

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

**HOUSE BILLS**

- \*H 1**      **FEED BILL [SGND (Jan. 27) Ch. 1]**, *Rep. W.K. Martinez* — 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 2011 (Passed H/Passed S)**, *Rep. Saavedra* —  
**CS/H 2a**      makes appropriations and authorizes expenditures by state agencies in FY 12, including:  
**et al.**      \$2.36 billion in recurring funds from the General Fund for Public School Support; \$27.3 million in related recurring appropriations, including \$10.7 million for the PED budget, \$5.3 million to K-3 plus, and \$6.3 million to Pre-K; and \$5.7 million in nonrecurring related appropriations. Also appropriates \$420.5 million in federal flow-through funds. (CS/H 2, 3, 4, 5 & 6)
- \*H 3a**      **EDUCATION APPROPRIATION ACT**, *Rep. Miera* — appropriates more than \$2.37 billion for public school support; provides funding contingent on a 0.5 percent increase in the employer contribution to the Educational Retirement Fund; and requires return to work employees to pay their share of retirement contributions; includes other reductions to the General Fund appropriation to the State Equalization Guarantee distribution contingent upon passage of legislation, including a reduction equal to the cost of one non-instructional day; and capping the number of ancillary service full-time-equivalents based on the Public Education Department's (PED) guidelines; permits PED to request a transfer from the General Fund operating reserve in the event of credit shortfall; and appropriates \$812,000 for dual credit instructional materials, \$1.9 million for the Indian Education Fund, \$10.9 million for the PED Budget, and \$6.0 million to PED for emergency support to school districts experiencing shortfalls. (Succeeding entries: H 2)
- H 7**      **GENERAL APPROPRIATION ACT OF 2011**, *Rep. Varela* — appropriates and authorizes expenditures by state agencies required by law; includes a total of \$2.35 billion for public school support.
- \*H 8a**      **DEVELOPMENT TRAINING PROGRAMS (Passed H/Passed S)**, *Rep. B. Luján* — appropriates \$5.0 million from the General Fund to the Development Training Fund for a development training program providing classroom and in-plant training to furnish qualified human resources for certain new or expanding industries and businesses in the state. (May affect public schools)
- H 14a**      **SCHOOL PRIORITY FOR MILITARY CHILDREN (Passed H/Passed S)**,  
*Rep. Alcon* — amends the open enrollment provisions of the Public School Code to grant first priority for enrollment to students who had resided in a school's attendance area prior to an active duty military or National Guard parent being deployed to another location where the student is in custodial care.
- H 21**      **LIMIT CERTAIN SCHOOL GRADE PROMOTIONS (Passed H)**, *Rep. MH. Garcia* —  
**CS/H 21a**      repeals the section of the Assessment and Accountability Act regarding grade promotions, remediation, and retention to provide that, in kindergarten through grade 3, a student must be evaluated to determine reading ability and if deemed deficient, an academic

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

improvement plan must be developed for the student; and that beginning with school year 2012-2013, at the end of grade 3 a student who does not score higher than the lowest level on the New Mexico standards-based assessment must be retained in grade 3 for one year without the opportunity for a parental waiver, with an academic improvement plan that prescribes specific intervention and remediation programs; to specify exemptions from retention for certain students; and to require that at the end of the summer immediately preceding grade 4, a retained student must have the opportunity to demonstrate reading proficiency and be promoted to grade 4. (CS/H 21 & 100)

- H 23 LIQUOR EXCISE TAX DISTRIBUTION TO SCHOOLS, *Rep. MH. Garcia* — amends the statute to increase the Liquor Excise Tax; and to distribute into the Public School Fund a percentage of the net receipts attributable to the Liquor Excise Tax.
- H 27 NO CHILD SUPPORT IN CERTAIN CASES, *Rep. Rehm* — creates statute to provide  
CS/H 27 that a noncustodial parent is not liable for child support when a child over 18 years of age fails to comply with court-ordered visitation.
- H 43a **DEVELOP DIPLOMA STAMPS SYSTEM (Passed H/Passed S)**, *Rep. Stapleton/Sen. Keller* — allows school districts to develop and adopt a voluntary system for awarding “diploma stamps” to be applied to the graduation diplomas of students who have excelled in the completion of career-technical education courses specified in rule. (For the LESC)
- \*H 47a **SCHOOL DISTRICT CASH BALANCES FOR EMERGENCY (Passed H/Passed S)**, *Rep. Bandy* — amends the Public School Code to allow school districts to keep their cash balances for emergency or operational expenditures, effective FY 11. (For the Government Restructuring Task Force)
- H 51a **EXEMPT EMPLOYEES & PERSONNEL BOARD AUTHORITY (Passed H)**, *Rep. Varela* — limits certain personnel positions in cabinet departments; eliminates the Personnel Board’s authority to exempt positions from the covered service; clarifies and limits exempt assistants or deputy secretaries to a maximum of two per department; requires the board to report to the Governor and the Legislative Finance Committee (LFC) when it decides that a position is policymaking; calls for the State Personnel Office to conduct a study to identify those employees who were transferred from exempt positions to classified positions in 2009 and 2010 without following the law and state personnel rules; and requires the office to report its findings to the Governor and LFC by July 1, 2011. (For the Government Restructuring Task Force) (May affect the Public Education Department)
- \*H 53a **NMFA PUBLIC PROJECT FUND PROJECTS (Passed H/Passed S)**, *Rep. Varela* — authorizes the New Mexico Finance Authority to make loans for public projects from the Public Project Revolving Fund, including loans for certain school districts.
- H 56a **UNIFORM CHILD ABDUCTION PREVENTION ACT (Passed H)**, *Rep. Stewart* — creates the Uniform Child Abduction Prevention Act to allow a court to order abduction prevention measures in a child-custody proceeding if the court finds evidence of a credible risk of a child’s abduction. (May affect public schools)

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

- H 57 PUBLIC EMPLOYEES RETURNING TO WORK (**Passed H**), *Rep. Stewart* — amends the Public Employees Retirement Act to change the requirements for returning to public employment after retirement. (May affect public schools)
- H 59 **UNEMPLOYMENT CONTRIBUTION TEMPORARY SCHEDULE (Passed H/**  
CS/H 59a **Passed S)**, *Rep. Stewart* — amends certain provisions of the Unemployment Compensation Law to expand eligibility or allow increased benefits; provides that extended benefits shall be paid only if fully reimbursed from federal sources; restricts benefits for students who are enrolled in a full-time course schedule in an educational or training institution or program; and establishes a temporary schedule for contributions.
- H 60 NO “GOLDEN PARACHUTE” FOR SOME EMPLOYEES, *Rep. Rehm* — prohibits the award of a “Golden Parachute” or other extraordinary benefit to a public employee who resigns or is terminated for cause; applies to state agencies, educational institutions, and schools.
- H 62 EXTEND LOTTERY SCHOLARSHIP APPLICATION TIME (**Passed H**), *Rep. O’Neill* — amends statute to allow students to qualify for a Legislative Lottery Scholarship if they enroll in a public postsecondary institution within 16 months of graduating or earning a GED.
- H 63 PUBLIC WORKS WAGE RATES THROUGH SURVEY, *Rep. Larrañaga* — amends statute to determine wage rates through a continuing survey program rather than through wage rates used in collective bargaining agreements. (May affect public schools) [Identical to S 287]
- H 66a TRANSFER DEPTS. & SERVICES TO DFA, *Rep. Varela* — reorganizes the Department of Finance and Administration (DFA); creates new entities including the Educational Finance and Accountability Division of DFA to monitor and oversee public school and higher education finances and budgets and provide an independent evaluation of how well the two public education systems are performing. (For the Government Restructuring Task Force)
- H 69 LEGISLATIVE REVIEW ACT, *Rep. Hall* — creates the Legislative Review Act to allow legislative review, amendment, or repeal of all rules adopted by any state agency. (May affect the Public Education Department)
- H 70a NO FUNDS FOR CERTAIN SCHOOL EDUCATION PGMS., *Rep. Hall* — in FY 13 and subsequent fiscal years, prohibits General Fund distributions to public postsecondary educational institutions whose colleges of education or teacher preparation programs do not instruct students in how to teach reading according to scientifically based reading research and the science of reading. [Related to H 74a and HJM 21]
- \*H 73a EARLY K-3 PLUS PILOT FUND EARLY ALLOCATION (**Passed H**), *Rep. Stewart* — amends the Public School Code to direct the Public Education Department (PED) to allocate up to 90 percent of each school’s K-3 Plus allocation on or before June 1 and, on or before January 15, PED shall recompute each allocation using the first reporting date and allocate the balance of the appropriation adjusting for any over or under estimation made in the first allocation. (For the LESC)

- H 74a**      **SCIENCE OF TEACHING READING REQUIREMENT (Passed H/Passed S)**, *Rep. Stewart* — amends the School Personnel Act to require that, to qualify for licensure to teach grades K-5, a candidate must demonstrate an understanding of, and ability to apply, the scientific research on teaching reading by passing a rigorous exam beginning in January 1, 2013. (For the LESC) [Related to H 70 and HJM 21]
- H 76a**      **CREATE SCHOOL TRANSPORTATION TASK FORCE (Passed H)**, *Rep. Gonzales* — creates a joint interim public school transportation task force, appointed by the Legislative Council, to examine provisions in current state and federal laws and regulations governing public school transportation in New Mexico, including: the public school transportation funding formula; the personnel costs to school districts and school bus contractors; the costs of fuel, equipment, and maintenance; and the administration of the public school transportation program. (For the LESC)
- H 86**      **SCHOOL BOARD EMPLOYEE DECISIONS**, *Rep. Begaye* — amends the Public School Code to make local school boards responsible for approving or disapproving the employment, termination, or discharge of all school employees.
- H 88**      **EXECUTIVE BRANCH ENTITY SUNSETS**, *Rep. Bandy/Sen. Lovejoy* — provides for the sunset of administratively attached and adjunct agencies and boards, commissions, councils, task forces, committees, and other membership entities of the executive branch including the Education Trust Board, Regional Education Coordinating Councils, the Council on Technology in Education, the Indian Education Advisory Council, the Hispanic Education Advisory Council, the Public School Capital Outlay Council, and the Board of Directors of the Public Schools Insurance Authority. (For the Government Restructuring Task Force)
- \*H 91**      **TRANSFER FROM OTHER ACCOUNTS TO GENERAL FUND**, *Rep. Varela* — transfers money from several funds to the General Fund, including a transfer of \$15.3 million from the College Affordability Endowment Fund.
- H 92**      **LOTTERY SCHOLARSHIPS FOR TRIBAL COLLEGES (Passed H)**, *Rep. Begaye* — allows students attending tribal colleges to receive lottery tuition scholarships, effective July 1, 2011. (For the Indian Affairs Committee)
- H 94**      **HEALTH POLICY & FINANCE DEPT. ACT**, *Rep. Picraux* — creates the Health Policy and Finance Department; and provides for a study of the eventual transfer of the administration of health benefit plans for public school employees.
- H 95**      **SCHOOL BUDGET DIVISION OF EDUCATION DEPT. (Passed H)**, *Rep. Miera* — amends the Public Education Department Act to create a budget and finance division at the Public Education Department. (For the LESC)
- H 96**      **EDUCATIONAL TEST SERVICE MULTI-YEAR CONTRACTS**, *Rep. Miera* — amends the Procurement Code to allow contract extensions of up to 12 years for the development and implementation of standardized tests in grades K through 12 and for the development and implementation of teacher tests for professional licensures. (For the LESC)

- H 97a**      **CHARTER SCHOOL CONVERSION ATTENDANCE (Passed H/Passed S)**, *Rep. Hall* — amends the Assessment and Accountability Act to clarify that, if a traditional public school in Restructuring 2 is reopened as a state-chartered charter school pursuant to its restructuring plan, students already attending that school will have enrollment priority. (For the LESC)
- H 98a**      **CHARTER SCHOOL AUDIT MONITORING (Passed H)**, *Rep. Hall* — amends the Charter Schools Act to require an authorizer to monitor the fiscal condition of any charter school it has authorized when that charter school has received an adverse audit; requires the monitoring to continue until the charter school receives a clean audit; and requires the monitoring to consist of at least one site visit and at least three status reports per year, with each status report addressing the charter school's progress toward resolving the specific audit findings. (For the LESC)
- H 100**      **NO 4<sup>TH</sup> GRADE WITHOUT READING PROFICIENCY**, *Rep. Espinoza/Sen. García* — amends the Public School Code to require school districts to retain any student who is not academically proficient in reading by the end of grade 3; to develop objective standards to serve as the basis for retention determinations; and to provide that a student may be held back in grade 3 only twice. (For the LESC) (Succeeding entries: H 21)
- H 101**      **COLLECTIVE BARGAINING AS OPEN MEETINGS**, *Rep. Stapleton* — amends the Open Meetings Act to broaden the exception for collective bargaining. (May affect public schools)
- H 103a**      **DEVELOP STATEWIDE NURSING PROGRAM (Passed H)**, *Rep. E. Chávez* — adds a new section to the higher education statutes to require the Higher Education Department to develop a statewide nursing program to be used by all public postsecondary educational institutions that offer an associate, bachelor's, or advanced degree nursing program; prescribes components of the program; and requires implementation by fall 2013.
- H 104a**      **REDUCE NONLICENSED SCHOOL EMPLOYEE PROBATION**, *Rep. E. Chávez* — amends the Public School Code to allow local school boards and state agencies to terminate non-licensed employees with less than one year of service for any reason deemed sufficient; and allows a non-licensed employee of more than one year to be fired only for just cause, and permits such an employee to request to make a statement before the school board, and to have the reasons for termination in writing.
- H 108**      **SERVICE MEMBER CHILD CUSTODY ACT (Passed H)**, *Rep. T. García* — creates the Service Member Child Custody Act to establish procedures for modifying existing custody, time-sharing, or visitation orders for children of military families. (May affect public schools)
- H 113a**      **CHARTER SCHOOL EXPENDITURE REPORTS (Passed H/Passed S)**, *Rep. Hall* — amends the Public School Capital Improvements Act and the Public School Buildings Act to require charter schools to report anticipated and actual expenditures of distributions made pursuant to those acts. (For the LESC and the Public School Capital Outlay Oversight Task Force)

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

- H 114 ALBUQUERQUE PUBLIC SCHOOLS LICENSE PLATE (**Passed H**), *Rep. Miera* — adds a new section of the Motor Vehicle Code to provide for a special Albuquerque Public Schools (APS) registration plate; and appropriates \$10 of the \$35 fee to the department and \$25 to the APS Education Foundation.
- H 115a **TITLE-1 SUPPLEMENTAL EDUCATION SERVICES (Passed H/Passed S)**, *Rep. E. Chávez* — amends the Assessment and Accountability Act regarding supplemental educational services (SES) to require the Public Education Department (PED) to adopt rules (1) establishing a range of rates that providers may charge and (2) requiring each SES provider to include in its application to PED documentation that the tutoring services to be offered are consistent with the instructional program offered by the district or charter school whose students the SES provider intends to serve. (For the LESC)
- H 118 THRESHOLD FOR AUDITS OF NONPROFITS (**Passed H**), *Rep. Gonzales* — amends statute to raise from \$100,000 to \$250,000 the threshold of annual gross income that requires an audit of a nonprofit organization that makes donations to the state. (May affect public schools)
- H 120 NEW SCHOOL & SCHOOL BUILDING MORATORIUM, *Rep. Stewart* — amends the Public School Code to add a temporary provision to establish a six-year moratorium (from January 2011 to January 2017) on new public schools to save the cost to the state of constructing and opening these facilities; and provides exceptions under certain circumstances. (For the LESC)
- H 129a **RETURNING EDUCATIONAL RETIREE PAYMENTS [SGND (Mar. 16) Ch. 6]**, *Rep. Varela* — amends the Educational Retirement Act to require retired members returning to work to make nonrefundable payments to the fund as if the members were not retired; and to reduce the payments made to the fund by the administrative unit.
- \*H 130 EXTEND GOVERNMENT RESTRUCTURING TASK FORCE (**Passed H**), *Rep. Varela* — extends the government restructuring task force to scrutinize cost-savings and efficiencies in the judicial and legislative branches; monitor the efforts of the higher education funding formula task force to redesign the formula; and monitor public school and higher education implementation of articulation and credit transferability statutes and performance of college freshmen from New Mexico high schools. (For the Government Restructuring Task Force)
- H 132 ROTC AS PHYSICAL EDUCATION REQUIREMENT, *Rep. Doyle* — allows participation in the Reserve Officers Training Corps to count as the required physical education credit.
- H 133 DELAY EDUCATIONAL RETIREMENT CONTRIBUTIONS, *Rep. Stewart* — amends the Educational Retirement Act in the Public School Code to delay the employer contribution increases for educational retirement; and incrementally increases the employer contribution by 0.50 percent per year until reaching a 13.9 percent contribution on and after July 1, 2016.

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

- H 134 SUMMER CIVICS COURSES AS ELECTIVES, *Rep. Gonzales* — allows summer civics courses to be offered as electives; and requires course or program approval from the Public Education Department.
- H 136 CONCEALED HANDGUNS IN STATE PARKS, *Rep. Cook* — allows a person who is in possession of a valid concealed handgun license to carry a concealed handgun in state parks and recreation areas operated by the State Parks Division of the Energy, Minerals and Natural Resources Department.
- CS/H 136
- H 137 **CONTINUED EDUCATIONAL ASSISTANCE DEBT SERVICE (Passed H/Passed S)**, *Rep. Miera* — endorses legislation to repeal and replace sections of the Educational Assistance Act to allow the NM Student Loan Guarantee Corporation and the NM Educational Assistance Foundation to manage the orderly elimination of the Federal Family Education Loan Program portfolio and to explore other opportunities that could provide services to educational institutions and students in the state. (For the LESC)
- H 139 RAISE MONETARY LIMIT ON PUBLIC WORKS PROJECTS, *Rep. Miera* — amends statute to increase the monetary limits for public works projects, small purchases, and multiple source contracts. (May affect public schools)
- H 145a HIGH PERFORMANCE SCHOOL BUILDINGS ACT (**Passed H**), *Rep. Stewart* — enacts the High Performance School Buildings Act; provides a grant program to install high performance technologies in public school facilities; creates the High Performance Schools Initiative Grant Fund; appropriates proceeds from the sale of severance tax bonds to the fund; and requires the submission of a report to the Governor and the Legislature no later than December 1 of each year.
- H 146a RETIREMENT BENEFICIARY DESIGNATION OF SPOUSE (**Passed H**), *Rep. Madalena* — amends the Public Employees Retirement Act and the Educational Retirement Act to allow a retired member to designate a spouse as the beneficiary under certain circumstances.
- H 147a AVAILABILITY OF AGENDAS FOR PUBLIC MEETINGS (**Passed H**), *Rep. Smith* — amends the Open Meetings Act to require that agendas be available to the public at least 72 hours prior to a public meeting. (May affect school boards)
- H 154 NO ELECTION EXPENDITURES FROM CORPORATIONS, *Rep. Egolf* — amends statute to prohibit corporations organized under the laws of New Mexico from incurring expenses to influence the outcome of any state, county, or local election. (May affect local school boards and the Public Education Commission)
- H 156 BUDGET & CORPORATE TRANSPARENCY, *Rep. E. Chávez* — creates the Budget and Corporate Transparency Act to impose a number of requirements on consulting, contracting, development, and other kinds of work involving contracts for \$25,000 or more between an entity and the state or one of its political subdivisions. (May affect public schools)

