

Potential School Transportation Legislation Recommendations

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Potential School Transportation Legislation Recommendations

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1	Boundary Agreement in Law (with funding)	N/A	No
2	Boundary Agreement in Law (without funding)	N/A	See notes
3	PED Charter Schools Transportation Funding	.194938.1	See notes
4	PED School District Liens on Certain School Buses	.194931.1	Yes
5	PED School Transportation Fund (HAFC Edits)	.194933.1	Yes
6	School Bus Fuel Gross Receipts	.194936.1	Yes
7	School Bus GPS Devices 1 as standalone appropriation	.194935.1	See notes
8	School Bus GPS Devices 2 as HB2	N/A	Yes
9	School Bus Replacement Capital Outlay Request 1	N/A	Yes
10	School Bus Replacement Capital Outlay Request 2	N/A	No
11	School Bus Replacement Times	.194960.1	No
12	School District Bus Rental Fee Times	.194934.1	No
13	School Transportation Reporting Dates – 40th Day	.194937A.2	No
14	School Transportation Reporting Dates – 80th Day	.194937B.1	See notes
15	School Transportation Reporting Dates – Final Version 2012	.194937C.1	No
16	School Transportation Reporting Dates – Growth Hold Harmless A	.194937D.2	See notes
17	School Transportation Reporting Dates – Growth Hold Harmless B	.194937E.1	No
18	Transportation Emergency Fund 1 (HAFC edits)	.194939A.1	See notes
19	Transportation Emergency Fund 2 (as introduced)	.194939B.1	No
20	Transportation Emergency Fund 3 (new fund)	.194939C.1	No

*Action reflects whether to bring the bill for consideration of the full LESC.

NOTES:

- 2.) Pilot program allowing transportation boundary agreements between Grandy and another district on the basis of school choice proposed as a joint memorial. Subcommittee asked staff to communicate with Grady Superintendent on language. Subcommittee approved and a new draft memorial is being prepared.
- 3.) Director Ortiz, PED, indicated the main portion of the bill can be administered through rule. The PED is interested in keeping the portion of the bill requiring state-chartered charter schools be renewed at least once before receiving funding (see p. 4 lines 8-14). Subcommittee members indicated language needed to be changed as current language requires charters to have a transportation program. Subcommittee action is deferred. A revised draft bill is being prepared.
- 7.) Subcommittee approved language but requested PED to provide a new cost estimate for state-wide GPS units.
- 14.) and 16.)

Regarding prior year funding: Subcommittee members, audience participants and PED all preferred the second reporting date as the basis of prior year funding. Subcommittee members also wanted to add the growth provision from Attachment 16 with a slight modification to allow funding for growth of any amount. Subcommittee approved changes and a revised draft bill is being prepared.

- In testimony, PED indicated that the PED may have the authority to disburse the Transportation Emergency Fund for fuel. Subcommittee members provided input that legislation be drafted that
- 18.) clarified this concern. Subcommittee approved and a new draft bill is being prepared.

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BILL

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PUBLIC SCHOOL TRANSPORTATION; PROVIDING A PUBLIC SCHOOL TRANSPORTATION FUNDING FORMULA FOR STATE-CHARTERED CHARTER SCHOOLS.

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

SECTION 1. Section 22-8-29.1 NMSA 1978 (being Laws 1995, Chapter 208, Section 10, as amended) is amended to read:

"22-8-29.1. CALCULATION OF TRANSPORTATION ALLOCATION-- PUBLIC SCHOOL DISTRICTS AND STATE-CHARTERED CHARTER SCHOOLS.--

A. As used in this section:

(1) "annual variables" means the coefficients calculated by regressing the total operational expenditures from two years prior to the current school year for each school district and state-chartered charter school using the number of students transported and the numerical value of site

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1 characteristics;

2 (2) "base amount" means the fixed amount that
3 is the same for all school districts and an amount established
4 by rule for state-chartered charter schools;

5 (3) "total operational expenditures" means the
6 sum of all to-and-from school transportation expenditures,
7 excluding expenditures incurred in accordance with the
8 provisions of Section 22-8-27 NMSA 1978; and

9 (4) "variable amount" means the sum of the
10 product of the annual variables multiplied by each school
11 district's or state-chartered charter school's numerical value
12 of the school district's and state-chartered charter school's
13 site characteristics multiplied by the number of days of
14 operation for each school district or state-chartered charter
15 school.

