bus					
16 replacements	2, 457. 0				2, 457. 0
17 (c) Contractor-owned bus					
18 rent fees	11, 073. 2				11, 073. 2
19 Subtotal	82, 894. 1				82, 894. 1
20 (3) Supplemental distributions:					
21 (a) Out-of-state tuition	390. 0				390. 0
22 (b) Emergency	1, 421. 0				1, 421. 0
23 (c) Emergency capital outlay	300. 0				300. 0
24 Subtotal	2, 111. 0				2, 111. 0
25 The rate of distribution of the state equalization guarantee distribution shall be based on					

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
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1 a program unit value determined by the superintendent of public instruction. The superintendent
2 of public instruction shall establish a preliminary unit value that shall be used to establish
3 tentative budgets for the 1997-98 school year. Upon completion of final budgets or verification
4 of the number of units statewide for fiscal year 1998, the superintendent of public instruction
5 may adjust the program unit value.

6 Included in the base increase is a hold harmless provision for any school district that
7 would incur a loss in funding as a result of the elimination of training and experience waivers.

8 The superintendent of public instruction may fund mid-year increases in student membership
9 resulting from expansion at military bases from the supplemental emergency fund. The
10 superintendent of public instruction shall certify to the secretary of finance and administration
11 that the need exists before supplemental emergency funds may be released.

12 The general fund appropriation to the public school fund shall be reduced by the amounts
13 transferred to the public school fund from the current school fund and from the federal Mineral
14 Lands Leasing Act (30 USCA 181, et seq.) receipts otherwise unappropriated.

15 Unexpended or unencumbered balances in the distributions authorized remaining at the end of
16 fiscal year 1998 from appropriations made from the general fund shall revert to the general fund.

17 INSTRUCTIONAL MATERIAL FUND: 28,620.7 2,053.4 30,674.1

18 The appropriation to the instructional material fund is made from the federal Mineral Lands
19 Leasing Act (30 USCA 181, et seq.) receipts.

20 STATE SUPPORT RESERVE FUND: - 0 - - 0 -

21 EDUCATIONAL TECHNOLOGY FUND: 3,100.0 3,100.0

22 INCENTIVES FOR SCHOOL IMPROVEMENT

23 FUND: 1,200.0 1,200.0

24 The appropriation to the incentives for school improvement fund is contingent upon
25 legislation amending the Incentives for School Improvement Act to incorporate the recommendations

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
of the contractor performing the public school funding formula task force study.					
TOTAL PUBLIC SCHOOL SUPPORT:	1,334,492.4	3053.4			1,337,545.8
ADULT BASIC EDUCATION FUND:	3,100.0			2,159.8	5,259.8
STATE DEPARTMENT OF PUBLIC EDUCATION:					
(1) Administration:					
(a) Personal services	5,167.0		3.7	2,692.3	7,863.0
(b) Employee benefits	1,467.6		1.3	767.7	2,236.6
(c) In-state travel	280.4		4.9	159.2	444.5
(d) Maintenance and repairs	75.8	74.5		5.2	155.5
(e) Supplies and materials	141.7	21.4	7.9	80.3	251.3
(f) Contractual services	343.0	14.6		728.9	1,086.5
(g) Operating costs	455.6			535.8	991.4
(h) Other costs	.5			365.2	365.7
(i) Capital outlay	2.7	54.5	23.0	69.2	149.4
(j) Out-of-state travel	20.3			59.0	79.3
(k) Other financing uses	3.2			150.2	153.4
Authorized FTE: 166.0 Permanent; 62.0 Term; .2 Temporary					
Subtotal	7,957.8	165.0	40.8	5,613.0	13,776.6

The appropriation to the state department of public education includes two hundred thousand dollars (\$200,000) from federal Mineral Lands Leasing Act (30 USCA 181, et seq.) receipts.

Unexpended or unencumbered balances in the state department of public education remaining at the end of fiscal year 1998 from appropriations made from the general fund shall not revert.

(2) Educator background checks:	60.0	60.0
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The appropriation to the state department of public education for the criminal background check program is contingent upon passage of legislation requiring applicants for a New Mexico

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
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educator license to submit a background check.

(3) Special projects: 1,400.0 1,400.0

Included in the general fund appropriation to the state department of public education for special projects is four hundred thousand dollars (\$400,000) for the graduation, reality and dual role skills program (GRADS); four hundred thousand dollars (\$400,000) for the systemic initiatives in math and science education program; and six hundred thousand dollars (\$600,000) for re-learning.