- H 160  
CS/S 160      **PUBLIC RECORDS AVAILABILITY AND PROCEDURES (Passed H/Passed S)**, *Rep. E. Chávez* — requires a public records custodian to make public records available via electronic media; requires a public body to display procedures for requesting public records from and contact information for the public records custodian on a website; and removes exempt information in an electronic format using a method or redaction tool that prevents recovery of exempt information.
- H 166  
CS/H 166      **REVIEW CERTAIN TAX CREDITS (Passed H/Passed S)**, *Rep. Sandoval* — adds a new section and amends multiple sections of the Income Tax Act to require the Taxation and Revenue Department to produce a report on the effectiveness of certain tax credits, including the Job Mentorship Tax Credit for students enrolled in accredited secondary schools.
- H 172a      **NO CORPORAL PUNISHMENT AS SCHOOL DISCIPLINE (Passed H/Passed S)**, *Rep. Miera* — amends the Public School Code to eliminate corporal punishment as one of the possible disciplinary sanctions that school district discipline policies may include; and to require each local school board and each governing body of a charter school to prohibit the use of corporal punishment. [Identical to S 319a]
- H 175      **SCHOOL CLOSURE & CONSOLIDATION PROCEDURES**, *Rep. Egolf* — adds a new section to the Public School Code to provide procedures for closing or consolidating public schools in a school district; requires local school boards to provide the Public Education Department (PED) a certification from the municipal or county government that the proposed closure or consolidation plan complies with all local laws or ordinances that would apply to a private entity; requires the school district to perform a comprehensive analysis before the final vote to demonstrate that the closure or consolidation will result in financial savings to the district or improve educational outcomes; and requires PED approval.
- H 182  
CS/H 182a      **PENALTIES FOR SERVING ALCOHOL TO MINORS (Passed H/Passed S)**, *Rep. Maestas* — amends a section of the Liquor Control Act to reduce the penalty for serving alcoholic beverages to minors (permits a server to have three violations for serving alcohol to minors before being charged with a fourth degree felony); changes the knowledge requirement for providing alcohol to minors; may suspend the driver's license of a minor in violation of the act for 90 days; and extends eligibility to receive a license for 90 days if the offender is too young to possess a driver's license. (May affect public schools)
- H 184      **STATUTORY USE INCLUDES & INCLUDING**, *Rep. Park* — amends the Uniform Statute and Rule Construction Act to clarify the meaning of the terms “includes” and “including.”
- H 186  
CS/H 186      **PROCUREMENT EVALUATIONS AS PUBLIC RECORDS (Passed H)**, *Rep. Larrañaga* — amends the Procurement Code to require evaluators to sign and retain scoring documents as public records; requires retention of bids, formal requests for proposals, and competitive sealed proposals for contracts over \$50,000 for the length of the contract. (May affect public schools)



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

- H 192 CHARTER SCHOOL ENROLLMENT PREFERENCES, *Rep. King* — amends the Charter Schools Act to require a conversion charter school to grant enrollment preference, not only in the initial year but also in all subsequent years of operation, to students who reside within the boundaries of that charter school’s district-designated attendance zone.
- H 193 BIRTHDAY DEADLINE FOR KINDERGARTEN ENROLLMENT (**Passed H**),  
CS/H 193 *Rep. King* — amends the Public School Finance Act to grant “qualified student” status for kindergarten to any child at least five years old who was born at any time on September 1 of the school year and for pre-kindergarten to any child who is at least four years old who was born at any time on September 1.
- H 201a ADJUSTING HOME SCHOOL PROGRAM UNITS (**Passed H**), *Rep. Strickler* — amends the Public School Finance Act to provide that home school students generate activity program units for all school district athletic, co-curricular, and extracurricular activities governed by the New Mexico Activities Association, rather than only athletic activities.
- H 202a PRIVATE SCHOOL STUDENT ACTIVITY PROGRAM UNIT, *Rep. Strickler* — adds a new section to the Public School Finance Act to establish a private school student activities program unit, effective school year 2011-2012, and defines eligible activities as athletic, co-curricular, and extracurricular activities sanctioned by the New Mexico Activities Association.
- \*H 207a INDEPENDENT CONSTITUTIONAL COMMISSION (**Passed H**), *Rep. Cervantes* — creates an independent Constitutional Revision Commission pursuant to Article 19, Section 1 of the Constitution of New Mexico; and appropriates \$100,000 from the legislative cash balances to the Legislative Council Service for expenditure in FY 11 through FY 13 in order to carry out the provisions of the act.
- H 212a PAYMENT OF WAGES BY PAYROLL CARDS (**Passed H**), *Rep. Trujillo* — amends current provisions in the Employment Law to provide for payment of wages by payroll cards. (May affect public schools)
- H 214 DUAL CREDIT PROGRAM ELIGIBILITY, *Rep. Espinoza* — amends provisions in law relating to state educational institutions to establish eligibility for students enrolled in a private school or home school to participate in the Dual Credit Program; and requires the school district in which the student’s parent or legal guardian resides to pay the cost of the required textbooks and other course supplies for the postsecondary course that the private school or home school student takes through an allocation from the Instructional Material Bureau of the Public Education Department.
- H 217 FIELD TRIPS TO JAILS IN 7<sup>TH</sup> AND 8<sup>TH</sup> GRADE, *Rep. D. Chavez* — adds a new section to the Public School Code to require every school district to institute a delinquency deterrence program in middle schools and to conduct field trips to jails and juvenile detention facilities for seventh and eighth grade classes; and to provide an alternative learning experience about the consequences of juvenile and adult crime to students whose parents waive participation in the field trip.

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

- H 224 NMSU APPROP FOR COUNTY EDUCATION INITIATIVE, *Rep. Nuñez* — appropriates \$100,000 from the General Fund to the Board of Regents of New Mexico State University for expenditure in FY 12 for Doña Ana Community College to implement the Doña Ana County Regional Educational Initiative.
- H 230 MERGE HED WITH DFA, *Rep. Park* — repeals the Higher Education Department Act and amends numerous sections of state law to merge the Higher Education Department (HED) with the Department of Finance and Administration (DFA); creates the Higher Education Division within DFA and assigns duties to this division; and provides for the transfer of functions, property, contractual obligations, and statutory references from HED to the Higher Education Division in DFA.
- H 233 MEDIA LITERACY AS ELECTIVE IN PUBLIC SCHOOLS, *Rep. Maestas* — amends the Public School Code to require that media literacy be offered as an elective for public school students in grades 6 through 12.
- H 241a **TEACHER LOAN REPAYMENT ACT (Passed H/Passed S)**, *Rep. Stapleton* — adds  
CS/H 241a new sections to higher education provisions in law to create the Teacher Loan Repayment Act for applicants who intend to practice as teachers in designated high-risk teacher positions; creates the Teacher Loan Repayment Fund; and credits all money appropriated for the program to the fund.
- H 251 AMEND CERTAIN RETIREMENT ACTS, *Rep. Stewart/Sen. Ingle* — amends the Public Employees Retirement Act and the Educational Retirement Act to reduce cost-of-living adjustments; and increases age and service requirements for retirement of certain legislators and employees.
- H 252 **DISTRICT & CHARTER SCHOOL FINANCIAL REPORTING (Passed H/Passed S)**, *Rep. King/Sen. Sapien* — creates new sections of the Public School Finance Act to require quarterly financial reporting to local school boards or governing bodies of charter schools; and provides the Public Education Department with the authority to promulgate rules governing the use of procurement, travel, and gas cards by school districts and charter schools.
- H 254a CURFEW ORDINANCES, *Rep. Kintigh* — creates a new section of and amends the Children’s Code to provide counties and municipalities with the authority to create curfew ordinances and provide penalties. (May affect public schools)
- H 264 SCHOOL BOARD ELECTION, APPOINTMENT LIMITS, *Rep. Espinoza* — creates a new section in the Public School Code to provide limitations on election or appointment to school boards for a school district employee or contractor.
- H 265 MILITARY RETIREMENT INCOME TAX EXEMPTION, *Rep. McMillan* — adds a new section of the Income Tax Act to provide an income tax exemption for 100 percent of military retirement or retainer pay. (May affect public schools) [Identical to S 217]
- H 268a **RECYCLE PLANS IN SCHOOL DISTRICTS (Passed H/Passed S)**, *Rep. Maestas* — creates a new section in the Public School Code to allow school districts to adopt recycling

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

plans for the sale of recyclable materials; and to require that net proceeds from the sale of recyclable materials be used to fund fine arts education programs.

- H 272 PUBLIC EMPLOYEE & EDUCATION RETIREMENT ACTS (**Passed H**), *Rep. Stewart* — amends the Public Employees Retirement Act and the Educational Retirement Act to require retirement boards to provide actuarial and other solvency-related reports to the Legislature or legislative committees upon request.
- H 277 SCHOOL BOARD CAMPAIGN REPORTING ACT, *Rep. Hall* — creates the School Board Campaign Reporting Act in the Elections Code; requires timely reporting of campaign contributions and expenditures; and prescribes penalties.
- H 280 INVESTMENTS FOR LOCAL GOVT. PERMANENT FUNDS (**Passed H**), *Rep. Ezzell* — amends the Local Government Finances section of the Public Finances Law to allow additional investments for certain local government permanent funds. (May affect public schools)
- H 283 **SCHOOL LEASE & LEASE-PURCHASE REQUIREMENTS (Passed H/Passed S)**, *Rep. W.K. Martinez* — amends the Public Purchasing and Property Law to exempt certain leases from State Board of Finance approval; requires standards for certain charter school facilities; requires approval before entering into a lease-purchase agreement for school facilities; and reconciles multiple amendments. (For the LESC and the Public School Capital Outlay Oversight Task Force)
- CS/H 283a
- H 288a TEACHERS INCOME TAX DEDUCTION ON INDIAN LAND (**Passed H**), *Rep. Jeff* — creates a new section of the Income Tax Act to provide an income tax deduction for teachers working and living on Indian land; applies to taxable years beginning on or after January 1, 2011.
- H 289 PUBLIC SCHOOL STANDARDIZED REPORTING DATES (**Passed H/Passed S**), *Rep. Baldonado* — amends the Public School Finance Act to change the second reporting date to December 1 or the first working day in December; and to define the term “working day.”
- H 292 GENDER-NEUTRAL LANGUAGE IN LEGIS. DOCUMENTS (**Passed H**), *Rep. Chasey* — requires the Legislative Council Service to use gender-neutral language in certain situations and as part of its work to replace gender-specific language with gender-neutral language where appropriate and reasonable.
- H 294a STATE TREASURER TO DESIGNATE BOARD DESIGNEES (**Passed H/Passed S**), *Rep. Maestas* — amends state law to authorize the State Treasurer to assign a designee for the Public Employees Retirement Board and Educational Retirement Board.
- H 296a EARLY CHILDHOOD CARE AND EDUCATION ACT (**Passed H**), *Rep. King/Sen. Sapien* — creates the Early Childhood Care and Education Act to ensure that every New Mexico child is ready to succeed by the time that child enters kindergarten; creates the State Early Learning Advisory Council consisting of 15 members, including the Secretary of Public Education or the secretary’s designee scheduled to terminate on July 1, 2018; prescribes duties, among them leading the development or enhancement of a high-

quality, comprehensive system of early childhood development and care that ensures statewide coordination and collaboration; makes recommendations to the Public Education Department and the Legislature on the most efficient and effective way to leverage state and federal funding; and creates the Early Childhood Care and Education Fund as a non-reverting fund. [Similar to S 120a]

- H 298  
**CS/H 298a**      **SEX OFFENDER REGISTRATION REQUIREMENTS (Passed H/Passed S),**  
*Rep. Maestas* — amends the Law Enforcement Code regarding sex offender registration to provide for verification of registration; requires notice to registered offenders to verify registration; provides for 90-day verification of registration; clarifies the information available on the sex offender Internet website; and prohibits law enforcement from requiring additional information that is not required by state law. (May affect public schools)
- H 299  
**CS/H 299**      **RETROACTIVE CHILD SUPPORT NOT EXCEED 3 YEARS (Passed H/Passed S),**  
*Rep. Brown* — amends the New Mexico Uniform Parentage Act to provide that retroactive child support not exceed three years from the date of filing the report. (May affect public schools)
- H 300      **INFO. SPECIFIED FOR OBLIGATION BOND ELECTION, *Rep. Varela*** — amends the School Election Law and creates a new section of the Public School Code to require certain information to be specified in a local school board proclamation for a general obligation bond election; and limits the use of bond proceeds to include only projects that reflect the school district's needs as shown by the facility assessment database maintained by the Public School Facilities Authority.
- H 302      **PROTECTION FROM CERTAIN SCIENTIFIC TOPICS, *Rep. Anderson*** — creates a new section of the Public School Code to provide for protection of teachers and students regarding the teaching of controversial scientific topics that include biological origins, biological evolution, causes of climate change, human cloning, and other scientific topics that are often viewed by society as controversial.
- H 303      **ENACT "CLEAN AIR ON CAMPUS ACT," *Rep. Picraux*** — creates the Clean Air on Campus Act; prohibits smoking on all public postsecondary educational institution campuses; and prescribes penalties.
- H 308      **VOTER IDENTIFICATION REQUIREMENTS, *Rep. Hamilton*** — amends the Election Code to require in-person voters to present identification before voting; provides for free identification cards to be issued by the Motor Vehicle Division in case of indigency; and provides procedures for challenging a voter's identification. (May affect school boards)
- H 309      **PROCUREMENT CODE PROCEDURES TO CERTAIN LEASES, *Rep. D. Chavez*** — amends the Procurement Code to apply procurement code procedures to certain leases of real property; provides for a ceiling on lease payments; increases the bid preference for resident businesses; creates a bid preference for New Mexico veterans; provides additional requirements for sole source contracts; provides for additional information to be posted on the Internet; requires annual audits of construction contracts; prohibits public money from being expended after June 30, 2012 pursuant to a lease of procurement contract, unless the

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

contract was entered into pursuant to law on or after July 1, 2011; and provides for temporary waivers from the prohibition. (May affect school districts)

- H 310a ELECTRONIC INSTRUCTIONAL MATERIALS FOR SCHOOL (Passed H/Passed S), Rep. Cervantes** — amends the Instructional Material Law to require publishers of instructional materials on the multiple list to provide instructional materials in electronic format by school year 2013-2014.
- H 321a EDUCATIONAL DATA SYSTEM REVISIONS (Passed H/Passed S), Rep. Madalena** — amends the Public School Code to add new members to the Data System Council; and to expand categories of data reporting.
- H 332 CREATE INTERIM REDISTRICTING COMMITTEE (Passed H), Rep. MH. Garcia** — creates a Joint Interim Legislative Redistricting Committee for the purpose of redistricting congressional, legislative, public regulation commission, and public education commission districts based on data from the 2010 decennial census.
- H 333 NO PAYMENT FOR ACCUMULATED SICK LEAVE, Rep. James** — repeals two sections in state law and creates a new section to prohibit the payment for accumulated sick leave for any state officer or employee. (May affect public schools)
- H 345a STATE AGENCY PROPOSED RULE STATUTORY CITATION (Passed H), Rep. D. Chavez** — amends state law to require state agencies to cite statutory authority for rules and administrative directives they propose to enact. (May affect the Public Education Department)
- H 347a JUVENILE DETENTION REQUIREMENTS MODIFICATIONS (Passed H/Passed S), Rep. Miera** — amends the Children’s Code to modify juvenile detention requirements; expands detention options and hearing requirements for certain persons who are 18 years of age; requires regular sight supervision of a child held in an adult jail if the child is detained in a non-secure setting; and allows inspections to monitor compliance with federal and state requirements. (May affect public schools)
- H 350 REMOVAL OF ELECTED OFFICIAL UPON CONVICTION, Rep. Little** — creates a new section of the Criminal Procedure Code to remove an elected official from office upon conviction for certain crimes. (May affect school boards and the Public Education Commission)
- H 351 LIMIT EXEMPT EMPLOYEE TO CLASSIFIED POSITIONS, Rep. Little** — creates a new section in the Personnel Act to limit exempt employees from filling classified positions during the last year of the term of the elected official in the executive branch under whose administration the exempt employee was appointed or retained. (May affect the Public Education Department)
- H 352 SHORTEN EARLY VOTING PERIOD, Rep. Little** — amends the Election Code to shorten the period for early voting by one week. (May affect school boards and the Public Education Commission)

- H 353 HIGHER ED. INST. ENDOWMENT FUND STANDARDS (Passed H/Passed S),** *Rep. Larrañaga* — amends higher education provisions in current law to clarify the standards for investment of institutional endowment funds managed by public postsecondary educational institutions, specifically with regard to compliance with the Uniform Prudent Management of Institutional Funds Act and the Prudent Investor Rule.
- H 355 ENACT “A-B-C-D-F SCHOOLS RATING ACT,” (Passed H)** *Rep. Roch* — adds a new section of the Public School Code to create the A-B-C-D-F Schools Rating Act; provides for a rating system to grade public schools in a way easily understandable by parents, school personnel, and the community; establishes criteria for rating public schools; provides school options; provides Public Education Department-approved funding for failing schools to implement scientifically based instructional programs linked to improved student achievement; creates a New Mexico School Recognition Program; and provides financial rewards to high-achieving public schools. [Similar to S 427a]
- H 356 NO WORKERS’ COMP. IF DRUGS/ALCOHOL INVOLVED,** *Rep. Roch* — amends statute to prohibit compensation under the Workers’ Compensation Act if the worker is under the influence of alcohol or illegal drugs. (May affect public schools)
- H 359a LOTTERY SCHOLARSHIP RECIPIENT ADDITIONS (Passed H),** *Rep. Roch* — amends statute to allow home school students to receive Legislative Lottery Scholarships upon completion of a home-based educational program; and defines “home-based educational program.”
- H 360a REQUIREMENTS FOR ALTERING STATE RULES ACT,** *Rep. Egolf/Sen. Keller* — amends state law relating to records and adds a new section in the State Rules Act to create requirements for proposing, adopting, amending, or repealing rules; includes any educational institution and all libraries in the state library system; and establishes guidelines for public participation, comments, and rule hearings. (May affect school districts)
- H 361 POINT-OF-SALE SURTAX ON RETAIL ALCOHOL SALES,** *Rep. Egolf* — creates the Liquor Surtax Act; imposes a point-of-sale surtax on retail sales of alcoholic beverages; and distributes the net revenue to the Public School Fund.
- H 363 CERTAIN SEXUAL PENETRATION, LIFE IMPRISONMENT,** *Rep. T. García* — amends criminal offense law to provide that criminal sexual penetration perpetrated on a child under 13 years of age is punishable by life imprisonment; defines criminal sexual penetration committed by a licensed, unlicensed, or contract school employee as a fourth degree felony; and provides no time limitation for commencing prosecution for first degree felonies.
- H 364 FINANCIAL LITERACY OFFERED 6-8 GRADES,** *Rep. Maestas* — amends the Public School Code to require financial literacy to be offered as an elective in grades 6 through 8.
- H 366a FINANCIAL LITERACY AS GRADUATION REQUIREMENT,** *Rep. Maestas* — amends the Public School Code to allow for a financial literacy course that meets state mathematics academic content and performance standards to qualify as one of the four required mathematics units; clarifies that, unless a student elects to take financial literacy

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

as one of the four units in mathematics, one unit in financial literacy is required; and explains that six and one-half elective units, or seven and one-half elective units if a student elects to take financial literacy as one of the four units in mathematics, are required.

- H 367a LIVE WEBCASTING OF PUBLIC MEETINGS, *Rep. Smith* — amends state law to require live video and audio transmission via the Internet of meetings of public entities conducting public business; requires the Department of Information Technology (DoIT) to provide technical assistance upon request to a board, commission, or other policymaking body; requires copies of transmissions to be retained as public records; requires agendas to be available to the public at least three days immediately prior to the meeting; provides for a 12-month exemption upon a written determination submitted by the DoIT; and exempts Internet transmission of meetings for certain public entities. (May affect school boards)
- H 368 INSPECTION OF PUBLIC RECORDS (**Passed H**), *Rep. Gentry* — amends state law to provide that public records submitted to the State Records Administrator may be inspected under the Inspection of Public Records Act; and applies to archived personal files, records, and documents of elected state officials or of former elected state officials. (May affect school boards and the Public Education Commission)
- H 369 STUDENT PUBLIC ASSISTANCE REQUIREMENT, *Rep. Kintigh* — amends sections of the Compulsory School Attendance Law to provide for termination of student public assistance to parents of students who fail to meet school attendance requirements; and provides for reporting of students not meeting attendance requirements to the Human Services Department.
- H 375 APPROVAL BEFORE PED EMERGENCY SUPP. DISTR. (**Passed H**), *Rep. Smith* — amends the Public School Code to require State Board of Finance approval before the Public Education Department distributes emergency supplemental distributions. (For the LESC)
- H 378a PUBLIC CORRUPTION OFFENSES & CONVICTIONS (**Passed H**), *Rep. Gentry/*  
CS/H 378a *Sen. Keller* — amends the Governmental Conduct Act and the Criminal Offense Code to specify the criminal acts that qualify as public corruption offenses; mandates posting of information relating to public corruption offenses; limits the amount that a sentence may be suspended, deferred, or taken under advisement for conviction of a crime dealing with public corruption; bars persons convicted of public corruption offenses from lobbying or entering into contracts with the state; amends the Corrections Act to limit the meritorious deduction amount for persons convicted of public corruption offenses; provides for the forfeiture of certain rights and benefits under the state retirement systems upon conviction of public corruption offenses; and provides penalties. (May affect public schools)  
[Similar to H 383 and H 480]
- H 379a REAL TIME SUNSHINE PORTAL UPDATES, *Rep. Gentry/Sen. Keller* — provides a penalty for violation of the Inspection of Public Records Act. (May affect public schools)
- H 380 NO SCHOOL HEALTH CENTER REPRODUCTIVE SERVICES, *Rep. James* — amends state law to prohibit school-based health centers from offering or providing reproductive health services.