16 B. The department shall calculate the
17 transportation allocation for each school district [~~and state-~~
18 ~~chartered charter school~~] in the following manner:

19 [~~G.~~] (1) the base amount is designated as
20 product A. Product A is the constant calculated by regressing
21 the total operations expenditures from the two years prior to
22 the current school year for school district [~~or state-chartered~~
23 ~~charter school~~] operations using the numerical value of site
24 characteristics approved by the department. The legislative
25 education study committee and the legislative finance committee

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1 may review the site characteristics developed by the state
2 transportation director prior to approval by the department;

3 ~~[D.]~~ (2) the variable amount is designated as
4 product B. Product B is the predicted additional expenditures
5 for each school district ~~[or state-chartered charter school]~~
6 based on the regression analysis using the site characteristics
7 as predictor variables multiplied by the number of days;

8 ~~[E.]~~ (3) the allocation to each school
9 district ~~[and state-chartered charter school]~~ shall be equal to
10 product A plus product B; and

11 ~~[F. For the 2001-2002, 2002-2003 and 2003-2004~~
12 ~~school years, the transportation allocation for each school~~
13 ~~district shall not be less than ninety-five percent or more~~
14 ~~than one hundred five percent of the prior school year's~~
15 ~~transportation expenditure.~~

16 ~~G.]~~ (4) the adjustment factor shall be applied
17 to the allocation amount determined pursuant to ~~[Subsections E~~
18 ~~and F of this section]~~ Paragraph (3) of this subsection.

19 C. The department shall make an allocation to a
20 state-chartered charter school by including the annual
21 variables of to-and-from school transportation expenditures of
22 the state-chartered charter school with the annual variables of
23 the school district in which the state-chartered charter school
24 is geographically located. The department shall use the
25 combined variables to calculate the school district's and

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1 state-chartered charter school's allocation.

2 D. After making the allocations pursuant to
3 Subsection C of this section, the department shall remove the
4 state-chartered charter school's annual variables from the
5 formula and provide funding to a state-chartered charter school
6 that is chartered after July 1, 2014 that equals the difference
7 between the two calculations.

8 E. A state-chartered charter school:

9 (1) shall not receive transportation funding
10 until after its first renewal;

11 (2) shall include in its charter that it is
12 providing transportation services to students; and

13 (3) shall notify the department one year in
14 advance of its request for school transportation funding."

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51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PUBLIC SCHOOL TRANSPORTATION; REQUIRING SCHOOL DISTRICT LIENS ON CONTRACTOR-OWNED SCHOOL BUSES UNDER CONTRACT TO THE SCHOOL DISTRICT.

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

SECTION 1. Section 22-8-27 NMSA 1978 (being Laws 1967, Chapter 16, Section 77, as amended) is amended to read:

"22-8-27. TRANSPORTATION EQUIPMENT.--

A. The department shall establish a systematic program for the purchase of necessary school bus transportation equipment.

B. In establishing a system for the replacement of school-district-owned buses, the department shall provide for the replacement of school buses on a twelve-year cycle. School districts requiring additional buses to accommodate growth in

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1 the school district or to meet other special needs may petition
2 the department for additional buses. Under exceptional
3 circumstances, school districts may also petition the
4 department for permission to replace buses prior to the
5 completion of a twelve-year cycle or to use buses in excess of
6 twelve years contingent upon satisfactory annual safety
7 inspections.