(4) Apprenticeship assistance: 600.0 15.9 615.9

(5) Regional education cooperatives:

(a) Region 9 128.1 1,856.7 1,984.8

Authorized FTE: 27.0 Term

(b) High Plains 1,970.7 1,184.0 3,154.7

Authorized FTE: 44.63 Term

(c) Central 1,324.7 1,278.9 2,603.6

Authorized FTE: 34.30 Term

(d) Northeast 24.9 790.1 815.0

Authorized FTE: 2.00 Term

(e) Northwest 816.5 816.5

Authorized FTE: 2.00 Term

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 act take effect immediately.

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
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***State of New Mexico
House of Representatives***

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

February 5, 1997

Mr. Speaker:

Your EDUCATION COMMITTEE, to whom has been referred

HOUSE BILL 3

**has had it under consideration and reports same with recommendation that it DO NOT PASS,
but that**

**HOUSE EDUCATION COMMITTEE SUBSTITUTE
FOR HOUSE BILL 3**

DO PASS, and thence referred to the APPROPRIATIONS AND FINANCE COMMITTEE.

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HEC/HB 3

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Respectfully submitted,

Samuel F. Vigil, Chairman

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HEC/HB 3

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The roll call vote was 10 For 0 Against

Yes: 10

Excused: Nicely, W. C. Williams, Weeks

Absent: None

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HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 3
43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION , 1997

AN ACT
RELATING TO EDUCATION; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

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

C. "other state funds" means:

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

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 1996.

8 Section 4. APPROPRIATIONS.--The appropriation for public school support in fiscal year 1998
9 shall be:

10 PUBLIC SCHOOL SUPPORT:

11	(1) State equalization guarantee:	1, 229, 655. 5	1, 000. 0	1, 230, 655. 5
12	(2) Transportation distributions:			
13	(a) Operations	69, 940. 7		69, 940. 7
14	(b) School-owned bus			
15	replacements	2, 457. 0		2, 457. 0
16	(c) Contractor-owned bus			
17	rent fees	11, 073. 2		11, 073. 2
18	Subtotal	83, 470. 9		83, 470. 9
19	(3) Supplemental distributions:			
20	(a) Out-of-state tuition	390. 0		390. 0
21	(b) Emergency	1, 421. 0		1, 421. 0
22	(c) Emergency capital outlay	300. 0		300. 0
23	Subtotal	2, 111. 0		2, 111. 0

24 The rate of distribution of the state equalization guarantee distribution shall be based on
25 a program unit value determined by the superintendent of public instruction. The superintendent

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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
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of public instruction shall establish a preliminary unit value that shall be used to establish tentative budgets for the 1997-98 school year. Upon completion of final budgets or verification of the number of units statewide for fiscal year 1998, the superintendent of public instruction may adjust the program unit value.

Included in the state equalization guarantee distribution are sufficient funds for a statewide average two percent salary increase for all public school employees.

The superintendent of public instruction may fund mid-year increases in student membership resulting from expansion at military bases from the supplemental emergency fund. The superintendent of public instruction shall certify to the secretary of finance and administration that the need exists before supplemental emergency funds may be released.

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 (30 USCA 181, et seq.) receipts otherwise unappropriated.

Unexpended or unencumbered balances in the distributions authorized remaining at the end of fiscal year 1998 from appropriations made from the general fund shall revert to the general fund.

INSTRUCTIONAL MATERIAL FUND:	28,620.7	2,053.4			30,674.1
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The appropriation to the instructional material fund is made from the federal Mineral Lands Leasing Act (30 USCA 181, et seq.) receipts.