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

- H 383 PUBLIC CORRUPTION OFFENSES & INVESTIGATIONS, *Rep. Doyle* — amends the Public Safety Act to specify the criminal acts that qualify as public corruption offenses; and creates the Public Corruption Investigations and Prosecution Division in the Department of Public Safety. (May affect school districts) [Similar to H 378a and H 480]
- H 384 EXTEND WAIVER OF SCHOOL REQUIREMENTS (**Failed H**), *Rep. Taylor* — amends the Public School Code to empower the Secretary of Public Education to waive code requirements and rules pertaining to individual class load, teaching load, length of school day, staffing patterns, subject areas, and purchases of instructional materials through school year 2013-2014.
- H 385 NO STATE CONTRACTS WITH CERTAIN COMPANIES, *Rep. Taylor* — creates an act to prohibit state agencies and local public bodies from contracting with individuals and entities that have been convicted of or found civilly liable for certain criminal and unethical conduct; and provides civil and criminal penalties. (May affect public schools)
- H 386 TRANSPARENCY IN PRIVATE ATTORNEY CONTRACTS, *Rep. Taylor* — authorizes  
CS/H 386 the Attorney General to enter into contingent fee contracts under certain conditions; creates  
CS/CS/H 386 the Attorney General Suspense Fund; and prohibits certain contributions by contractors or potential contractors. (May affect public schools)
- H 388 COLLEGE TEXTBOOK PURCHASE GROSS RECEIPTS, *Rep. Gutierrez* — amends tax law to provide a deduction from gross receipts for all textbooks sold to students enrolled at New Mexico public postsecondary educational institutions.
- H 394 **BINGO & RAFFLE ACT ORGANIZATION DEFINITIONS (Passed H/Passed S)**, *Rep. Miera* — amends the definition of “Educational Organization” to include “recognized student organizations” and amends the definition of “Fraternal Organization” to include “college and high school fraternities,” as used in the New Mexico Bingo and Raffle Act.
- H 403 NAVAJO NATION CAPITAL PROJECT CONDITIONS, *Rep. Begaye* — amends state  
CS/H 403 law to require that chapters of the Navajo Nation be certified under Title 26 of the Navajo Nation Code and that nonprofit entities (which include a school board having local education authority) be chartered and registered to apply for and implement capital improvement projects.
- H 404a HIGHER EDUCATION EMPLOYMENT BACKGROUND CHECKS (**Passed H**), *Rep. Begaye* — adds a new section of state law to allow institutions of higher education to conduct employee background checks.
- H 406 INSPECTION OF ELECTRONIC RECORDS, *Rep. Cervantes* — repeals a section of state law and creates a new section to provide for the inspection of electronic records; and provides that the custodian may charge a reasonable fee for the production of the information requested. (May affect public schools)
- H 407 INCREASE NUMBER OF SCHOOL DAYS, *Rep. Cervantes* — amends the Public School Code to increase the number of required instructional days beginning with school year 2012-2013; among its provisions, requires that a regular school year consist of at least



200 full instructional days in four quarters of 10 five-day weeks throughout the calendar year; and provides that days or parts of days that are lost due to weather, in-service training, or other events that are not school-directed programs shall be made up so that students are given a full instructional school year.

- H 408 STATE ETHICS COMMISSION ACT, *Rep. MH. Garcia* — creates the State Ethics Commission Act and the State Ethics Commission; provides for an executive director; provides for annual ethics training and the publication of ethics guides; requires the development of a proposed ethics code; provides for the issuance of advisory opinions; transfers the administration of certain acts to the State Ethics Commission; provides for the filing of complaints against state officials, state employees, government contractors, certain school employees and officials, and lobbyists for ethics violations; provides for investigations and hearings; grants subpoena powers; requires confidentiality; prohibits retaliation; and provides penalties. [Similar to S 293]
- H 409 STATE AGENCY RULE ECONOMIC IMPACT STATEMENTS, *Rep. Doyle* — amends the State Rules Act and creates a new section to require economic impact statements for state agency rules; and holds a state agency responsible if it underestimates the economic impact of rules. (May affect the Public Education Department)
- H 411 STATE AGENCY SUBMISSION OF TIMELY AUDITS (**Passed H/Passed S**), *Rep. Varela* — amends state law and the Department of Finance Act to require notifications to the Secretary of Finance and Administration of the failure to timely submit certain audits or certain financial reports; amends the Audit Act to provide for monetary sanctions against state agencies and state institutions for failing to submit timely audits; provides for monetary sanctions against municipalities and counties for failing to timely submit audits or financial reports; and adds the Legislative Finance Committee to agencies that must be notified when a school district, charter school or regional education cooperative fails to submit a timely audit. (May affect public schools)
- H 416 CRIME OF OBSTRUCTING A STATE AUDIT (**Passed H**), *Rep. Park* — amends the Audit Act and creates a new section for the criminal offense of obstruction of a state audit; and prescribes penalties. (May affect public schools)
- H 420a WEST LAS VEGAS HIGH SCHOOL LICENSE PLATES (**Passed H/Passed S**), *Rep. Vigil* — creates a new section of the Motor Vehicle Code to provide for a special West Las Vegas Schools registration plate; collects fees; uses a portion of the fees to defray costs; and appropriates the remainder to the West Las Vegas School district.
- H 421 INCREASE LIQUOR EXCISE TAX, *Rep. Vigil* — amends the Liquor Excise Tax Act to increase the tax. (May affect public schools)
- H 424 AUDITOR AGENCY AT-RISK FOR FRAUD DESIGNATION (**Passed H**), *Rep. Stewart* — adds a new section of the Audit Act to require the State Auditor to designate an agency at risk for fraud, waste, or abuse if it fails to submit a timely audit; requires the State Auditor to designate an agency at risk for fraud, waste, or abuse if it receives a disclaimer of opinion or an adverse opinion on its annual financial audit; requires the State Auditor to publish on the State Auditor's website a list of agencies designated at risk for fraud, waste,

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

or abuse; and requires the State Auditor to report any school district or charter school designated at risk for fraud, waste, or abuse to the Public Education Department.

- H 427 EQUAL OPPORTUNITY SCHOLARSHIP ACT, *Rep. Maestas* — creates the Equal Opportunity Scholarship Act; provides for tuition scholarship organizations to grant educational scholarships to low-income students to attend certain public and nonpublic schools; creates income tax and corporate income tax credits for contributions to tuition scholarship organizations that provide educational scholarships for low-income students to attend public or private schools of the student’s parents’ choice; requires the Public Education Department to administer the Equal Opportunity Scholarship Act; and reduces program units and program costs in the State Equalization Guarantee distribution. [Identical to S 433]
- H 428 RAISE ORGANIZATION INCOME SUBJECT TO AUDIT (Passed H/Passed S)**, *Rep. Brown* — amends state law to raise the audit threshold amount of gross annual income of an organization that transfers money to a state agency, including public school districts.
- H 436a PUBLIC SCHOOL INFO ON SUNSHINE PORTAL, *Rep. Smith* — amends the Sunshine Portal Transparency Act to require that certain public school information be available on the Sunshine Portal; and clarifies certain provisions and allows access to additional information.
- H 438a CREATE MILITARY WAR VETERAN SCHOLARSHIP FUND (**Passed H**), *Rep. T. García* — adds a new section to state law to create the Military War Veteran Scholarship Fund to be administered by the Higher Education Department; and appropriates \$150,000 from the General Fund to the Military War Veteran Scholarship Fund.
- H 439 SEX OFFENDER ELECTRONIC MONITORING CHANGES, *Rep. Begaye* — amends the Criminal Procedure Act to modify electronic monitoring requirements for sex offenders to provide for areas where electronic monitoring is not available; allows passive electronic monitoring; and allows the parole board to determine, after a hearing, whether electronic monitoring should continue or be suspended as a parole requirement. (May affect public schools)
- H 448 TAX DEDUCTION FOR CERTAIN DEPRECIABLE ASSETS, *Rep. D. Chavez* — amends the Income Tax Act and the Corporate Income and Franchise Tax Act to allow tax deductions for certain depreciable assets; and adds to the definition of “base income” to include Section 179 equipment purchase deductions. (May affect public schools)
- H 449 CHILD CARE PROVIDER COLLECTIVE BARGAINING, *Rep. Ezzell* — repeals a section of the Employment Law that authorizes collective bargaining for family child-care providers. (May affect public schools) (Succeeding entries: S 208)
- H 450 SCHOOL ELECTIONS BY MAIL, *Rep. Egolf* — amends, adds, and repeals multiple sections of the School Election Law to provide that school elections be conducted by mail.

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

- H 453 CHILD SUPPORT SET ASIDE FOR FUTURE NEEDS, *Rep. B. Luján* — amends state law to require that 20 percent of a basic child support obligation shall be set aside for the child’s future; and be available to the child upon termination of each parent’s child support obligation. (May affect public schools)
- H 459 SCHOOL BOARD APPROVAL OF SUPERINTENDENT RECS, *Rep. Begaye* — according to the title, amends multiple sections of the Public School Code to require local school board approval of the local superintendent’s employment recommendations for district-wide administrators; defines the term “districtwide administrator” and amends the definition of the term “local superintendent”; and prohibits contracts for district-wide administrators from extending past the contract term of the superintendent unless recommended by the local superintendent and approved by the local school board. [Identical to H 460]
- H 460 SCHOOL BOARD APPROVAL OF SUPERINTENDENT RECS, *Rep. Begaye* — according to the title, amends multiple sections of the Public School Code to allow local school board approval of the local superintendent’s employment recommendations for district-wide administrators; defines the term “districtwide administrator” and amends the definition of the term “local superintendent”; and prohibits contracts for district-wide administrators from extending past the contract term of the superintendent unless recommended by the local superintendent and approved by the local school board. [Identical to H 459]
- \*H 467 SEVERANCE TAX BOND PROJECTS, *Rep. Trujillo* — authorizes the State Board of Finance to issue and sell severance tax bonds in compliance with the Severance Tax Bonding Act; makes appropriations (including \$3.5 million to the School for the Blind and Visually Impaired, \$5.0 million to the New Mexico School for the Deaf, and \$20.0 million to the Higher Education Department for infrastructure improvements); and reauthorizes or reappropriates balances, changes purposes, and extends expenditure periods.
- H 468 PUBLIC EMPLOYEE RETIREMENT CONTRIBUTIONS, *Rep. Bratton* — changes the employer and employee contribution rates in certain retirement plans; provides that, from July 1, 2011 through June 30, 2013, the employer contributes 12.4 percent of the annual salary of each member employed by the local administrative unit whose annual salary is \$20,000 or less, and 10.9 percent of the annual salary of each member employed by the local administrative unit whose annual salary is greater than \$20,000; and applies the schedule to any member who is an educational assistant, licensed by the Public Education Department and working in a grade level from pre-kindergarten through grade 12, or a teacher.
- H 471 NO CYFD EMPLOYEE AS JUVENILE BOARD CHAIR (**Passed H**), *Rep. O’Neill* — amends the Children’s Code to provide that the Juvenile Public Safety Advisory Board shall consist of three to seven members; and to provide that an employee of the Children, Youth and Families Department shall not be designated to serve as chair or vice chair of the board. (May affect public schools)
- CS/H 471
- H 472a TRANSFER APPROVING DIVISION TO HIGHER ED DEPT (**Passed H**), *Rep. Hall* — amends the Veterans’ Services Department Act and the Higher Education Department Act to transfer the State Approving Division of the Veterans’ Services Department to the

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

Higher Education Department; and restructures the Higher Education Department by deleting several divisions and replacing them with the Equity and Access Division.

- H 474      CREATE NEW MEXICO MARRIAGE COMMISSION, *Rep. Espinoza* — creates the New Mexico Marriage Commission; and among other provisions calls for a review and analysis of all state laws, rules, programs, and policies that pertain to public assistance, including Temporary Assistance for Needy Families, education, child custody, and other public services to ensure that those services do everything possible to promote the institution of marriage and engaged fatherhood and provide support for children.
- H 475a     **SPEECH & HEARING THERAPIST REVISIONS (Passed H/Passed S)**, *Rep. Alcon* — amends the Speech-language Pathology, Audiology and Hearing Aid Dispensing Practices Act; adds a scope of practice for clinical fellows; increases board membership; conforms state licensure to national standards; changes renewal terms; increases license fees; and provides for bilingual and multi-lingual endorsements. (May affect public schools)
- H 476a     FUTURE FARMERS OF AMERICA LICENSE PLATES (**Passed H**), *Rep. Gutierrez* — creates a new section of the Motor Vehicle Code to provide for a special registration plate of the New Mexico Future Farmers of America; appropriates a portion of the license registration fee to defray costs; and distributes the remaining appropriation to the Board of Regents of New Mexico State University for the New Mexico State Future Farmers of America office and for Future Farmers of America youth programs in the state.
- H 479      REDUCE FILM PRODUCTION TAX CREDIT, *Rep. White* — amends state law to reduce the Film Production Tax Credit from 25 percent to 15 percent; and reduces the credit from 20 percent to 10 percent for film companies that receive tax credits pursuant to the Federal New Markets Tax Credit program. (May affect public schools)
- H 480      PUBLIC CORRUPTION OFFENSES & CONVICTIONS, *Rep. Brown* — amends the Governmental Conduct Act to extend its provisions to include public officers and employees of political subdivisions of the state. (May affect public schools and school boards) [Similar to H 378a and H 383]
- H 483      FEDERAL FUNDING TO FAMILY FORMATION PROGRAMS, *Rep. Baldonado* — creates a new section of the New Mexico Works Act to require the Human Services Department to devote a portion of federal funding to family formation and responsible fatherhood programs; and provides for educational programs in high schools on the value of marriage, relationship skills, and budgeting.
- H 490      CODE OF CONDUCT FOR PARENTS ON SCHOOL GROUNDS, *Rep. Cervantes* — creates a new section of the Public School Code to require school districts to include or create in their discipline policies codes of conduct for parents on school grounds and at school-sponsored or New Mexico Athletic Association-sponsored events; addresses parent behavior related to their children's behavior; creates a crime; and prescribes a penalty.
- H 492      REPEAL CONSTRUCTION INDUSTRY STOP NOTICE ACT (**Passed H**), *Rep. Cervantes* — repeals the Stop Notice Act relating to the construction industry. (May affect public schools)

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

- H 494 CREATE CRIME OF BULLYING, *Rep. MH. Garcia* — adds a new section of the Criminal Code to create the crime of bullying; and provides for penalties. (May affect public schools) [Related to S 78 and SJM 5]
- H 496 **SCHOOL DISTRICT ELECTION NOTIFICATION (Passed H/Passed S)**,  
FL/H 496 *Rep. Sandoval* — amends multiple sections of the School Election Law to change proclamation and publication procedures for school district elections; and changes notification requirements for school elections.
- H 506 ELECTION CANDIDATE NOMINATIONS & PETITIONS, *Rep. Anderson* — amends the Election Code to change candidate nomination procedures and requirements; changes qualification requirements for political parties; changes certain filing dates; and requires persons who sign nominating petitions to list their voter registration address. (May affect the Public Education Commission)
- H 510 SPECIAL NEEDS STUDENT SCHOLARSHIP, *Rep. Begaye* — creates the Special Needs Student Scholarship Act to be administered by the Public Education Department; provides for tuition scholarship organizations to grant educational scholarships to special needs students to attend certain public and nonpublic schools; creates income tax and corporate income tax credits for contributions to tuition scholarship organizations that provide educational scholarships for special needs students to attend public or private schools of the student’s parents’ choice; and adjusts the Public School Funding Formula to deduct students who participate in the scholarship program. [Identical to S 398]
- H 517 FINANCIAL DISCLOSURES FOR LEGISLATORS, *Rep. Brown* — requires additional financial disclosures and disclosures of conflicts of interest for legislators and legislative candidates.
- H 518 EDUCATION DEPT. REDIRECTING RESOURCES, *Rep. Hall* — amends the Public School Code to allow the Public Education Department to redirect school district resources toward educational programs and methods that are grounded in scientifically based research linked to student achievement.
- H 520 EQUALIZING EMERGENCY SCHOOL TAX, *Rep. Stewart* — amends the Oil and Gas Emergency School Tax Act and the Tax Administration Act to equalize at 4.0 percent the rate of tax on all products subject to the tax; distributes 12.5 percent of the revenue from the Oil and Gas Emergency School Tax to the Public School Fund; and establishes the Public School Fund as a non-reverting fund.
- H 526 SEX OFFENDER REGISTRATION & AVAILABLE INFO, *Rep. Herrell* — amends the Sex Offender Registration and Notification Act to require registration for additional sex offenses; expands the definition of “sex offender”; requires additional information upon registration, including the name and address of any school or institution of higher education that the sex offender is attending; and clarifies the information available on the sex offender Internet website.

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

- H 535  
CS/H 535 CHANGE BOND ELECTION DAY, *Rep. Powdrell-Culbert* — amends multiple sections of state law to create Bond Election Day; and requires certain elections to be held on Bond Election Day (mill levy, property tax, and any nonschool special election at which a tax increase is being voted upon).
- H 540 STATE EMPLOYEE WELLNESS INCENTIVES, *Rep. Picraux* — creates a new section of the Group Benefits Act to require the Risk Management Division of the General Services Department to establish a program that provides results-based wellness incentives tied to employee health insurance premiums; and provides monetary incentives for improving one's health status. (May affect public schools)
- H 547 TRANSFER DEPT. OF INFO TECH TO GSD, *Rep. Bandy* — amends the General Services Department Act and adds a new section of state law to eliminate the Department of Information Technology and transfer its functions to the General Services Department; repeals multiple sections of the Department of Information Technology Act; requires the Information Technology Division to prepare a state information technology strategic plan for the executive branch and update it at least once every three years.
- H 551 CONSOLIDATE INDIAN AFFAIRS DEPT. PROGRAMS, *Rep. Jeff* — repeals sections of the Executive Reorganization Act; amends the Indian Affairs Department Act and adds a new section to create the Indian Affairs Advisory Council including at least one member who shall have knowledge of and involvement in the education of tribal students; and consolidates Indian programs within the Indian Affairs Department, including the American Indian Postsecondary Education Division of the Higher Education Department.
- H 555a **DELAY SCHOOL DAY & YEAR LENGTH CHANGES (Passed H/Passed S)**, *Rep. King* — amends state law to delay the applicability of changes to the school year and length of the school day to school year 2012-2013; requires the Public Education Department (PED), LESC, and other interested stakeholders to continue to study issues related to school calendars and the length of the school day; and requires PED to report its findings to the Governor and Legislature no later than December 15.
- H 556 CHILDREN'S TRUST FUND PURPOSE & BOARD (**Passed H**), *Rep. King* — amends the Children's Trust Fund Act to clarify its purposes, revise the board's membership, and clarify the act's expenditure provisions. (May affect public schools) [Identical to S 534]
- H 558a **INDUSTRIAL REVENUE BONDS TAXING ENTITY NOTICE (Passed H/Passed S)**, *Rep. King/Sen. Campos* — amends the County Industrial Revenue Bond Act to require that notice be provided to all taxing entities in a county prior to an ordinance issuing industrial revenue bonds. (May affect public schools)
- H 561 POST-SECONDARY INTERN TAX CREDITS, *Rep. Doyle* — adds a new section to the Income Tax Act and the Corporate Income and Franchise Tax Act to create postsecondary intern income tax and corporate income tax credits to encourage businesses to employ students who are enrolled in internship programs or classes at postsecondary educational institutions.

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

- H 562 LOTTERY SCHOLARSHIP REGULATIONS, *Rep. Espinoza* — amends multiple sections of state law to require United States citizenship or lawful permanent or conditional residence to qualify for a Legislative Lottery Scholarship.
- H 566 HED APPROP TO SUPPORT SCHOOL LEADERSHIP INST, *Rep. Begaye* — appropriates \$200,000 from the General Fund to the Higher Education Department to support the School Leadership Institute; and reverts any unexpended or unencumbered balance remaining at the end of FY 12 to the General Fund. [Identical to S 289]
- H 569 RETIREE HEALTH CARE RATE INCREASE DELAY, *Rep. James* — amends the Retiree Health Care Act to postpone scheduled increases in the contribution rates. (May affect public schools)
- H 570 MERGE ALTSD WITH CYFD, MEDICAID TO HSD, *Rep. Wooley* — amends and adds numerous sections to state law, including the Children, Youth and Families Department Act, to merge the Aging and Long-Term Services Department and the Children, Youth and Families Department; transfers Medicaid programs from the Aging and Long-Term Services Department to the Human Services Department; provides for transfers of functions, personnel, money, records, other property, contractual obligations, and references in law; and provides for a transition team that will submit proposed budgets to the Department of Finance and Administration and the Legislative Finance Committee by September 1, 2011. (May affect public schools)
- \*H 575a **SCHOOL BUS FUEL COSTS FROM TRANS. EMERG. FUND (Passed H/ Passed S)**, *Rep. Miera* — amends the Public School Code to provide for the payment of increased school bus fuel costs from the Transportation Emergency Fund; and requires the Public Education Department to approve requests for funding and make distributions on a reimbursement basis.
- \*H 584 NM HEALTH BENEFIT EXCHANGE ACT, *Rep. McMillan* — amends the Tort Claims Act and creates the New Mexico Health Benefit Exchange Act; establishes a New Mexico Health Benefit Exchange; provides for a board of directors of the exchange; provides for qualified health plan certification; provides for dispute resolution; provides for transparency of exchange funding and operations; requires the Human Services Department and the Corrections Department to study the feasibility of covering individuals through the exchange; and requires the board of directors of the exchange and medical insurance pool to prepare a report to the 51<sup>st</sup> Legislature on the transition of functions of the New Mexico Health Insurance Alliance and New Mexico Medical Insurance Pool to the New Mexico Health Benefit Exchange. (May affect public schools)
- H 586 PREMIUM TAX OFFSET ACT, *Rep. Stewart* — creates the Premium Tax Offset Act; authorizes the issuance and sale of Premium Tax Offset Certificates for the purpose of decreasing the unfunded liability of the Educational Retirement Fund; and appropriates revenues from the sale of premium tax offset certificates to the Insurance Operations Fund.
- H 592 SCHOOL PERSONNEL LICENSE EXAM, *Rep. Smith* — amends the School Personnel Act to allow a subject-area examination as an alternative to subject-area credit hours for alternative Level 1 licensure. [Similar to S 361a]

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

- H 596  
CS/H 596 STATE AUDITOR PUBLIC FUND RECOVERY COUNSEL (**Passed H**),  
*Rep. Cervantes* — amends the Audit Act to authorize the State Auditor to contract with outside counsel to pursue legal actions to recover public funds; and creates the state auditor suspense fund. (May affect school districts)
- H 597 LEGISLATIVE SESSION EMPLOYEE UNEMPLOYMENT, *Rep. Dodge* — creates a new section of Unemployment Compensation Law to provide benefit eligibility conditions for temporary legislative session employees.
- H 601 LOTTERY SCHOLARSHIPS AT TRIBAL COLLEGES, *Rep. Jeff* — amends the New Mexico Lottery Act to distribute an amount equal to 1.0 percent of Tribal Gaming Revenue for Lottery Tuition Scholarships at tribal colleges; and appropriates the revenues to the Lottery Tuition Fund.
- H 603a CHILD CARE REGISTRY, *Rep. E. Chávez* — adds a new section of the Children, Youth and Families Department Act to provide for a child-care registry database of early childhood educators.
- H 605 POLITICAL PARTY CAUCUS COMMITTEES, *Rep. Stewart* — adds a new section of the Campaign Reporting Act to provide for the creation of political party caucus committees; and creates an exception to campaign contribution limits.
- H 628  
CS/H 628 **CONTRIBUTION RATE CHANGES IN RETIREMENT PLANS (Passed H/  
Passed S)**, *Rep. Bratton* — amends the Public Employees Retirement Act and the Educational Retirement Act to change pension contributions for state employee plans administered by the Public Employees Retirement Association and the Educational Retirement Board (ERB); extends for another two years (FY 12 and FY 13) the two-year 1.5 percent contribution shift implemented for FY 10 and FY 11 from the employer to the employee for those employees making more than \$20,000; makes a one-year contribution shift of 1.75 percent from the employer rate to the employee rate for those making more than \$20,000 for FY 12; and delays the two remaining 0.75 percent increases for ERB, currently scheduled for FY 12 and FY 13, to FY 14 and FY 15.
- H 644  
CS/H 644 PERA AND ERA ADJUSTMENTS & REQUIREMENTS (**Failed H/Passed H**),  
*Rep. Stewart* — amends the Public Employees Retirement Act and the Educational Retirement Act to reduce cost-of-living adjustments and increase age and service requirements for retirement of certain employees; and authorizes the purchase of service credit of up to one year for members with at least five years of service credit.

**HOUSE JOINT MEMORIALS**

- HJM 2 “BETTER HEARING & SPEECH MONTH,” (**Passed H**) *Rep. Wallace* — requests that the Governor designate May as “Better Hearing and Speech Month.” (May affect public schools)
- HJM 3 STUDY EXEMPT & CLASSIFIED POSITIONS (**Passed H**), *Rep. Lundstrom* — requests that the State Personnel Office (SPO), in conjunction with the Legislative Finance Committee (LFC), study the number of exempt employees and their positions, salary



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

ranges, salaries, benefits, and perquisites; and that the SPO and the LFC report to the Governor and the Legislative Council by September 1, 2011 with recommendations.

- HJM 11a SMALL SCHOOL DISTRICT SERVICE CONSOLIDATION (**Passed H**), *Rep. Hall* — requests that the Public Education Department, in collaboration with the Office of Education Accountability, the Office of the State Auditor, regional education cooperatives, Cooperative Educational Services, and other stakeholders determine the cost and feasibility of (1) consolidating certain business services for small school districts; (2) providing support services to small districts through a regional system; and (3) operating one or more pilot projects to determine the effectiveness of such proposals; and requests a report to the LESC before October 31, 2011. (For the LESC)
- HJM 13 DEVELOPMENTAL DISABILITY PROGRAM ANALYSIS, *Rep. Picraux* — requests that the University of New Mexico Center for Development and Disability conduct a programmatic, legal, and fiscal analysis of current programs serving individuals living with developmental disabilities; that the center coordinate with several agencies, including the Public Education Department; and that a report of findings and recommendations be presented to the Health and Human Services Committee by October 2011.
- HJM 14 TRACK NURSING EDUCATION FUNDING (**Passed H**), *Rep. E. Chávez* — requests that the Higher Education Department track funding for nursing education through certain funding sources and report to the Health and Human Services Committee by November 2011 on progress toward developing regular reporting mechanisms for the distribution and uses of nursing funds, as well as a statewide plan for nursing education.
- HJM 15 STUDY MIXING ENERGY DRINKS & ALCOHOL (**Passed H**), *Rep. E. Chávez* — requests that the Department of Health study the effect of combining energy beverages with alcohol; that the department develop an education and awareness campaign targeted at schools and other entities regarding the dangers of self-mixing energy drinks with alcohol; and that a report be provided to the Health and Human Services Committee by October 2011.
- HJM 16 RECOGNIZE VALUE OF DEVELOPMENTALLY DISABLED (Passed H/ Passed S)**, *Rep. Miera/Sen. Keller* — urges the Governor, members of the executive branch, and members of the Legislature to recognize the value and respect the dignity of developmentally disabled individuals and to make a dedicated effort to identify and eradicate incidents of harsh labeling in official dialog and documents throughout state government. (May affect public schools)
- HJM 18 LESC EMERGENCY FUND DISTRIBUTION WORK GROUP (**Passed H**), *Rep. Roch* — requests that the LESC create a work group to study the process of funding and distributing emergency supplemental funds to school districts; and submits a report to the LESC by November 2011. (For the LESC)
- HJM 21 IMPROVE TEACHER PREPARATION PROGRAMS (**Passed H**), *Rep. Hall* — urges the National Council for Accreditation of Teacher Education and its partners, including the Association for Childhood Education International, the National Council of Teachers of English, and the International Reading Association, to include in their accreditation

standards improved curricular specifications for teacher preparation programs, particularly for teachers who will be teaching children how to read. [Related to H 70 and H 74a]

- HJM 22a**     **INTERAGENCY COUNCIL ON CHILD HOMELESSNESS (Passed H/Passed S)**, *Rep. O'Neill/Sen. Ryan* — requests that the Governor issue an executive order to establish the Interagency Council on Child Homelessness to develop and implement a 10-year plan to end child homelessness; that several state agencies, including the Public Education Department, cooperate and participate in establishing the council; and that the council report annually to the Governor and the Interim Legislative Health and Human Services Committee.
- HJM 23**     **ACADEMIC CHAMPIONS TASK FORCE (Passed H)**, *Rep. Picraux* — requests that the Interagency Behavioral Health Purchasing Collaborative convene a task force (in cooperation with the Public Education Department) to develop a process to train, educate, and empower parents, caregivers, social workers, and behavioral therapists to become academic champions for children and thereby reduce aggressive behavior in schools and the need for clinical interventions. (May affect public schools) [Identical to SJM 23]
- HJM 27**     **STUDY & DRAFT OF LITERACY LAW FOR NM (Passed H)**, *Rep. Stewart* — requests that the LESC work with the Public Education Department, the Office of Education Accountability, the New Mexico Business Roundtable for Excellence, and others, to study and draft a literacy law for New Mexico.
- HJM 30**     **HIGHER EDUCATION REDESIGN GOVERNOR TASK FORCE**, *Rep. D. Chavez* — requests that the Governor convene a work group to develop recommendations on redesigning the higher education system to focus on targeted excellence at each public postsecondary educational institution; and to study the higher education funding formula and the factors that need to be changed to encourage excellence.
- HJM 31**     **LEGIS SUPPORT FOR TRIBAL LANGUAGE SURVIVAL (Passed H)**, *Rep. Madalena* — calls for the House of Representatives to support tribal language survival; and requests the fulfillment of statutory obligations regarding the 2003 Indian Education Act and the State Bilingual Multicultural Education Act in support of providing tribal language instruction to Native American students.
- HJM 32**     **ENCOURAGEMENT TO ADDRESS INST. RACISM POLICY (Passed H)**, *Rep. Maestas/Sen. Keller* — encourages every agency and entity that receives state funding to adopt a policy to address institutional racism. (May affect public schools)
- HJM 34**     **HIGHER EDUCATION INTERIM COMMITTEE (Passed H)**, *Rep. Chasey/Sen. Keller* — among its provisions, requests that the Legislative Council create a two-year interim Legislative Higher Education Committee to conduct an examination of education outcomes, work force needs, the state's changing demographics, institutional statistics, funding adequacy, equity, resource allocation, and dedication of a revenue stream, similar to that provided for public education, to address the deferred maintenance condition of higher education; and develop recommendations and report to the Legislature by November 30, 2011 and again by November 30, 2012.

- HJM 37**      “**BEHAVIORAL HEALTH DAY**,” [SGND] *Rep. Sandoval* — proclaims February 17, 2011 to be “Behavioral Health Day” at the Legislature.
- HJM 45**      **STUDY CHARTER SCHOOL GOVERNANCE (Passed H)**, *Rep. Smith* — requests that the LESC create a work group that includes representatives of the Public Education Department and charter schools to study charter school governance, consider the efficacy of electing charter school governing boards, and determine the constituent groups for charter schools.
- HJM 50**      **MEDICAID SCHOOL-BASED PRACTICE STUDY (Passed H)**, *Rep. Stewart* — requests that the Legislative Health and Human Services Committee review current practices of the Medicaid School-based Services program, compare such practices with those currently implemented in other states, and make recommendations to the Governor and the Legislature regarding efficient programmatic expansion to maximize federal reimbursements.

### HOUSE JOINT RESOLUTIONS

- HJR 1**  
FL/HJR 1      **LAND GRANT FUND ANNUAL DISTRIBUTIONS, CA (Failed H)**, *Rep. Trujillo* — proposes to amend Article 12, Section 7 of the Constitution of New Mexico to provide for a permanent annual distribution from the Land Grant Permanent Fund of 5.8 percent of the historical average of the value of the fund; distributes that amount for use by all public education and other purposes required by the constitution; and reduces the annual distribution to 5.0 percent if the year-end market values of the fund fall below \$5.8 billion.
- HJR 3**      **LEGISLATIVE NULLIFICATION OF RULES, CA**, *Rep. Nuñez* — proposes to amend Article 4 of the Constitution of New Mexico to allow the Legislature, by the passage of a resolution by a majority of the legislators, to nullify an adopted administrative regulation or rule of an executive agency.
- HJR 10**      **NM SOVEREIGNTY & FEDERAL MANDATES**, *Rep. Roch* — calls for New Mexico to claim sovereignty under the 10<sup>th</sup> amendment to the United States constitution over all powers not otherwise enumerated and granted to the federal government by the constitution; serves notice to the federal government to cease and desist certain mandates; and calls for certain federal legislation to be prohibited or repealed. (May affect public schools)
- HJR 11**      **HOLD SCHOOL ELECTIONS WITH GENERAL, CA**, *Rep. Egolf* — proposes to amend Article 7, Section 1 of the Constitution of New Mexico to hold school elections at the same time as general elections; and to correct the voting age to comply with the United States constitution.
- HJR 16a**      **SCHOOL ELECTIONS WITH OTHER ELECTIONS, CA (Passed H)**, *Rep. White* — proposes to amend Article 7, Section 1 of the Constitution of New Mexico to provide that school elections shall be held at different times than partisan elections.
- HJR 17**      **TAX CHANGES APPROVAL IN THE LEGISLATURE, CA**, *Rep. Brown* — proposes to amend Article 8 of the Constitution of New Mexico by adding a new section to require a

vote of two-thirds of members present and voting in each house to approve a new tax or an increase in the tax rate of an existing tax. (May affect public schools)

- HJR 21 BIPARTISAN REDISTRICTING COMMISSION, CA, *Rep. Anderson* — proposes amendments to Article 4 and Article 20 of the Constitution of New Mexico to establish a bipartisan redistricting commission to determine congressional and state legislative district boundaries following each federal decennial census or as otherwise required. (May affect the Public Education Commission)

### HOUSE MEMORIALS

- HM 5 “NEW MEXICO MENTORSHIP WEEK,” [SGND] *Rep. Egolf* — declares the week of January 24, 2011 through January 30, 2011 as “New Mexico Mentorship Week” in the House of Representatives. (May affect public schools)
- HM 6 “CHAVES COUNTY EVERY 15 MINUTES PROGRAM DAY,” [SGND] *Rep. Ezzell* — declares January 26, 2011 “Chaves County Every 15 Minutes Program Day” at the House of Representatives; and recognizes the efforts of the program to generate youth awareness of the dangers of drinking and driving by conducting the program near the time of high school proms and graduations. [Identical to SM 11]
- HM 8 TITLE 9’S 39<sup>TH</sup> CELEBRATION DAY, [SGND] *Rep. Picraux* — proclaims January 25, 2011 as “Title 9’s Thirty-ninth Birthday Celebration Day” in the House of Representatives.
- HM 11 “ECOART AMERICA CHALLENGE,” [SGND] *Rep. Espinoza* — requests that the Cultural Affairs Department, the Public Education Department, the superintendents of the Albuquerque and Santa Fe public school districts, and Artworks America, collaborate to implement the “Ecoart America Challenge” project in public middle schools in those communities; and encourages the superintendents of other school districts in New Mexico to join together to implement this project statewide.
- HM 13  
CS/HM 13 GENDER-SPECIFIC DRUG TREATMENT STANDARDS [SGND], *Rep. Stewart* — requests that the Behavioral Health Services Division of the Human Services Department convene a work group to create gender-specific treatment standards and rules for women and girls seeking treatment for substance abuse disorders; and to submit a report with recommendations to the Legislative Health and Human Services Committee by December 1, 2011. (May affect public schools)
- HM 16 “SCHOOL NUTRITION DAY,” [SGND] *Rep. King* — declares February 10, 2011 as “School Nutrition Day” in the House of Representatives; and recognizes the contributions of food nutrition programs.
- HM 17 “SUPPORT THE NM ALLIANCE FOR YMCAS DAY,” [SGND] *Rep. Wallace* — declares February 16, 2011 as “Support the New Mexico Alliance for YMCAs Day” in the House of Representatives.

- HM 20**      **“ENTREPRENEURSHIP WEEK,”** [SGND] *Rep. B. Luján* — declares the week of February 19 through February 26, 2011 as “Entrepreneurship Week” in the House of Representatives.
- HM 21**      **JUVENILE JUSTICE GENDER-RESPONSIVE SERVICES** [SGND], *Rep. Stewart* — requests that the Juvenile Justice Advisory Committee implement the plan, developed by the task force formed in response to House Memorial 40 of the 2<sup>nd</sup> Session of the 49<sup>th</sup> Legislature, for a continuum of gender-responsive services and programs for girls in the juvenile justice system. (May affect public schools)
- HM 23**      **2012 CENTENNIAL CELEBRATION PROJECTS** [SGND], *Rep. Tripp* — encourages state, local, and tribal government agencies to participate in New Mexico’s 2012 statehood centennial commemoration by creating and promoting projects designed to honor, commemorate, and celebrate the history, traditions, and future of the state while facilitating education, economic development, tourism, and civic pride. [Identical to SM 31]
- HM 29**      **HISTORIC WOMEN MARKER & RECOGNITION** [SGND], *Rep. Varela* — celebrates the completion of the New Mexico Historic Women Marker Initiative by the New Mexico Women’s Forum together with several state agencies; and requests that the New Mexico Centennial Steering Committee recognize these historic women in the centennial celebration. [Identical to SM 34]
- HM 31**      **“NEW MEXICO MESA DAY,”** [SGND] *Rep. Sandoval* — declares March 7, 2011 as “New Mexico MESA Day” at the House of Representatives.
- HM 33**      **ASIAN AMERICAN CENTER AT EXPO NM** [SGND], *Rep. Park* — requests that the State Fair Commission and Expo New Mexico facilitate dialogue between all interested parties and assess issues surrounding establishing and maintaining an Asian American Center for cultural and multiple purposes at Expo New Mexico. (May affect public schools)
- HM 37**      **“WOMEN’S HISTORY MONTH,”** [SGND] *Rep. E. Chávez* — declares March 2011 to be “Women’s Herstory Month” at the House of Representatives.
- HM 40**      **NATIONAL TRIO DAY**, *Rep. Vigil* — declares February 25, 2011 as “National Trio Day” in the House of Representatives in recognition of Trio pre-college and college programs for thousands of students from poor and working families.
- HM 43**      **STUDY TO ENACT THE CLEAN AIR ON CAMPUS ACT** [SGND], *Rep. Picraux* — requests that the Associate Vice President for Administration in the Office of the Chancellor for Health Sciences at the University of New Mexico Health Sciences Center create a task force to study how to implement a “Clean Air on Campus Act.”
- HM 47**      **PEDESTRIAN OVERPASS IN SANTA FE STUDY** [SGND], *Rep. B. Luján* — requests that a safety study include the feasibility of constructing pedestrian overpasses on or near the Santa Fe Indian School campus and Cerrillos Road and the New Mexico School for the Deaf campus and Cerrillos Road or St. Francis Drive; resolves that the Department of Transportation work with both schools to address the safety issues

associated with Cerrillos Road and St. Francis Drive and the two schools; and report to an appropriate interim committee on the potential solutions to the safety issues facing the students and staff of both schools by November 2011. [Identical to SM 67]

- HM 49**      **“SCHOOL STUDENT TRANSPORTATION DAY,”** [SGND] *Rep. T. García* — recognizes the importance and value of New Mexico school bus drivers and declares March 11, 2011 as “School Student Transportation Day” in the House of Representatives.
- HM 52**      **AGENCY OFFICE CONSOLIDATION** [SGND], *Rep. Maestas* — requests that state agencies with offices in the Albuquerque metropolitan area collaborate with the Property Control Division of the General Services Department and the Capitol Buildings Planning Commission to achieve cost-effective consolidation of agency offices into state-owned facilities in Albuquerque. (May affect the Public Education Department)
- HM 53**      **DOH IMPACT STUDY OF MEDICAL MARIJUANA ACTS (Passed H)**, *Rep. Smith*  
**CS/HM 53** — requests that the Department of Health conduct a study of the impact on the state of the Controlled Substances Therapeutic Research Act and the Lynn and Erin Compassionate Use Act and present a report of its findings to the appropriate interim legislative committee by October 2011. (May affect public schools)
- HM 56a**     **NATIONAL POPULAR VOTE COMPACT STUDY (Passed H)**, *Rep. MH. Garcia* — requests that the Secretary of State study the advantages and disadvantages to the state of New Mexico of joining a national popular vote compact with other states as an alternative to using the current electoral college system to elect the President of the United States; and further requests that the Secretary of State present findings of the study to the Legislative Council and the appropriate interim committee by November 2011.
- HM 71**      **CHILD SUPPORT FOR COLLEGE TASK FORCE (Passed H)**, *Rep. B. Luján* — requests that the State Bar of New Mexico convene a task force to study how to incorporate the consideration and planning of a child’s postsecondary education into the determination of a parent’s child support obligation.
- HM 72**      **STUDY LOTTERY SCHOLARSHIPS AT TRIBAL COLLEGES (Passed H)**,  
*Rep. Jeff* — requests that the Legislative Council create a task force to study the feasibility of permitting students at tribal colleges to qualify for the Legislative Lottery Scholarship.
- HM 73**      **STUDY ENERGY BEVERAGES & ALCOHOL**, *Rep. E. Chávez* — requests that the Department of Health study the effect of combining energy beverages with alcohol and develop an education and awareness campaign targeted at schools, health care providers, and emergency departments of hospitals regarding the dangers of self-mixing energy drinks with alcohol.
- HM 75**      **SPORTS AUTHORITY DIVISION TRANSFER (Passed H)**, *Rep. Maestas* — requests that the Economic Development Department convene a working group to study sports and sports-related expenditures; create a long-term strategic plan for sports and sports tourism; and assess and recommend if the Sports Authority Division of the Tourism Department should be transferred to the Economic Development Department.