EDUCATIONAL TECHNOLOGY FUND:	3,100.0				3,100.0
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INCENTIVES FOR SCHOOL IMPROVEMENT

FUND:	500.0				500.0
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Prior to distribution of the funds included in the general fund appropriation to the incentives for school improvement fund, the state board of education shall adopt regulations for all schools to provide financial incentives to individual schools that exceed expected academic performance and student behavior standards as measured by the school's targeted goals and

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
objectives for improvement of student performance. The board shall submit its regulations to the legislative education study committee for review.					
TOTAL PUBLIC SCHOOL SUPPORT:	1,347,458.1	3,053.4			1,350,511.5
ADULT BASIC EDUCATION FUND:	3,100.0			2,159.8	5,259.8
STATE DEPARTMENT OF PUBLIC EDUCATION:					
(1) Administration:					
(a) Personal services	5,167.0		3.7	2,692.3	7,863.0
(b) Employee benefits	1,467.6		1.3	767.7	2,236.6
(c) In-state travel	280.4		4.9	159.2	444.5
(d) Maintenance and repairs	75.8	74.5		5.2	155.5
(e) Supplies and materials	141.7	21.4	7.9	80.3	251.3
(f) Contractual services	343.0	14.6		728.9	1,086.5
(g) Operating costs	455.6			535.8	991.4
(h) Other costs	.5			365.2	365.7
(i) Capital outlay	2.7	54.5	23.0	69.2	149.4
(j) Out-of-state travel	20.3			59.0	79.3
(k) Other financing uses	3.2			150.2	153.4
Authorized FTE: 166.0 Permanent; 65.0 Term; .2 Temporary					
Subtotal	7,957.8	165.0	40.8	5,613.0	13,776.6
The general fund appropriation to the state department of public education includes two hundred thousand dollars (\$200,000) from federal Mineral Lands Leasing Act (30 USCA 181, et seq.) receipts.					
Unexpended or unencumbered balances in the state department of public education remaining at the end of fiscal year 1998 from appropriations made from the general fund shall not revert.					
(2) Special projects:	2,735.0				2,735.0

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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
The state department of public education shall conduct an application and review process to determine the specific dollar amounts to be distributed to local school districts or individual projects for pilot programs.					
(3) Apprenticeship assistance:	600.0	15.9			615.9
(4) Regional education cooperatives:					
(a) Region 9		128.1		1,856.7	1,984.8
Authorized FTE: 27.0 Term					
(b) High Plains		1,970.7		1,184.0	3,154.7
Authorized FTE: 44.63 Term					
(c) Central		1,324.7		1,278.9	2,603.6
Authorized FTE: 34.30 Term					
(d) Northeast		24.9		790.1	815.0
Authorized FTE: 2.00 Term					
(e) Northwest				816.5	816.5
Authorized FTE: 2.00 Term					
SPECIAL APPROPRIATIONS:					
The following special appropriations are made from the general fund to the following agencies for expenditure in fiscal year 1998.					
STATE DEPARTMENT OF PUBLIC EDUCATION:					
(1) Accountability data system	375.0				375.0
(2) Statewide capital outlay needs study	400.0				400.0
(3) Strategic planning for public schools	70.0				70.0
(4) Educator background checks	60.0				60.0

. 115644.4

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
(5) School to work	100.0				100.0

The general fund appropriation of three hundred seventy-five thousand dollars (\$375,000) for the accountability data system is contingent upon the educational technology bureau submitting the information systems framework to the legislative finance committee.

The general fund appropriation of four hundred thousand dollars (\$400,000) for the statewide capital outlay needs study is to enable the public school capital outlay council to conduct a comprehensive study of statewide public school capital outlay and infrastructure needs and make recommendations to the legislature for an equitable and efficient method by which to meet those needs.

The general fund appropriation of seventy thousand dollars (\$70,000) includes one term full-time-equivalent position and operating expenses for the state department of public education to continue strategic planning for public schools.

The general fund appropriation of sixty thousand dollars (\$60,000) for the criminal background check is contingent upon passage of legislation requiring applicants for a New Mexico educator license and for all others applying for employment to submit to a background check.

LEGISLATIVE EDUCATION STUDY COMMITTEE:

(1) Strategic planning	70.0				70.0
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COMMISSION ON HIGHER EDUCATION:

(1) Advanced placement	150.0				150.0
(2) Student teacher scholarships	100.0				100.0

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 act take effect immediately.

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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 22, 1997

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

HOUSE EDUCATION COMMITTEE SUBSTITUTE
FOR HOUSE BILL 3, as amended

has had it under consideration and reports same with recommendation that it DO PASS.

Respectfully submitted,

Ben D. Altamirano, Chairman

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
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1 Adopted _____ Not Adopted _____
 2 (Chief Clerk) (Chief Clerk)

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The roll call vote was 6 For 0 Against
 Yes: 6
 No: None
 Excused: Carraro, Eisenstadt, Ingle, Lyons, McKibben
 Absent: None

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