- HM 77**      **PRESCRIPTION DRUG ABUSE TASK FORCE (Passed H)**, *Rep. Maestas* — requests that the Department of Health convene a Prescription Drug Abuse and Overdose Task Force and provide recommendations for rules and enforcement protocols to address the increasing rate of addiction to and deaths due to accidental overdose of prescription drugs. (May affect public schools)

### HOUSE RESOLUTION

- HR 3**      **HOUSE WEBCASTING VIDEO IMAGES**, *Rep. W.K. Martinez* — amends the House rules to expand the video images available from the Internet stream of House floor proceedings.

### SENATE BILLS

- \*S 1      **RECOVERY INVESTMENT BONDING ACT**, *Sen. M. Sanchez* — creates the Recovery Investment Bonding Act; authorizes the issuance of up to \$300 million of short-term revenue bonds, known as “Recovery Investment Notes,” for the purpose of supplementing revenue to the General Fund; pledges gross receipts tax revenue for the retirement of the bonds; and appropriates the gross receipt tax revenues to the State Board of Finance to make debt service payments. (May affect public schools)
- S 2      **SCHOOL CAPITAL OUTLAY, GRANTS & CONSOLIDATION**, *Sen. Beffort* — amends  
CS/S 2a      the Public School Capital Outlay Act to provide incentives for school districts to limit school populations when constructing new schools or renovating existing schools; provides for procedures for the closure or consolidation of schools; and provides that students attending high schools with enrollments smaller than 900 students may participate in school district extracurricular activities at other schools if they are not offered at the school that they attend.
- S 5      **HEALTH SECURITY ACT**, *Sen. Cisneros/Rep. Gonzales* — enacts the Health Security Act to create a program that ensures health care coverage to all New Mexicans through a combination of public and private financing; and creates a health care commission membership nominating committee and prescribes duties. (May affect public schools)
- S 15      **HEALTH POLICY & FINANCE DEPT. ACT**, *Sen. Feldman/Rep. Picraux* — enacts the Health Policy and Finance Department Act to create the Health Policy and Finance Department; and provides for a study by designated agencies of the eventual transfer of the administration of health benefit plans for public school employees to the Health Policy and Finance Department.
- S 17      **REMOVE GOVERNOR FROM STATE INVESTMENT COUNCIL (Passed S/  
\*CS/S 17a      Passed H)**, *Sen. Keller* — amends statute to change the membership, powers and duties of the State Investment Council; provides for the election of a chair and vice chair of the

council; and extends deadlines for monthly reports from 10 to 30 days after the close of each month. (May affect public schools) (CS/S 17 & 64)

- S 23**      **CORINNE WOLF CHILDREN’S LAW CENTER (Passed S/Passed H),**  
*Sen. Ortiz y Pino* — creates the Corinne Wolf Children’s Law Center at the Institute of Public Law to provide education on child welfare and juvenile justice; creates the Child Protection Education Fund administered by the Board of Regents of the University of New Mexico; imposes a child protection education fee under certain circumstances; and requires these fees to be deposited into the Child Protection Education Fund. (May affect public education)
- \*S 30a      **RULEMAKING REQUIREMENTS, *Sen. Keller/Rep. Taylor*** — creates requirements for proposing, adopting, amending, or repealing rules; amends, repeals, and enacts sections of the state rules act; requires the distribution of rulemaking information to the public, including rules made relating to the management of any particular educational institution, whether elementary or otherwise; or rules made relating to admissions, discipline, supervision, expulsion, or graduation of students.
- S 35a      **PUBLIC WORKS CONTRACT SUBCONTRACTOR BONDS (Passed S), *Sen. Asbill/Rep. Larrañaga*** — amends the Procurement Code to raise the minimum contract amount for which a subcontractor is required to provide a bond; and to require the contractor to provide the owner with a notarized list signed by the contractor and by each subcontractor whose payment exceeds the minimum contract amount, certifying that the bonds are in place. (For the LESC) (May affect public schools)
- \*S 38a      **NEW MEXICO HEALTH INSURANCE EXCHANGE ACT (Passed S/Passed H),**  
\*CS/S 38a      *Sen. Feldman* — creates the New Mexico Health Insurance Exchange Act; forms the New Mexico Health Insurance Exchange as a nonprofit public corporation; increases access to health insurance in New Mexico (includes students attending educational institutions inside or outside New Mexico as qualified individuals); provides for the appointment, powers and duties of a board of directors for the exchange; provides the Superintendent of Insurance of the Public Regulation Commission with rule-making powers relating to the exchange; designates a Native American liaison to assist the executive director of the exchange in developing and ensuring implementation of communication and collaboration between the exchange and Native Americans in the state; and provides for transparency of exchange funding and operations. (CS/S 38 & 370)
- S 41**      **HEALTH CARE STUDENT INTERN LIABILITY COVERAGE (Passed S/Passed H), *Sen. P. Griego*** — amends the Public School Insurance Authority Act to provide liability insurance coverage for health care student interns currently enrolled in health care instructional programs offered by a member.
- S 52      **ELECTRONIC COPIES OF PUBLIC RECORDS (Passed S/Passed H),**  
CS/S 52a      *Sen. Fischmann* — amends statute relating to the inspection of public records to provide for delivery of copies of public records in electronic format; allows the custodian to charge the actual costs associated with downloading copies of public records to a computer disk or storage device, including the actual cost of the computer disk or storage device; and provides that a custodian may engage in the sale of data as authorized by law, including



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

imposing reasonable restrictions on the use of the database and the payment of a royalty or other consideration. (May affect public schools)

- S 63**      **GOVERNMENT FOOD PURCHASING REQUIREMENTS (Passed S/Passed H)**, *Sen. Keller* — adds a new section to and amends the Procurement Code to require the purchasing division of the General Services Department to require that a minimum percentage of the total dollar amount of food purchased by state agencies and local public bodies be for food produced in New Mexico. (May affect public schools)
- S 71      **LIMIT SCHOOL DISTRICT ADMIN EXPENDITURES**, *Sen. Ryan* — limits the percentage of the operating expenditures that can be budgeted for administration in certain school districts.
- S 72      **EMPLOYEE CREDIT INFORMATION PRIVACY ACT**, *Sen. Keller* — creates the Employee Credit Information Privacy Act to prevent a person’s credit information from being used by an employer in an employment decision. (May affect public schools)
- S 76a      **REQUIRE CHILD ABUSE PROBLEMS STUDY (Passed S)**, *Sen. García* — requires the  
FL/S 76      Children, Youth and Families Department (CYFD) and the graduate social work programs at New Mexico Highlands University and New Mexico State University to conduct a study of child abuse problems in New Mexico and the services and systems available to address child abuse problems in New Mexico; and requires CYFD to report its findings and recommendations to the Legislative Council and the appropriate interim legislative committee on or before November 1, 2011.
- S 78**      **SCHOOL DISTRICT BULLYING PREVENTION PROGRAMS (Passed S/  
Passed H)**, *Sen. García/Rep. Miera* — requires the Public Education Department to establish guidelines for bullying prevention policies to be promulgated by local school boards; requires local boards to promulgate policies by August 2011; and requires every public school to implement a bullying prevention program by August 2012. (For the LESC) [Related to SJM 5 and H 494]
- S 80      **SCHOOL DISTRICT STUDENT MEMBERSHIP MINIMUMS**, *Sen. Fischmann* — amends the Public School Code to require the Public Education Department not to allow or approve a budget for a school district of fewer than 1,000 students.
- S 82a**      **REMOVE STATE INVESTMENT OFFICER FROM BOARDS (Passed S/  
Passed H)**, *Sen. Sapien* — amends statute to remove the State Investment Officer from membership on several boards, including the Education Trust Board.
- S 83      **CREATE STATE INSPECTOR GENERAL OFFICE**, *Sen. Sapien/Rep. Varela* — creates the State Inspector General and the Office of Government Accountability; transfers duties of the Office of Education Accountability (OEA) in the Department of Finance and Administration to the Office of Government Accountability; eliminates OEA; requires a statewide Educational Data System to conduct research and evaluation; transfers all appropriations, money, personnel, and other property from OEA to the Office of Government Accountability on July 1, 2011.

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

- S 94 INCOME SURTAX, DISTRIBUTION & SCHOOL FUNDS, *Sen. E. Griego* — amends the Public School Fund to prevent fiscal year-end reversions.
- S 100 DECREASE OIL & GAS SEVERANCE TAX RATES, *Sen. García* — amends the Tax Administration Act to temporarily decrease oil and gas severance tax rates; temporarily increases tax rates imposed according to the Oil and Gas Emergency School Tax Act; protects holders of severance tax bonds from impairment; and distributes a portion of the revenue from the Oil and Gas Emergency School Tax to the Public School Fund.
- S 107 UNIFORM PER DIEM & MILEAGE, *Sen. Eichenberg* — makes the per diem and mileage rate uniform for all public officers and employees, effective July 1, 2011. (For the Government and Restructuring Task Force) (May affect public school employees and school officials)
- S 113 TAX CREDIT FOR CERTAIN SCHOLARSHIP DONATIONS, *Sen. Boitano* — creates a new section of the Income Tax Act to provide a personal income tax credit for contributions made to certain organizations that provide tuition scholarships for students to attend nongovernmental schools; and requires a receipt from the organization certifying that the contribution will be used for educational scholarships or tuition grants for one or more children.
- S 118a **OPTIONAL TAX CONTRIBUTION TO SCHOOL FUND (Passed S/Passed H)**, *Sen. Sapien* — adds a new section to the Public School Finance Act in the Public School Code to provide an optional designation for a personal income tax contribution to the fund to supplement the State Equalization Guarantee distribution; creates and appropriates money to the School Program Enhancement Fund in the state treasury; and allocates money from the fund to each school district and charter school, under certain criteria.
- S 119a **RETIREMENT BENEFICIARY DESIGNATION OF SPOUSE (Passed S/Passed H)**, *Sen. Sapien/Rep. Trujillo* — amends the Public Employees Retirement Act and the Educational Retirement Act to allow a retired member to designate a new beneficiary under certain circumstances and allows a member to select a different beneficiary under certain circumstances.
- S 120a **EARLY CHILDHOOD CARE & EDUCATION ACT (Passed S/Passed H)**, *Sen. Sapien/Rep. King* — creates the Early Childhood Care and Education Act to establish a comprehensive early childhood care and education system through state and private programs; creates and designates the members of the State Early Learning Advisory Council, among them the Secretary of Public Education or a designee; and creates the Early Childhood Care and Education Fund as a non-reverting fund in the state treasury. [Similar to H 296]
- S 123 NM GROWN PRODUCE IN SCHOOL LUNCHESES, *Sen. Campos* — appropriates \$1.44 million from the General Fund to the Board of Regents of New Mexico State University for expenditure in FY 12 and subsequent fiscal years for the New Mexico Department of Agriculture to purchase New Mexico-grown fresh fruits and vegetables to deliver to school lunch programs statewide. (May affect public schools)

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

- S 131 CAPITAL OUTLAY REVIEW, *Sen. Campos* — adds new sections of statute affecting capital outlay expenditures; exempts projects funded pursuant to the Public School Capital Outlay Act except to the extent that they may be considered in relation to the annual and five-year state capital improvements plan.
- S 133a **STUDY UNM STUDENTS DIRECTLY TO DENTAL SCHOOL (Passed S/Passed H)**, *Sen. Campos* — directs the Board of Regents at the University of New Mexico to fund a study regarding the feasibility of a program allowing Bachelor of Arts degree recipients to matriculate directly to dental school for a Doctor of Dental Science or Doctor of Dental Surgery degree.
- S 136 HIGHER EDUCATION CAPITAL OUTLAY ACT, *Sen. Campos* — creates the Higher Education Capital Outlay Act; creates the Higher Education Capital Outlay Council and the Higher Education Capital Outlay Fund; provides procedures for correcting outstanding deficiencies at state institutions; provides for the assessment, prioritization, and funding of future critical capital outlay projects; authorizes the issuance of short-term severance tax bonds; requires institutional applicants to have a current five-year facilities plan; and appropriates the proceeds from the sale of the bonds to the Higher Education Capital Outlay Fund, not to exceed \$90.0 million.
- S 138 MINORITY MATH & SCIENCE ACHIEVEMENT PROGRAM, *Sen. Nava* — appropriates \$100,000 to the Higher Education Department for the MESA Program. (For the LESC)
- S 139 NM TECH SUMMER SCIENCE PROGRAM, *Sen. Nava* — appropriates \$50,000 to New Mexico Tech for the Summer Science Program. (For the LESC)
- S 141a **NO EDUCATION DEPT. AUDITOR APPROVAL (Passed S/Passed H)**, *Sen. Nava/Rep. Hall* — amends the Audit Act to remove the requirement that the Public Education Department approve the selection of an independent auditor by a school district. (For the LESC)
- S 142a **LIMIT CERTAIN SPECIAL EDUCATION PROGRAM UNITS (Passed S)**, *Sen. Nava* — introduces legislation to amend the Public School Finance Act to provide that, in calculating related services (ancillary) units, school districts and charter schools may not exceed 1.5 times the Public Education Department guidelines for calculating related services full-time equivalents (FTEs) unless the Secretary of the Public Education Department provides a waiver to a school district or charter school that exceeds the cap that can demonstrate that the number of ancillary staff is warranted and prudent. (For the LESC)
- S 143 **DEFINE SCHOOL PERSONNEL “ETHICAL MISCONDUCT,” (Passed S)** *Sen. Nava/Rep. Hall* — amends the School Personnel Act to add “financial malfeasance or misfeasance” to the definition of “ethical misconduct” in current law. (For the LESC)
- S 144a **REQUIRE SCHOOL FREE BREAKFAST PROGRAMS (Passed S/Passed H)**, *Sen. Nava* — adds a new section of the Public School Code to require school districts and charter schools to establish free breakfast programs under certain conditions; and amends the Public School Code to provide that, if instruction occurs simultaneously with breakfast

being served or consumed pursuant to a state or federal program, that time shall be deemed a part of the instructional day.

- S 145a**     **CLARIFY SCHOOL YEAR & DAY LENGTH (Passed S/Passed H)**, *Sen. Kernan* — repeals the provision enacted in 2009 that requires that a school year to consist of 180 full instructional days for a regular school calendar or 150 days for a variable school calendar, exclusive of professional development days and adjustments for cancelled days due to inclement weather. (For the LESC)
- S 150**     **RESEARCH PARK ROYALTIES TO PRE-K FUND**, *Sen. Sapien* — requires state educational institutions that form research parks to distribute 4.0 percent of royalties from technological innovations created by New Mexico research parks to the public Pre-Kindergarten Fund and 4.0 percent to the Children, Youth and Families Pre-Kindergarten Fund.
- \*S 151**     **ESSENTIAL SERVICES ACCESS ACT (Passed S)**, *Sen. Keller/Rep. Maestas* — limits the request for information or documentation from a victim or evacuee only to determine eligibility for services under state and federal laws; and prohibits law enforcement officers from inquiring into the immigration status of a person located within 300 yards of a school or institution of higher learning.
- \*CS/S 151a**
- S 156a**     **PAYMENT OF WAGES THROUGH PAYROLL CARDS (Passed S)**, *Sen. P. Griego* — amends statute to provide for payment of wages by payroll cards and ensures that none of the costs incurred by the employer in paying wages to employees shall be charged to the employee. (May affect school districts and the Public Education Department)
- S 157**     **DUAL CREDIT REIMBURSEMENT FOR COMPLETION (Passed S)**, *Sen. Lovejoy* — amends the higher education statutes to require that dual credit reimbursement through the higher education funding formula be based on course completion, not enrollment. (For the LESC)
- S 158**     **REPEAL CERTAIN BOARDS & COMMISSIONS**, *Sen. Lovejoy/Rep. Bandy* — repeals or changes the membership of certain boards, commissions, committees, councils, and other entities, including the elimination of the Higher Education Advisory Board, the Mathematics and Science Advisory Council, and the Family and Youth Resource Advisory Committee. (For the Government Restructuring Task Force)
- CS/S 158**
- S 162**     **HEALTH ADMINISTRATION & FINANCE CONSOLIDATION**, *Sen. Lopez* — creates the Health Administration and Finance Consolidation Act; creates the Health Administration and Finance Department; and provides for the eventual transfer of the administration of health benefit plans for public school employees, state and local public employees, and public retirees to the Health Administration and Finance Department.
- S 163**     **EXECUTIVE EXEMPT SALARY REPORTS & ADOPTION**, *Sen. Lopez* — amends statute to require the Department of Finance and Administration to report the salaries of exempt public officers and employees of the executive branch.
- S 167a**     **EQUAL PRE-K PROGRAM APPROPRIATIONS (Passed S/Passed H)**, *Sen. Beffort* — adds a new section to the Pre-Kindergarten Act to require that the Public Education

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

Department receive up to 50 percent and the Children, Youth and Families Department receive at least 50 percent of the funds appropriated for pre-kindergarten programs.

- S 169      FILM PRODUCTION TAX CREDIT CAP, *Sen. Smith* — amends the Film Production Tax Credit to establish a cap on the amount of a film production tax credit. (May affect public schools)
- S 171      SCHOOL FUND REVERSIONS & TRANSFERS (**Passed S**), *Sen. García* — amends the  
CS/S 171      Public School Finance Act to require that, at the end of a fiscal year, balances in the Public School Fund be transferred to the State Support Reserve Fund until the balance in that fund is \$10.0 million; and further requires that, after the transfer to the State Support Reserve Fund, any remaining balance in the Public School Fund revert to the General Fund. (For the LESC)
- S 173      POST-SECONDARY SCHOOL BUILDING MORATORIUM, *Sen. Kernan* — adds a  
CS/S 173      new section of state law to place a temporary, six-year moratorium on new postsecondary educational sites and buildings; provides exemptions from the moratorium both for constitutionally created institutions and for community colleges; and prohibits expansion to a location or address at which an institution's students were not taught prior to January 1, 2011.
- S 184      SEX OFFENDER RESIDENCY RESTRICTIONS (**Failed S**), *Sen. McSorley* — adds a new section to the Sex Offender Registration and Notification Act to prohibit local governments from adopting ordinances that impose residency restrictions on sex offenders or that create exclusionary zones. (May affect public schools)
- S 187      **LFC REVIEW OF STATE FUNDING RECIPIENTS (Passed S/Passed H)**  
[VETOED], *Sen. Keller/Rep. Bandy* — adds a new section of statute to provide for program evaluation and review by the Legislative Finance Committee of agencies and other entities that receive state funding. (May affect school districts and the Public Education Department)
- S 192      CONFORM TO FEDERAL DISABILITY DEFINITIONS, *Sen. Lovejoy/Rep. Stewart* — amends the School Personnel Act in the Public School Code to align language in the state special education law with that in the federal law to which the state and public schools are accountable. (For the LESC)
- S 202      **STUDENT TEACHER ALTERNATIVE CURRICULUM (Passed S/Passed H)**,  
*Sen. Nava* — amends the Public School Code to allow the Secretary of Public Education to waive class-size requirements for classes to which a student teacher who meets certain criteria has been assigned. (For the LESC)
- S 203a      **SCHOOL BUSINESS OFFICIAL LICENSURE (Passed S/Passed H)**, *Sen. Nava/Rep. Hall* — adds a new section to the School Personnel Act to require the Public Education Department to license school business officials (SBOs); to track the denial, suspension, or revocation of SBO licenses; to assess the quality of and enforcement of training requirements for SBO licensure; and to require training for superintendents on the evaluation of SBOs. (For the LESC)

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

- S 205a UNIFORM PROTECTION OF GENETIC INFORMATION ACT, *Sen. McSorley* — creates the Uniform Protection of Genetic Information in Employment Act. (May affect school districts and the Public Education Department)
- S 211 INTERIM COMMITTEE PER DIEM PAYMENTS, *Sen. B. Sanchez* — amends statute to restrict legislators' per diem payments by providing that no per diem be paid for attendance at an interim committee meeting unless the legislator is present for 75 percent of the meeting on the day for which per diem is requested.
- S 214 DELAY LEAVING STATE FOSTER CARE, *Sen. García* — adds a new section to statute to allow a child who has been in foster care to delay leaving the care of the state until the child receives a high school diploma.
- S 215a CREATE DUAL CREDIT TEXTBOOK FUND (**Passed S**), *Sen. García* — adds a new section to the Public School Code to create a dual credit textbook fund and to provide for reimbursements to public postsecondary educational bookstores for the cost of providing textbooks and course supplies for students participating in the dual credit program; amends current provisions in law in order to strike the provisions that require a secondary school to pay the cost of the required textbooks and other course supplies, and a student to return the textbooks and unused course supplies to the school district, charter school, state-supported school, or Bureau of Indian Education high school when the student completes the course or withdraws from the course. (For the LESC)
- S 217 MILITARY RETIREMENT PAY TAX EXEMPTION, *Sen. Sharer* — adds a new section of the Income Tax Act to provide an income tax exemption for 100 percent of military retirement or retainer pay. (May affect public schools) [Identical to H 265]
- \*S 218 SEVERANCE TAX BOND PROJECTS (**Passed S/Passed H**), *Sen. Cisneros* —  
\*CS/S 218a authorizes the issuance of severance tax bonds and expenditures from certain funds and balances, including \$4.3 million to the Public Education Department to purchase school buses statewide and \$3.5 million to renovate the Watkins Education Center at the New Mexico School for the Blind and Visually Impaired in Alamogordo.
- S 219 NEW SCHOOL DISTRICT PETITION REQUIREMENTS, *Sen. B. Sanchez* — amends  
CS/S 219 the Public School Code to allow the Public Education Department (PED) to order the creation of a new school district: (1) upon receipt of a petition signed by at least 10 percent (rather than 60 percent) of the registered voters residing in the geographic area who voted in the last school board election; or (2) upon a determination by PED that creation of a new school district would meet certain standards in law.
- S 226 ENACT "LEGISLATIVE LOTTERY TUITION ACT," *Sen. Payne* — amends higher  
\*CS/S 226 education provisions in law to add duties for the Higher Education Department and convene a lottery scholarship work group. (For the Government Restructuring Task Force)
- S 235a AGENCY CITATION OF RULEMAKING AUTHORITY, *Sen. B. Sanchez* — amends multiple sections of law, including the Public Education Department Act, to require state agencies to cite statutory authority for rules that they propose to enact.

- S 237a**     **“COLLEGES IN ENERGY EFFICIENCY & BONDING ACT,” (Passed S/Passed H)**  
*Sen. Keller* — expands the scope of the Energy Efficiency and Renewable Energy Bonding Act to include public postsecondary educational institutions; calculates the estimated energy cost savings in the form of lower utility payments by the higher education institution; and deducts 90 percent from the operating budget of the department responsible for paying the utilities.
- S 242a     **PUBLIC RETIREES AS PRECINCT BOARD MEMBERS (Passed S)**, *Sen. M. Sanchez* — amends the Public Employees Retirement Act to allow retired members covered by any state system or the educational retirement system to be hired temporarily as precinct board members for elections without suspending their pensions.
- S 244     **MOTOR EXCISE TAX INCREASE & OFFSET**, *Sen. Fischmann* — amends the Motor Vehicle Excise Tax Act to increase the rate of the Motor Vehicle Excise Tax; and phases out the offset taken against traded-in vehicles. (May affect public schools)
- S 247a     **FORFEITURE OF RETIREMENT FOR CERTAIN CRIMES**, *Sen. Beffort* — adds a new section to statute to provide for the forfeiture of certain rights and benefits under the state’s retirement systems, including the Educational Retirement Act and Public Employees Retirement Act, upon conviction for certain crimes. [Related to S 259a]
- S 248a     **CHANGE PUBLIC RETIREE CONTRIBUTIONS**, *Sen. Ingle* — amends the state general member coverage plans section in the Public Employees Retirement Act to change the employer and employee contribution rates in certain retirement plans and requires actuarial studies be conducted. (May affect public schools)
- S 251     **UNEMPLOYMENT COMPENSATION BENEFIT CALCULATION**, *Sen. Beffort* — amends the monetary computation of benefits and general payment section of the Unemployment Compensation Code to exclude certain base-period wages in the calculation of the weekly benefit amount for unemployment compensation (benefits based on services performed for an educational institution other than in an instructional, research, or principal administrative capacity shall not be paid for any week of unemployment); and to provide benefit eligibility conditions for certain legislative session employees. (May affect public schools and higher education)
- S 255     **FIDUCIARY DUTY FOR STATE EMPLOYEES**, *Sen. Sapien* — adds a new section to statute to assign ultimate fiduciary responsibility to the chief financial officer of each political subdivision of New Mexico. (May affect local school boards)
- S 257     **GENERAL APPROPRIATION ACT OF 2011**, *Sen. Smith* — makes appropriations and authorizes expenditures by state agencies in FY 12, including: approximately \$2.4 billion in recurring funds from the General Fund for Public School Support and related appropriations; including \$88.3 million to restore federal fiscal stabilization funds appropriated in FY 11 for the State Equalization Guarantee (SEG, or the Public School Funding Formula) distribution; nearly \$114.2 million in categorical funding for transportation, instructional materials, dual credit instructional materials and the Indian Education Fund; over \$26.7 million in related appropriations including the Public Education Department budget, regional education cooperatives operations, K-3 Plus and New Mexico PreK, apprenticeship assistance, and breakfast for elementary students; and

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

\$4.0 million in a nonrecurring special appropriations for emergency support to school districts.

- S 259a FORFEITURE OF PUBLIC OFFICIAL BENEFITS (**Passed S**), *Sen. Payne* — adds new sections to statute to enhance penalties for felonies and to provide for the forfeiture of certain rights and benefits under the state’s retirement systems, including the Educational Retirement Act and Public Employees Retirement Act, upon conviction for certain crimes. [Related to S 247a]
- S 261 INSTRUCTIONAL MATERIAL ADOPTION CYCLE (**Passed S/Passed H**), *Sen. Rue* — amends the Instructional Material Law to require an eight-year instructional material adoption cycle. (For the LESC)
- S 263 DRUG TESTING FOR UNEMPLOYMENT COMPENSATION, *Sen. Jennings* — denies unemployment benefits to individuals who fail a drug test; applies to services performed for all educational institutions.
- S 264 CIGARETTE TAXES ON TRIBAL LANDS, *Sen. Harden* — amends and adds a section of the Public Finances Code and amends the Cigarette Tax Act to provide for a cigarette excise tax to be paid by a cigarette vendor on tribal land on sales of cigarettes to persons who are not tribal members; limit tax credit stamps to sales to tribal members; eliminate the requirement for a tribe to impose a tribal cigarette tax; and count tribal member sales as “units sold” for tobacco escrow payments. (May affect public schools)
- S 265 EDUCATIONAL RETIREMENT CONTRIBUTIONS, *Sen. Asbill* — adjusts the rates and the timetable for member contributions under the Educational Retirement Act.
- S 267a **LAW ENFORCEMENT CONTRACTS WITH COLLEGES (Passed S/Passed H)**, *Sen. Neville* — amends two sections of current law (law enforcement and municipal courts) to allow a postsecondary educational institution to enter into a written agreement with a municipality for enforcement of non-moving traffic regulations; specifies that campus security personnel will not be given arrest powers; allows penalty assessments to be credited to the municipality or to the postsecondary educational institution; and provides for commissioning of security personnel.
- S 268 PUBLIC EMPLOYEE RETIREMENT PLAN CHANGES, *Sen. Neville* — adds new sections to and amends the Public Employees Retirement Act affecting certain categories of members and the cost-of-living adjustment.
- S 269 **EDUCATIONAL RETIREMENT BOARD BANK & ATTORNEYS (Passed S/**  
CS/S 269a **Passed H)**, *Sen. Sapien* — amends the Educational Retirement Act to authorize the Educational Retirement Board to select a custodial bank and to hire attorneys on a contingent fee basis; and creates a suspense fund.
- S 271a INSPECTION OF PUBLIC RECORDS ACT PENALTIES (**Passed S**), *Sen. Keller/Rep. Park* — adds a new section to the Inspection of Public Records Act to provide a fine for violation of the act. (May affect public schools)



- S 272a**     **3<sup>RD</sup> AND 4<sup>TH</sup> GRADE ADDED TO PED GRADING SYSTEM (Passed S/Passed H)**, *Sen. Beffort* — amends the Public School Code to add grades 3 and 4 to the standardized grading system currently required for grades 5 through 12 in the public schools.
- S 279**     **SUSPEND UNEMPLOYMENT BENEFIT EXPANSION**, *Sen. Beffort* — amends statute to suspend, for one year, certain provisions of the unemployment compensation law that expand eligibility or allow increased benefits, especially as applicable to part-time and intermittent employees; and to establish a temporary schedule for employer contributions. (May affect public schools)
- S 285a**     **AMEND CHILD PLACEMENT AGENCY LICENSING ACT (Passed S/Passed H)**, *Sen. Ortiz y Pino* — amends the Child Placement Agency Licensing Act in the Domestic Affairs Code to clarify responsibilities of child placement agencies; states that the regulations shall not proscribe or interfere with the religious beliefs or training of the organization unless it endangers the child’s health or safety; and clarifies revocations, suspensions, denials, and nonrenewals of licenses to operate a child placement agency or a foster home. (May affect public education)
- S 287**     **METHODOLOGY OF DETERMINATION OF WAGE RATES**, *Sen. Cravens* — amends statute to determine wage rates through a continuing survey program rather than through wage rates used in collective bargaining agreements. (May affect public schools)  
[Identical to H 63]
- S 289**     **APPROPRIATION TO SCHOOL LEADERSHIP INSTITUTE**, *Sen. Kernan* — appropriates \$200,000 from the General Fund to the School Leadership Institute for expenditure in FY 12 and subsequent fiscal years for operating expenses and matching funds to leverage private funding for the institute’s public-private partnership initiatives.  
[Identical to H 566]
- S 290**     **DEFINING “HABITUAL TRUANT,” (Passed S/Passed H)** *Sen. Nava* — amends the Compulsory School Attendance Law in the Public School Code to clarify the definition of habitual truant as a student who has accumulated the equivalent of 10 days or more of unexcused absences within a school year. (May affect public schools)
- S 291a**     **COMPULSORY SCHOOL ATTENDANCE LAW ENFORCEMENT (Passed S)**, *Sen. Nava* — amends the Compulsory School Attendance Law in the Public School Code to require institutions that offer General Educational Development certificate programs to enforce the provisions of the Compulsory School Attendance Law.
- S 292**     **LIMIT TUITION INCREASE FOR LOTTERY RECIPIENTS (Passed S)**, *Sen. Ingle* — amends the provisions relating to state educational institutions to limit tuition increases for lottery tuition scholarship recipients; and requires that the tuition rate in effect when a student first qualifies for a lottery tuition scholarship remain in effect during the remainder of the semesters in which the student receives the scholarship.
- S 293**     **ENACT “STATE ETHICS COMMISSION ACT,”** *Sen. Campos* — creates the State Ethics Commission Act and the State Ethics Commission; provides for an executive director; provides for annual ethics training and the publication of ethics guides; requires the development of a proposed ethics code; provides for the issuance of advisory opinions;

provides for the filing of complaints against state officials, state employees, government contractors, and lobbyists for ethics violations; provides for investigations and hearings; grants subpoena powers; requires confidentiality; prohibits retaliation; provides penalties; and appropriates \$500,000 from the General Fund to the State Ethics Commission for expenditure in 2012 to carry out the provisions of the State Ethics Commission Act. (May affect the Public Education Commission) [Similar to H 408]  
(Succeeding entries: S 164)

- S 297a REMOVE BENEFIT CAPS FOR CERTAIN COVERAGES (Passed S/Passed H),** *Sen. Ortiz y Pino* — amends the Health Maintenance Organization Law and the Nonprofit Health Care Plan Law in the Insurance Code to increase the \$3,500 maximum benefits caps for the Family, Infant, Toddler program coverage to \$10,000. (May affect public schools)
- S 303 IDENTICAL BENEFITS FOR SOME PUBLIC EMPLOYEES, *Sen. Nava* — amends the Public Employees Retirement Act (PERA) and the Educational Retirement Act (ERA) to provide that, for members beginning employment after December 31, 2013, certain state members under PERA and members under ERA shall have identical retirement eligibility requirements, identical contribution rates, identical cost-of-living adjustments, and identical methods for calculating final average salaries; and requires each retirement board to conduct actuarial studies to determine retirement benefits for those new employees.
- S 304 FULL-SERVICE COMMUNITY SCHOOLS ACT (Passed S/Passed H),** *Sen. Nava* — adds new sections to the Public School Code to create the Full-Service Community Schools Act and its corresponding program; and creates the Full-Service Community Schools Fund to be administered by the Public Education Department.
- S 309a INCREASING PENALTY FOR UNDERAGE DRINKING (Passed S), *Sen. Cravens* — amends the Delinquency Act in the Children’s Code to prohibit intoxication by persons under 21 years of age; provides for dismissal in certain circumstances; increases the penalty for driving under the influence of intoxicating liquor or drugs; and suspends the offender’s driver’s license if the offender fails to complete the requirements ordered by the sentencing court. (May affect public schools)
- S 311 PARENT ACCOUNTABILITY FOR CHILD TRUANCY, *Sen. Nava* — amends the Compulsory School Attendance Law in the Public School Code to make parents’ subsequent convictions for violating the law a misdemeanor, rather than a petty misdemeanor, and to increase the penalties from \$500 to \$1,000 and from imprisonment not to exceed six months to imprisonment for less than a year.
- S 314 AUTISM EDUCATION PLAN DEVELOPMENT (Passed S/Passed H),** *Sen. Harden* — amends the Public School Code and creates a new section to require the use of certain information when developing an education plan for or evaluating a student with autism spectrum disorder.
- S 319a ELIMINATE CORPORAL PUNISHMENT (Failed S), *Sen. Nava* — amends the Public School Code to eliminate corporal punishment as one of the possible disciplinary sanctions that school district discipline policies may include; and to require each local school board

and each governing body of a charter school to prohibit the use of corporal punishment.  
[Identical to H 172a]

- S 327a CERTAIN PUBLIC SCHOOL INFO ON SUNSHINE PORTAL (Passed S/  
Passed H)**, *Sen. Rue* — amends the Sunshine Portal Transparency Act to require that certain public school information be available on the Sunshine Portal; and clarifies certain provisions and allows access to additional information.
- S 329a ERB MEMBERS TO APPOINT DESIGNEES (Passed S/Passed H)**, *Sen. Nava* — amends the Educational Retirement Board (ERB) section in the Public School Code to authorize certain members of the ERB to appoint designees to serve on the board; specifies qualifications for the designees; and requires members appointed by the Governor to be approved by the Senate and have a background in investments, finance, or pension fund administration (the provisions of the amendment do not affect the status of the existing appointees).
- S 330a FAMILY, INFANT, TODDLER PROGRAM ENROLLMENT (Passed S/Passed H)**, *Sen. Nava* — amends the Public School Code and other sections of law to eliminate the option of having a child enrolled in the Department of Health’s Family, Infant, Toddler program during the child’s third year.
- \*S 331a AMEND DEFINITIONS IN ED. TECH EQUIPMENT ACT (Passed S/Passed H)**, *Sen. Nava* — amends definitions in the Education Technology Equipment Act in the Public Finances Code to include new tools used in the educational process and remove old ones.
- S 337a PRECINCT CONSOLIDATION FOR CERTAIN ELECTIONS (Passed S/Passed H)**, *Sen. Morales/Rep. James* — amends the Election Code to allow the consolidation of precincts for primary and general elections to make voting more convenient and accessible, as long as the consolidation does not result in delays and the consolidated precinct location is centrally located; and provides procedures for consolidating precincts. (May affect local school boards)
- \*S 341a TIMELY PAYMENT PROVISIONS INCLUSIONS (Passed S/Passed H)**, *Sen. Nava* — amends the Public School Code to provide that timely payment provisions include bond anticipation notes and lease-purchase arrangements.
- S 344a NM STATE FAIRGROUNDS CHARTER RENEWAL SITE**, *Sen. Boitano/Rep. Park* — amends the Charter Schools Act to allow the New Mexico State Fairgrounds to qualify as a public building for use by charter schools.
- S 345 HS GRADUATION FOR MINORS’ DRIVER’S LICENSE**, *Sen. Nava* — amends the Motor Vehicle Code to require persons who are under the age of 18 years to show proof of high school graduation, attainment of a General Educational Development certificate, or compliance with the Compulsory School Attendance Law to receive a driver’s license.
- S 346a PUBLIC SCHOOL FACILITY OPPORTUNITY PROGRAM**, *Sen. Nava* — amends the Public School Capital Outlay Act and adds a new section to create the Public School

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

Facility Opportunity Program; and authorizes grants from the Public School Capital Outlay Fund to certain school districts for certain purposes.

- S 350a      **SPECIAL GIRL SCOUT REGISTRATION PLATE (Passed S)**, *Sen. Lopez* — creates a new section in the Motor Vehicle Code to provide for issuance of a special registration plate celebrating the centennial of girl scouting in the United States; and provides that the revenue from the fee of \$10 be retained by the Motor Vehicle Division for the manufacture and issuance of the special commemorative registration plate.
- CS/S 351      **NEW SCHOOL DISTRICT DEVELOPMENT METHODS**, *Sen. Lopez* — amends the Public School Code to allow the Public Education Commission (PEC) to order the creation of a new school district (1) upon receipt of a resolution requesting the new district by the local school board of the existing district, or (2) after review by the local school board and upon receipt of a petition bearing signatures verified by the county clerk of the affected area of 10 percent of the registered voters residing within existing school district; and to eliminate one of the current methods for the creation of a new school district: a recommendation of the State Superintendent (now Secretary of Public Education) and upon a determination of the State Board of Education (now PED) that creation of a new district would meet certain standards prescribed in law.
- S 352      **NO NOTICE BEFORE PROSECUTION FOR SEX OFFENSE**, *Sen. Lopez* — amends the section regarding child solicitation by electronic communication device in the Criminal Offenses Code to clarify that a district attorney is not required to provide notice that certain material is harmful to children before prosecution for certain sex offenses against children. (May affect public schools)
- S 355      **CERTAIN PED EMPLOYEES NOT ERA MEMBERS**, *Sen. Morales* — amends the Educational Retirement Act to delete the requirement that certain employees of the Public Education Department (PED) be regular members under the act; and provides a limited period for certain existing employees of PED to elect to be covered under the Public Employees Retirement Act.
- S 360a      **STUDENT ASSESSMENT REQUIREMENTS SUSPENSION (Passed S/Passed H)**, *Sen. Nava* — suspends, for one year, almost all student assessments currently required in state law but not in federal law. (For the LESC)
- S 361a      **LEVEL ONE TEACHER LICENSURE ALTERNATIVES (Passed S/Passed H)**, *Sen. Nava* — requires the Public Education Department (PED) to issue an alternative Level 1 license to a candidate with a baccalaureate degree who has received a passing score on a state-approved subject-area examination in the subject area of instruction related to the license, and who, within two years of beginning teaching, completes a minimum of 12 semester hours in teaching principles in a program approved by PED. [Similar to H 592]
- S 369a      **PUBLIC RECORDS PROVISIONS REORGANIZATION (Passed S/Passed H)**, *Sen. Ulibarri/Rep. Strickler* — amends state law related to the inspection of public records and recording; provides for the protection of certain personal identifying information; updates and clarifies recording procedures and fees; and eliminates fees for the cost of

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

determining whether any public record is subject to disclosure. (May affect public schools)

- \*S 370 ENACT “NM HEALTH INSURANCE EXCHANGE ACT,” *Sen. Muñoz* — creates the New Mexico Health Insurance Exchange Act; creates the New Mexico Health Insurance Exchange to improve health care access and portability; provides for the appointment, powers and duties of a Board of Directors for the Exchange; provides the Superintendent of Insurance of the Public Regulation Commission with rulemaking powers relating to the exchange; provides for powers and duties of the exchange; provides for qualified health plan certification; and provides for transparency of exchange funding and operations. (May affect public schools) (Succeeding entries: S 38)
- S 371 PLAQUES ON CERTAIN PUBLIC BUILDINGS (**Passed S**), *Sen. Boitano* — amends state law to require acknowledgement of the contribution of New Mexico taxpayers to be placed first on plaques on certain public buildings funded by public money. (May affect public schools and Public Education Department buildings)
- S 372 REQUIREMENTS FOR NAMING PUBLIC PROPERTY, *Sen. Boitano* — prohibits public property or publicly funded programs to be named after public officials while they are in office; requires a process for naming public property; and applies the prohibition to state educational institutions, regional education cooperatives, and the Public School Facilities Authority.
- \*S 373 **CAPITAL OUTLAY REAUTHORIZATION (Passed S/Passed H)**, *Sen. Cisneros* — reauthorizes the unexpended balance from the proceeds of severance tax bonds issued for projects to revert to the Severance Tax Bonding Fund; reappropriates balances; expands or changes purposes, extends expenditure periods, changes agencies; establishes conditions for the reversion of unexpended balances of appropriations made by the Legislature in prior years; among them the reallocation of \$20,000 of the unexpended balance of the appropriation to the Public Education Department for a facility for Christine Duncan Community School in Albuquerque to the State Fair Commission to construct and equip the multipurpose room at the African American Performing Arts Center.
- \*CS/S 373
- S 374 CREATE “OFFICE OF PEACE,” *Sen. Ortiz y Pino* — creates the Office of Peace; calls for the development of a peace education curriculum in public schools and peace studies programs at all educational levels; and creates the Citizens Peace Advisory Council, whose members include one public school educator appointed by the Secretary of Public Education.
- S 395 **MARRIAGE LICENSE PROCEDURES (Passed S/Passed H)**, *Sen. Martinez/Rep. Cook* — amends the Public Assistance Code to change procedures for collection and use of Social Security numbers for use in child support enforcement; and, among other provisions, clarifies procedures related to restrictions on marriage for minors (restricts the issuance of a marriage license to any person 16 or 17 years of age). (May affect public schools)
- S 396 CUSTODY OF CHILD CLARIFICATIONS & REGULATIONS, *Sen. Boitano/Rep. Park* — amends the Domestic Affairs Code to clarify that only a parent may seek custody of a child unless there is a determination of unfitness of the parent; provides that a nonparent

does not have standing to seek custody; allows for an immediate appeal if standing is given to a nonparent; and adds a new section in the code to restrict visitation rights to parents and those who meet standards provided by law. (May affect public schools)

- S 398 ENACT “SPECIAL NEEDS STUDENT SCHOLARSHIP ACT,” *Sen. Ortiz y Pino* — creates the Special Needs Student Scholarship Act; provides for tuition scholarship organizations to grant educational scholarships to special needs students to attend certain public and nonpublic schools; creates income tax and corporate income tax credits for contributions to tuition scholarship organizations that provide educational scholarships for special needs students to attend public or private schools of the student’s parents choice; and reduces program units and program costs in the State Equalization Guarantee distribution. (May affect public schools) [Identical to H 510]
- S 400 POST-SECONDARY ASSISTANTS AS EMPLOYEES, *Sen. Ortiz y Pino* — creates a new section of state law relating to postsecondary educational institutions named in Article 12, Section 11 of the Constitution of New Mexico; and provides that, except as otherwise provided by law, individuals employed as graduate assistants, teaching assistants, research assistants, and project assistants are considered employees for all purposes but not regular members under the Educational Retirement Act.
- S 402 ENACT “LOCAL GOVT. CAMPAIGN REPORTING ACT,” *Sen. Lopez* — creates the Local Government Campaign Reporting Act; requires timely reporting of campaign contributions and expenditures; prescribes that each required report of expenditures and contributions be typed or printed legibly, or on a computer disc or format approved by the Secretary of State; and provides for daily and maximum penalties if the report is not filed on time. (May affect school boards, community colleges, and the Public Education Commission)
- S 407 GENDER-NEUTRAL LANGUAGE IN LEGISLATION, *Sen. Payne* — requires the Legislative Council Service to use gender-neutral language in drafting bills to enact, amend, or revise laws and in drafting memorials, resolutions, and other legislative documents; and to replace gender-specific language with gender-neutral language where appropriate and reasonable.
- \*S 408a CREATE INTERIM REDISTRICTING COMMITTEE (Passed S/Passed H),** *Sen. Lopez* — creates a Joint Interim Legislative Redistricting Committee composed of nine members from each house; and calls for one organizational meeting to develop a work plan and budget for its interim tasks. (May affect the Public Education Commission)
- S 413 SCHOOL DISTRICT POWER OVER INST. MATERIAL, *Sen. Nava* — amends the Public School Code to give school districts control over selection of instructional materials; and allows 100 percent of the allocations attributed to each school district or state institution to be used for instructional materials not included on the multiple list and up to 25 percent for other classroom materials.
- S 414 LEVEL 3B ADMINISTRATIVE LICENSE APPLICANTS, *Sen. Nava* — amends the School Personnel Act to require the Public Education Department to grant a Level 3B administrative license to certain applicants holding a Level 3, nine-year instructional support leader license; and makes other changes in the licensure process.

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

- S 416 AUTISM TREATMENT SERVICES GROSS RECEIPTS, *Sen. Harden* — amends the Gross Receipts and Compensating Tax Act to exempt certain autism treatment providers from gross receipts taxation. (May affect public schools)
- S 417a NATIVE AMERICAN SUICIDE PREVENTION (Passed S/Passed H), *Sen. Lovejoy* — requires the Interagency Behavioral Health Purchasing Collaborative to establish a statewide clearinghouse for Native American suicide prevention and three culturally based suicide prevention initiatives for Native Americans subject to available funds.
- S 418a DEFINE SCHOOL DISCIPLINARY RISKS (Passed S/Passed H), *Sen. Ortiz y Pino* — amends a section of the Public School Code to provide for definition of school disciplinary risks and procedures; requires school districts to develop policies that offer alternatives to long-term suspension, expulsion, or referral to law enforcement agencies; and requires school districts to submit a report to the Public Education Department.
- S 423 AUDITOR TO PERFORM SCHOOL DISTRICT AUDITS, *Sen. Nava* — adds a new section of the Audit Act to require the State Auditor to perform internal audits of school districts and charter schools; and transfers three full-time equivalent positions from the Office of the Inspector General in the Public Education Department to the Office of the State Auditor.
- CS/S 423
- S 425a PAYMENT OF SCHOOL STANDARDS-BASED TESTS (Passed S), *Sen. Asbill* — amends the Assessment and Accountability Act to require the Public Education Department to pay the costs of administering, scoring, and reporting standards-based assessments. (For the LESC)
- S 427a A-B-C-D-F SCHOOLS RATING SYSTEM (Passed S/Passed H), *Sen. Asbill* — adds a new section of the Public School Code to create the A-B-C-D-F Schools Rating Act; provides for a rating system to grade public schools in a way easily understandable by parents, school personnel, and the community; establishes criteria for rating public schools; provides school options; provides Public Education Department-approved funding for failing schools to implement scientifically based instructional programs linked to improved student achievement; creates a New Mexico School Recognition Program; and provides financial rewards to high-achieving public schools. [Similar to H 355a]
- S 430 BAN TANNING DEVICE USE FOR PEOPLE UNDER 18, *Sen. García* — creates an act to ban the use of tanning devices by individuals under the age of 18; provides for penalties; and provides for rulemaking by the Secretary of Environment. (May affect public schools)
- S 432 GOVERNMENTAL CONDUCT & CONTRACTS (Passed S/Passed H), *Sen. Eichenberg* — amends and adds a new section of the Governmental Conduct Act to extend provisions to include public officers and employees of political subdivisions of the state; expands the definition of “contract”; allows public officers and employees to contract with the agency that employs them under certain conditions; and prohibits certain acts by public officers and employees. (May affect public schools)
- S 433 EQUAL OPPORTUNITY SCHOLARSHIP ACT, *Sen. Campos* — creates the Equal Opportunity Scholarship Act; provides for tuition scholarship organizations to grant educational scholarships to low-income students to attend certain public and nonpublic

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

schools; creates income tax and corporate income tax credits for contributions to tuition scholarship organizations that provide educational scholarships for low-income students to attend public or private schools of the student's parents' choice; requires the Public Education Department to administer the Equal Opportunity Scholarship Act; and reduces program units and program costs in the State Equalization Guarantee distribution.  
[Identical to H 427]

- S 437 CIGARETTE TAXES FOR EARLY CHILDHOOD PROGRAMS, *Sen. Beffort* — amends the Tax Administration Act to provide for the distribution of 5.0 percent of the net receipts attributable to the Cigarette Tax to the Public Education Department (PED) to fund early childhood programs; and requires PED not to use the funds for administration or administrative purposes.
- CS/S 439 S 439 FORFEITURE OF EMBEZZLED SCHOOL MONEY (**Passed S**), *Sen. Nava* — amends the Public School Finance Act to provide that money or property obtained as a result of an embezzlement committed against a school district or public school is subject to forfeiture under the Forfeiture Act.
- S 441 PUBLIC SCHOOL CAPITAL OUTLAY ELIGIBILITY (**Passed S**), *Sen. Nava* — amends the Public School Capital Outlay Act to make the facilities at the New Mexico School for the Blind and Visually Impaired and the New Mexico School for the Deaf eligible for public school capital outlay funding; and exempts these institutions from the required local share of project funding.
- S 446a **CHARTER SCHOOL CONTRACTS (Passed S/Passed H)**, *Sen. Sapien/Rep. King* — amends and adds new sections to the Charter Schools Act to provide for contracts between a charter school and the chartering authority; to establish procedures regarding conflicts of interest for a charter school governing body and school personnel; and to provide an annual evaluation process for charter schools.
- S 448 CHILD CARE OR PRE-K PROGRAM REQUIREMENTS, *Sen. Lopez* — removes the requirement for owners and caregivers at licensed child-care or private pre-kindergarten programs to possess a bachelor's degree.
- S 455 FILM PRODUCTION TAX CREDIT CHANGES, *Sen. Jennings* — amends the Tax Administration Act to provide for municipalities or counties with populations greater than 30,000 to share in the costs of the Film Production Tax Credit; authorizes reductions in certain distributions to those municipalities and counties; and limits the annual aggregate Film Production Tax Credit to \$75.0 million. (May affect public schools)
- S 456 WEBCASTING OF CABINET & OTHER MEETINGS, *Sen. Jennings* — amends the Executive Reorganization Act and the Open Meetings Act to require live video and audio transmissions via the Internet of the Governor's cabinet meetings; provides exceptions; requires live video and audio transmissions via the Internet of meetings of certain public entities conducting public business; provides exceptions; and requires copies of transmissions to be retained as public records. (May affect school boards and the Public Education Commission)



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

- S 470 DEVOTE FUNDS TO FAMILY FORMATION PROGRAMS, *Sen. Boitano* — adds a new section of the New Mexico Works Act to require the Human Services Department to devote a portion of federal funding to family formation and responsible fatherhood programs; and calls for the funds for family formation and responsible fatherhood programs to be administered under contract with a state public postsecondary educational institution that has demonstrated success in administering Temporary Assistance for Needy Families programs, such as work force development programs, in both the north and south of the state. (May affect public schools)
- S 472 HIGH-INCOME TAXPAYER SURTAX, *Sen. B. Sanchez* — amends the Income Tax Act to impose a surtax of 1.0 percent on high-income New Mexico taxpayers. (May affect public schools)
- S 473 DOMESTIC VIOLENCE VICTIMS AS MISSING PERSONS, *Sen. Lopez* — amends the Missing Persons Information and Reporting Act to clarify that a victim of domestic abuse who voluntarily flees is not a missing person; and provides that a law enforcement agency shall not provide information, seek to locate, or enter information into the Missing Persons Clearinghouse regarding a victim of domestic violence who is voluntarily missing. (May affect public schools)
- S 474 ORDER OF PROTECTION FILING & ENFORCEMENT, *Sen. Lopez* — amends multiple sections of the Family Violence Protection Act to allow a minor to file for or be restrained by an order of protection; requires peace officers to enforce orders of protection; revises standards and procedures; and expands definitions. (May affect public schools)
- S 476a NO COLLEGE CREDITS NEEDED FOR STATE POLICE (Passed S/Passed H),** *Sen. P. Griego* — amends state law to remove the requirement for at least 60 hours of college credits as a qualification to be a member of the New Mexico State Police.
- S 487 SANTA FE COMMUNITY FARMS SUPPORT APPROP, *Sen. Rodriguez* — appropriates \$100,000 from the General Fund to the Higher Education Department for operating a program at Santa Fe Community College to support community farms in Santa Fe.
- S 488 SIGN LANGUAGE INTERPRETING PROGRAM APPROP, *Sen. Rodriguez* — appropriates \$50,000 from the General Fund to the Higher Education Department for a sign language interpreting program at Santa Fe Community College.
- S 497 MANAGED HEALTH CARE OMBUDSMAN ACT, *Sen. Ortiz y Pino* — creates the Managed Health Care Ombudsman Act; creates a Managed Health Care Ombudsman Office; and makes an appropriation from surcharges assessed on health care premiums to be deposited into the Managed Health Care Ombudsman Fund. (May affect public schools)
- S 498 PUBLIC EMPLOYEE SERVICE CREDIT PURCHASES, *Sen. Ortiz y Pino* — amends the Public Employees Retirement Act to increase the aggregate amount of service credit an employee can purchase from one to five years.

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

- \*S 502  
\*CS/S 502  
\*CS/CS/S 502a
- SCHOOL TEACHER & PRINCIPAL EVALUATION (Passed S)**, *Sen. Nava* — adds a new section to the School Personnel Act and amends existing sections of that act and the Charter Schools Act to require school districts and charter schools to evaluate teachers using their own evaluation programs based on a statewide framework developed by the Public Education Department (PED) to measure teacher effectiveness and improve student achievement; among its provisions, specifies that the term “district” includes charter schools; prescribes components of the district evaluation program and requires approval and monitoring by PED; requires at least half of teacher evaluation to be based on student academic growth as determined by certain assessments; requires districts to use the results of the teacher evaluations to tailor professional development; requires at least half of school principals’ evaluations to be based on their school’s achievement; requires teacher and principal evaluations to inform incentives for effective teachers and principals; requires PED, between April and August 2011, to convene a work group to develop a statewide evaluation framework; requires districts to adopt their evaluation programs during school year 2011-2012 to create a baseline of performance; requires the evaluation program to be operational during school year 2012-2013; requires termination of a teacher with three consecutive years of lowest effectiveness ratings; requires PED to develop a reward program for effective teachers and principals, subject to available funding; and amends the three-tiered licensure system to replace references to teacher competencies reflected in PED rule with teacher effectiveness, per the school district’s evaluation system; and to eliminate references to the statewide highly objective uniform system of evaluation in movement of teachers from level to level.
- \*S 503
- SCHOOL PERSONNEL EVALUATION SYSTEM**, *Sen. Nava* — adds a new section to the School Personnel Act to create the School Personnel Evaluation Council as a policy-advisory council to the Public Education Department (PED); prescribes membership of the council; requires the council to develop a fair evaluation method that allows school personnel to improve, to conduct a cost analysis, and to report to the Secretary of Public Education by August 2011 with recommendations for implementing the evaluation system in school year 2011-2012; prescribes components of the evaluation system; excludes from the evaluation system teachers with internship licenses or level 1 licenses and substitute teachers; allows the Secretary of Public Education to modify the system recommended by the council; requires PED to adopt rules to implement the evaluation system in school year 2011-2012; and requires the council to submit annual status reports to the Governor and the LESC.
- S 508
- STATE AGENCY RISK COVERAGE FUNDING**, *Sen. Sapien* — amends multiple sections of state law to provide that certain risks of state agencies shall be covered by direct appropriations to the Public Liability Fund and the Public Property Reserve Fund. (May affect public schools)
- S 512
- TOHATCHI YOUTH ACTIVITY SERVICE APPROPRIATION**, *Sen. Pinto* — appropriates \$250,000 from the General Fund to the Indian Affairs Department for youth activity services, including after-school and weekend activity programming, in the community of Tohatchi.
- S 520
- MUNICIPAL CORPORATION BOND DEPOSITS (Passed S/Passed H)**, *Sen. Beffort* — amends state law to eliminate the requirement that all bids for municipal corporation

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

bonds be accompanied by deposits; and requires only the best bidder to make a deposit prior to acceptance of the bid. (May affect public schools)

- \*S 531 USE OF CYFD FUNDS FOR LAWSUIT PLAINTIFFS, *Sen. Adair* — creates an act to prohibit the use of agency funds (including funds from the Public Education Department) to pay plaintiffs' attorneys from the *ACLU v. CYFD* lawsuit in FY 12; and appropriates the funds saved by this enactment to the Department of Health to reduce the developmental disabilities waiver waiting list.
- S 534 CHILDREN'S TRUST FUND PURPOSE & BOARD, *Sen. Ortiz y Pino* — amends the Children's Trust Fund Act to clarify its purposes, revise the board's membership, and clarify the act's expenditure provisions. (May affect public schools) [Identical to H 556]
- S 537 STREET GANG RECRUITMENT PENALTIES, *Sen. Sharer* — adds a new section of the Criminal Code to provide criminal penalties for recruiting others to join a criminal street gang or inducing participation in criminal street gang activity; and provides increased penalties for recruitment and inducement of minors. (May affect public schools)
- S 538 GANG ACTIVITY SENTENCE ENHANCEMENTS, *Sen. Sharer* — adds a new section of the Criminal Sentencing Act to enhance the basic sentence for crimes committed in furtherance of criminal street gang activity. (May affect public schools)
- S 547a ELECTION CODE DEFINITIONS (**Passed S**), *Sen. Wirth* — creates a Joint Interim Legislative Redistricting Committee composed of nine members from each house; and calls for one organizational meeting to develop a work plan and budget for its interim tasks. (May affect the Public Education Commission)
- S 556 PARENTAL DIVORCE REDUCTION ACT, *Sen. Boitano* — creates the Parental Divorce Reduction Act; and requires education and a waiting period prior to filing a petition for dissolution of marriage for parties with minor children. (May affect public schools)
- \*S 558 CYFD PLACEMENT HOME BACKGROUND CHECKS, *Sen. Rue* — adds a new section of the Children's Code to allow the Children, Youth and Families Department to conduct federal criminal history record checks of adults residing in the home. (May affect public schools)
- S 559 SUNSHINE PORTAL ACCESS TO STATE CONTRACTS, *Sen. Rue* — amends the Sunshine Portal Transparency Act to require the Sunshine Portal to provide access to all state contracts no later than July 1, 2011. (May affect public schools and the Public Education Department)
- S 566 PROCUREMENT FROM PERSONS WITH DISABILITIES, *Sen. Boitano* — adds a new section of the Procurement Code to require each state agency and local public body to develop a policy regarding the procurement of services from persons with disabilities; and amends the State Use Act to provide that a state agency or local public body may, consistent with its policy, procure services pursuant to the provisions of that act. (May affect public schools)

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

- S 568 FILM PRODUCTION & EDUCATIONAL RETIREMENT, *Sen. Smith* — amends state law to cap the Film Production Tax Credit to reduce expenditures; and appropriates monthly distributions to the Educational Retirement Fund equal to the amount of reduced expenditures.
- S 573 WRONGFUL INCARCERATION COMPENSATION, *Sen. McSorley* — creates new state law to provide compensation to a person who is exonerated after being wrongfully convicted and imprisoned; and amends the Tort Claims Act to provide for payment for each year of wrongful incarceration from the Public Liability Fund. (May affect public schools)
- S 574 **CYFD EMPLOYEES OF GOOD MORAL CHARACTER (Passed S/Passed H)**,  
CS/S 574a *Sen. Rodriguez* — amends and adds a new section of the Children, Youth and Families Department Act to require all employees, staff members, prospective employees, volunteers, and their supervisors at the Children, Youth and Families Department (CYFD) who have direct unsupervised contact with department clients to be of good moral character; prohibits all persons who have been convicted of a felony offense from being employees, staff members, volunteers, or supervisors at the CYFD who have direct unsupervised contact with department clients; and requires fingerprint and nationwide history record searches for all department employees, staff members, volunteers, and their supervisors who have direct unsupervised contact with department clients. (May affect public schools)
- S 578 TREATMENT FOR CERTAIN SEX OFFENDERS, *Sen. Adair* — adds a new section of state law and amends the Probation and Parole Act to provide for treatment of persons convicted of certain sexual offenses against children under 13 years of age; requires parole for life; and makes an appropriation of \$50,000 from the General Fund to the Corrections Department for expenditure in FY 12 to implement a treatment program. (May affect public schools)
- S 579 NO LIQUOR ESTABLISHMENTS NEAR DAYCARE, *Sen. Cravens* — amends state law to restrict licensing of liquor establishments within 300 feet of daycare centers. (May affect public schools)
- S 605 **EXPAND ELIGIBLE PRE-K PROVIDERS (Passed S/Passed H)**, *Sen. Nava* —  
CS/S 605a amends the Pre-Kindergarten Act to expand the number of providers eligible to offer pre-kindergarten services by allowing providers from any communities with public Title I elementary schools; requires the Public Education Department and the Children, Youth and Families Department to request and evaluate proposals or applications for pre-kindergarten services; and gives priority to programs according to the Title I status of the schools in those communities and the percentage of the children served living within the attendance zone of a Title I school, without regard to the adequate yearly progress status of the schools in the community.
- S 608 HEALTH INSURANCE COVERAGE MANDATES, *Sen. Feldman* — amends and adds  
CS/S 608 multiple sections of the Insurance Code to prohibit lifetime or annual limits; among other provisions, mandates coverage for individuals under the age of 26 who seek coverage under their parents' coverage; prohibits preexisting condition exclusions for individuals under 19; provides for special enrollment for individuals whose coverage ended by reasons

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

of cessation of dependent status; provides for applicability of health insurance mandate changes to “grandfathered” health plan coverage beginning before March 23, 2010 and continuing in effect; amends a section of the Medical Care Savings Account Act to provide for dependent coverage until the age of 26; establishes health coverage requirements related to the provision of emergency services; requires that covered children have access to pediatric care; requires that female covered individuals have access to obstetrical and gynecological care; and defines “child” and “dependent.” (May affect public schools)

S 611  
CS/S 611      **TALPA COMMUNITY CENTER STAFF APPROPRIATION**, *Sen. P. Griego* — appropriates \$25,000 from the General Fund to the Local Government Division of the Department of Finance and Administration for expenditure in FY 12 to pay staff at the Talpa Community Center in Taos.

S 617  
CS/S 617a      **PUBLIC WORKS CONTRACTOR REGISTRATION (Passed S/Passed H)**, *Sen. Martinez* — amends state law to require that a public works contractor be given at least a 30-day notice before the expiration of the contractor’s registration certificate and pay a registration fee of \$400 every two years. (May affect public schools)

**SENATE CONCURRENT RESOLUTION**

SCR 1      **LIMIT NUMBER OF BILL INTRODUCTIONS**, *Sen. Boitano* — proposes to limit the number of bills introduced by a legislator to no more than 15 bills during a legislative session.

**SENATE JOINT MEMORIALS**

SJM 3      **ELECTRONIC HANDOUTS FOR INTERIM COMMITTEES (Passed S)**, *Sen. Sapien* — requests that the Legislative Council adopt a rule to require the use of electronic communication and handouts for interim committees.

SJM 5      **STUDY EFFECTS OF BULLYING**, *Sen. García* — requests that the Children, Youth and Families Department, the Public Education Department, and the Department of Health conduct a joint study to determine the current status of bullying prevention efforts in New Mexico; to research evidence-based strategies to prevent bullying; to collect, analyze, and report data related to the impact of bullying on juvenile justice, education, and health; and to report findings and recommendations to an appropriate interim legislative committee and to the LESC by November 30, 2011. (For the LESC) [Related to S 78 and H 494]

SJM 7a      **STUDY CHILDREN’S ACCESS TO PROPER NUTRITION (Passed S)**, *Sen. Nava* — requests that the Children, Youth and Families Department continue the work of the Student Nutrition Task Force by convening a task force no later than June 1, 2011 to study children’s hunger and access to nutrition in New Mexico schools; and that the task force report its findings to the appropriate interim legislative committees and to the Governor no later than December 1, 2011.

SJM 9a      **INCOMPLETE CAPITAL OUTLAY PROJECT INVENTORY (Passed S)**, *Sen. Campos* — requests that the Legislative Council Service, Legislative Finance Committee, and Department of Finance and Administration develop and distribute a questionnaire that

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

surveys state, county, local and tribal governmental entities to provide an inventory of capital project progress and assess which projects have been completed and which remain unfinished and need further funding; and requests that these agencies report to the second session of the 50<sup>th</sup> Legislature. (May affect public schools)

- SJM 11a REFORM INTERIM COMMITTEE PROCESS, *Sen. Eichenberg* — requests that the Legislative Council begin to reform the interim committee process in 2011; requests that the Legislature appoint members to only 19 specific interim committees, including the LESC, the Legislative Council, and the Legislative Finance Committee (LFC); and requests that the directors of the Legislative Council Service, the LESC, and the LFC develop and present to the Legislative Council a proposal to jointly staff the interim committees in an effective and efficient manner.
- SJM 13 SUPPORTING OUTDOOR OPPORTUNITIES FOR CHILDREN (**Passed S**), *Sen. Nava* — supports the idea that every New Mexico child should have ample outdoor opportunities; and encourages various state agencies, including the Public Education Department, to develop and advertise outdoor programs for children.
- SJM 18 STUDY MORE COORDINATED EDUCATION SYSTEM, *Sen. Fischmann* — requests that the Governor appoint a task force, including the Children, Youth and Families Department, Public Education Department, and Higher Education Department, to study the means whereby the state can provide a more coordinated and integrated educational system to children from birth through college graduation.
- SJM 19 RECOMMEND HIGHER ED CHANGES FOR 2012, *Sen. Lovejoy* — requests that the LESC lead a study to identify and recommend changes to the system of higher education in New Mexico for 2012; and resolves that the Higher Education Department integrate the findings and recommendations of the study with the recommendations contained in the state master plan for higher education.
- SJM 22 “BEHAVIORAL HEALTH DAY,” (**Passed S/tbld H**) *Sen. Papen* — proclaims February 17, 2011 to be “Behavioral Health Day” at the Legislature.
- SJM 23 **ACADEMIC CHAMPIONS FOR CHILDREN TASK FORCE (Passed S/Passed H)**, *Sen. Pinto* — requests that the Interagency Behavioral Health Purchasing Collaborative convene a task force (in cooperation with the Public Education Department) to develop a process to train, educate, and empower parents, caregivers, social workers, and behavioral therapists to become academic champions for children and thereby reduce aggressive behavior in schools and the need for clinical interventions. (May affect public schools) [Identical to HJM 23]
- SJM 24 **TRIBAL LANGUAGE SURVIVAL SUPPORT (Passed S/Passed H)**, *Sen. Pinto* — calls for the Legislature to support tribal language survival; requests the fulfillment of statutory obligations regarding the 2003 Indian Education Act and the State Bilingual Multicultural Education Act; and cites the positive correlation between student achievement and first language learning. (May affect public schools)

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

- SJM 28      “PUBLIC TELEVISION DAY IN NEW MEXICO,” (**Passed S/tbld H**) *Sen. E. Griego* — proclaims March 1, 2011 “Public Television Day in New Mexico” by the New Mexico State Legislature.
- SJM 29      VISIT CHALLENGER LEARNING CENTER (**Passed S**), *Sen. Ryan* — requests the LESC to collaborate with all New Mexico school superintendents and the Secretary of Public Education to create a report identifying steps that can be taken to encourage teachers and school districts across the state to visit the Challenger Learning Center New Mexico and take advantage of the opportunities offered.
- SJM 31      STUDY LOCAL DAYTIME JUVENILE CURFEWS, *Sen. García* — requests that the Interim Courts, Corrections and Justice Committee, or its successor, examine the feasibility of imposing local juvenile curfews to combat school truancy and resulting educational failure in New Mexico.
- SJM 33      COMMUNITY COLLEGE DEVELOPMENTAL EDUCATION, *Sen. Nava* — requests that the Higher Education Department continue the task force to study developmental education at community colleges; requests that the department recommend ways to improve student performance based on best practices, established data benchmarks and measurements for developmental education; requests that the department recommend funding incentives to improve student success; and requests that the department present its findings to the LESC by September 1, 2011.
- SJM 35      **STUDY INDIAN EDUCATION IMPACT AID MONEY (Passed S/Passed H)**, *Sen. Pinto* — requests that the LESC study the use of impact aid set-aside money for Indian education and determine if the local process used by districts ensures collaboration with tribal leaders and leads to an accurate identification of local needs; and requests that the LESC hold hearings to receive testimony from government officials and stakeholders in the American Indian community.
- SJM 36      INSTRUCTIONAL SUPPORT PROVIDERS STUDY, *Sen. Ortiz y Pino* — requests that the Public Education Department expand the Related Services Advisory Council membership and study the effectiveness of instructional support providers in New Mexico; and requests that the council report its findings and recommendations to the LESC by October 15, 2011.
- SJM 37      EARLY CHILDHOOD EDUCATION STUDY (**Passed S**), *Sen. Nava* — requests that the LESC and the Public Education Department (PED) study the provision of Early Childhood Education programs for developmentally delayed children and evaluate how well these programs coordinate with special education services in public schools; and resolves that the LESC and PED report their findings and recommendations by November 30, 2011.

**SENATE JOINT RESOLUTIONS**

- SJR 2      PARENTAL PARTICIPATION CONTRACTS, CA, *Sen. Fischmann* — proposes to add a new section to Article 12 of the Constitution of New Mexico to allow the Legislature to provide by law for parental participation contracts between public schools and the parents or guardians of the students who receive a free public education.

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

- SJR 3            LEGISLATIVE OVERTURN OF AGENCY RULES, CA, *Sen. Neville* — proposes to amend Article 4 of the Constitution of New Mexico to allow the Legislature, through a joint resolution and upon a two-thirds' vote in each house, to overturn a rule promulgated by a state agency.
- SJR 7            INCREASE SIZE OF CERTAIN SCHOOL BOARDS, CA, *Sen. Lopez* — proposes to amend Article 12, Section 15 of the Constitution of New Mexico to increase the size of certain school boards to nine members for school districts with decennial census data reporting a population of more than 200,000.
- SJR 10           LAND GRANT PERMANENT FUND DISTRIBUTION, CA, *Sen. Nava* — proposes an amendment to the Constitution of New Mexico to temporarily increase the distribution from the Land Grant Permanent Fund; requires a portion of the increased distribution from the School Permanent Fund to be used for early childhood education programs operated by the public schools or pursuant to contracts between the state and private entities; indefinitely extends another distribution, with the requirement that the portion of the distribution from the Permanent School Fund be used to implement and maintain educational reforms; and suspends the distributions if the average value of the funds is less than \$8.0 billion or if the Legislature, by a vote of three-fifths of the members elected to each house, votes to suspend the distribution.
- SJR 11a           TRANSFER OF STATE-OWNED PROPERTY (Passed S/Passed H), *Sen. M. Sanchez*** — proposes the transfer of 9.35 acres of state-owned real property to the Los Lunas Public Schools; and resolves that the property shall not be sold or transferred until it has been reviewed by the Capitol Buildings Planning Commission.
- SJR 14a           SALE OF REAL PROPERTY IN SANTA FE (**Passed S**), *Sen. Rodriguez* — ratifies and approves the sale of real property in the city of Santa Fe to Santa Fe Community College.
- SJR 16a           SCHOOL ELECTIONS WITH OTHER ELECTIONS, CA, *Sen. E. Griego* — 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.
- SJR 17            PRESERVE LAND GRANT & WATER TRUST FUNDS, CA (**Passed S**), *Sen. Burt* — proposes to amend Article 12, Section 7 and Article 16, Section 6 of the Constitution of New Mexico to preserve the Land Grant Permanent Fund and the Water Trust Fund by increasing the duty of care and changing the limitations on investment. (May affect public schools)

**SENATE MEMORIALS**

- SM 1            ASIAN AMERICAN CENTER AT STATE FAIR [SGND], *Sen. Keller*** — requests that the State Fair Commission and Expo New Mexico engage in a dialog to locate and maintain an Asian American center at Expo New Mexico. (May affect public schools)



- SM 3**      **“NM FAMILY & PARENT INVOLVEMENT DAY,”** [SGND] *Sen. B. Sanchez* — declares Wednesday, January 19, 2011, as “New Mexico Family and Parent Involvement Day” in the Senate.
- SM 4**      **“NEW MEXICO MENTORSHIP,”** [SGND] *Sen. Kernan* — declares the week of January 24, 2011 through January 30, 2011 as “New Mexico Mentorship Week” in the Senate.
- SM 9**      **“AUTISM DAY,”** [SGND] *Sen. Feldman* — recognizes the New Mexico chapter of the Autism Society of America and declares February 21, 2011 as “Autism Day” in the Senate.
- SM 11**     **“CHAVES COUNTY EVERY 15 MINUTES PROGRAM DAY,”** [SGND] *Sen. Jennings* — declares January 26, 2011 as “Chaves County Every 15 Minutes Program Day” in the Senate; recognizes the efforts of the program to generate youth awareness of the dangers of drinking and driving by conducting the program near the time of high school proms and graduations. [Identical to HM 6]
- SM 13**     COLLABORATION WITH KESHET DANCE COMPANY, *Sen. Feldman* — requests that the Cultural Affairs Department, the Economic Development Department, the Tourism Department, the Public Education Department, and the Children, Youth and Families Department recognize the impact and potential of Keshet Dance Company and collaborate with the organization to support the growth and increase the capacity of Keshet Dance Company.
- SM 26**     **“CHILD ABUSE PREVENTION WEEK,”** [SGND] *Sen. García* — declares the first week of July 2011 as “Child Abuse Prevention Week” in the Senate; and provides legislative support to a group of elementary school students in Vado, New Mexico, who are engaged in the “Future Problem Solver” group.
- SM 29**     **“ADULT BASIC EDUCATION & LITERACY DAY,”** [SGND] *Sen. Kernan* — declares February 15, 2011 as “Adult Basic Education and Literacy Day” in the Senate.
- SM 31**     **2012 CENTENNIAL CELEBRATION PROJECTS** [SGND], *Sen. Ortiz y Pino* — encourages that state, local, and tribal government agencies participate in New Mexico’s 2012 statehood centennial commemoration by creating and promoting projects designed to honor, commemorate, and celebrate the history, traditions, and future of the state while facilitating education, economic development, tourism, and civic pride. [Identical to HM 23]
- SM 32**     **“WESTERN NM UNIVERSITY FOUNDERS DAY,”** [SGND] *Sen. Morales* — declares February 11, 2011 “Western New Mexico University Founders Day” in the Senate.
- SM 33**     **“NEW MEXICO MESA DAY,”** [SGND] *Sen. Cravens* — declares March 7, 2011 as “New Mexico MESA Day” at the Senate.
- SM 34**     **HISTORIC WOMEN MARKER & RECOGNITION** [SGND], *Sen. Ingle* — celebrates the completion of the New Mexico Historic Women Marker Initiative by the New Mexico Women’s forum together with several state agencies; and requests that the

New Mexico Centennial Steering Committee recognize these historic women in the centennial celebration. [Identical to HM 29]

- SM 35 “VIRTUAL ENLACE NEW MEXICO DAY,” *Sen. Lopez* — recognizes February 11, 2011 as “Virtual Enlace New Mexico Day” in the Senate and celebrates the 10-year anniversary of Engaging Latino Communities for Education.
- SM 37 STUDY GRANDPARENTS’ VISITATION RIGHTS, *Sen. E. Griego* — requests that the Administrative Office of the Courts conduct a study of statutes governing grandparents’ visitation rights in other states and make recommendations regarding opportunities to support greater involvement of grandparents in the lives of their grandchildren in New Mexico. (May affect public schools)
- SM 38 “ENTREPRENEURSHIP WEEK,” [SGND] *Sen. García* — declares the week of February 19 through February 26, 2011 as “Entrepreneurship Week” in the Senate; recognizes coalitions like the New Mexico Youth Entrepreneurship Network; and encourages youth to be excited about entrepreneurship education.
- SM 44 “SCHOOLS ON THE RISE DAY,” [SGND] *Sen. Nava* — declares March 10, 2011 as “Schools on the Rise Day” at the New Mexico Senate.
- SM 52 INDIAN EDUCATION ACT EFFECTIVENESS (Passed S), *Sen. Lovejoy* — requests that the LESC and the Interim Legislative Indian Affairs Committee convene a joint subcommittee to assess the effectiveness of the Indian Education Act; and that the Joint Subcommittee make recommendations on certain matters to the LESC and the Legislative Indian Affairs Committee by October 1, 2011.
- SM 53 “ALBUQUERQUE HIGH SCHOOL DAY,” [SGND] *Sen. E. Griego* — recognizes February 25, 2011 as “Albuquerque High School Day” in the New Mexico Senate.
- SM 56 ADOLESCENT OPIOID ADDICTION TREATMENT STUDY (Passed S), *Sen. E. Griego* — requests that the Interagency Behavioral Health Purchasing Collaborative develop a comprehensive, statewide plan for treatment of opioid addiction among adolescents and present the plan to the Interim Legislative Health and Human Services Committee by October 2011.
- SM 57 NATIVE AMERICAN EARLY CHILDHOOD PROGRAM STUDY [SGND], *Sen. Lovejoy* — requests that the Interim Legislative Health and Human Services Committee establish a subcommittee to identify opportunities and make recommendations for Native American communities to develop an infrastructure of early childhood programs and services; and resolves that the subcommittee seek testimony and recommendations from the Public Education Department and other childhood program providers to identify available federal and grant funding for the services.
- SM 58 NM SERVICE LEARNING PROGRAMS RECOGNITION [SGND], *Sen. Nava* — recognizes the accomplishments and contributions of service learning programs in the state of New Mexico.

- SM 59**      **DOMESTIC VIOLENCE LASTS A LIFETIME DAY [SGND]**, *Sen. Morales* — proclaims March 4, 2011 “For a Child, Domestic Violence Lasts a Lifetime Day” in the Senate; and recognizes a connection between children who are exposed to domestic violence and negative educational achievement.
- SM 61**      **SOUTH VALLEY DAY [SGND]**, *Sen. E. Griego* — recognizes the rich cultural history of Albuquerque’s South Valley and declares March 3, 2011 “South Valley Day” in the Senate.
- SM 63**      **“ATHLETIC TRAINER DAY,” [SGND]** *Sen. Morales* — declares March 3, 2011 “Athletic Trainer Day” and the month of March 2011 as “National Athletic Training Month” in the Senate.
- SM 65**      **GENDER-SPECIFIC TREATMENT STANDARDS STUDY (Passed S)**, *Sen. Lopez* — requests that the Behavioral Health Sciences Division of the Human Services Department convene a work group to create gender-specific treatment standards and rules for women and girls seeking treatment for substance abuse disorders and submit a report with recommendations to the Legislative Health and Human Services Committee by December 1, 2011. (May affect public schools)
- SM 67**      **PEDESTRIAN OVERPASS IN SANTA FE STUDY (Passed S)**, *Sen. P. Griego* — requests that a safety study include the feasibility of constructing pedestrian overpasses on or near the Santa Fe Indian School campus and Cerrillos Road and the New Mexico School for the Deaf campus and Cerrillos Road or St. Francis Drive; resolves that the Department of Transportation work with both schools to address the safety issues associated with Cerrillos Road and St. Francis Drive and the two schools; and report to an appropriate interim committee on the potential solutions to the safety issues facing the students and staff of both schools by November 2011. [Identical to HM 47]
- SM 70**      **RURAL ISOLATION UNITS STUDY [SGND]**, *Sen. Lovejoy* — requests that the LESC study the provisions of law governing the rural isolation units provided through the Public School Funding Formula and report its findings and recommendations to the appropriate interim legislative committee by December 1, 2011.
- SM 71**      **NORTHWEST QUADRANT PUBLIC SCHOOL ACCESS STUDY (Passed S)**, *Sen. Lovejoy* — requests that the Public Education Department study access to public education in the northwest quadrant of the state and report its findings to the LESC by August 1, 2011.

### **SENATE RESOLUTIONS**

- SR 1**      **REQUIRE WEBCASTING OF COMMITTEE MEETINGS**, *Sen. Boitano* — amends the Senate rules to require webcasting of committee meetings; prohibits any political use; and states that the streams shall not be archived or used as an official record of the Senate’s proceedings.

**SR 4**      **SENATE COMMITTEE WEBCASTING [SGND]**, *Sen. Jennings* — amends the Senate rules to allow photography, audio, or video recording and streaming of Senate Committee proceedings with the permission of the chair and ranking member.

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