8 C. In establishing a system for the use of
9 contractor-owned buses by school districts or state-chartered
10 charter schools, the department shall establish a schedule for
11 the payment of rental fees for the use of contractor-owned
12 buses. The department shall establish procedures to ensure the
13 systematic replacement of buses on a twelve-year replacement
14 cycle. School districts requiring additional buses to
15 accommodate growth in the school district or to meet other
16 special needs may petition the department for additional buses.
17 Under exceptional circumstances, school districts may also
18 petition the department for permission to replace buses prior
19 to the completion of a twelve-year cycle or to use buses in
20 excess of twelve years contingent upon satisfactory annual
21 safety inspections.

22 D. The school district shall file a lien on every
23 contractor-owned school bus under the contract ~~[on which the~~
24 ~~contractor owes money]~~, which lien shall have priority second
25 only to a lien securing ~~[the]~~ a purchase-money obligation. The

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1 school district shall perfect its lien on each contractor-owned
2 school bus by filing the lien with the motor vehicle division
3 of the taxation and revenue department. The lien shall be
4 recorded on the title of the school bus. A school bus
5 contractor shall not refinance or use a school bus on which a
6 school district has a lien as collateral for any other loan
7 without prior written permission of the department. A school
8 bus lien shall be collected and enforced as provided in Chapter
9 55, Article 9 NMSA 1978. The school district shall release its
10 lien on a school bus:

11 (1) when the department authorizes a
12 replacement of the school bus; or

13 (2) when the contractor has reimbursed the
14 school district the amount calculated pursuant to Subsection E
15 of this section if the school bus service contract is
16 terminated or not renewed and the contractor owes the school
17 district as provided in that subsection.

18 E. No school district shall pay rental fees for any
19 one bus for a period in excess of five years. In the event a
20 school bus service contract is terminated or not renewed by
21 either party, the department shall calculate the remaining
22 number of years that a bus could be used based on a twelve-year
23 replacement cycle and calculate a value reflecting that use.
24 The school district shall deduct an amount equal to that value
25 from any remaining amount due on the contract, or if no balance

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1 remains on the contract, the contractor shall reimburse the
2 school district an amount equal to the value calculated.

3 F. If the school district fails to take action to
4 collect money owed to it when a school bus contract is
5 terminated or not renewed, the department may deduct the amount
6 from the school district's transportation distribution."

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51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PUBLIC SCHOOL TRANSPORTATION; CREATING THE SCHOOL
TRANSPORTATION TRAINING FUND; MAKING AN APPROPRIATION.

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

SECTION 1. [NEW MATERIAL] SCHOOL TRANSPORTATION TRAINING
FUND--CREATED.--The "school transportation training fund" is
created in the state treasury. The fund consists of payments
from school districts and charter schools for school
transportation training workshops and other types of school
transportation training described in rule provided by the
public education department, income from investment of the fund
and money otherwise accruing to the fund. Money in the fund
shall not revert to any other fund at the end of a fiscal year.
The public education department shall administer the fund, and
money in the fund is subject to appropriation by the

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1 legislature to the public education department to provide
2 public school transportation workshops and training services to
3 school districts and charter schools, including supplies and
4 professional development for public education department staff.
5 Money in the fund shall be disbursed on warrants signed by the
6 secretary of finance and administration pursuant to vouchers
7 signed by the secretary of public education or the secretary's
8 authorized representative.

9 SECTION 2. EFFECTIVE DATE.--The effective date of the
10 provisions of this act is July 1, 2015.

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51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO TAXATION; PROVIDING FOR AN EXEMPTION FROM THE GROSS RECEIPTS TAX FOR RECEIPTS FOR THE SALE OF FUEL FOR SCHOOL BUSES; PROVIDING FOR AN EXEMPTION FROM THE COMPENSATING TAX FOR FUEL USED IN A SCHOOL BUS.

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

SECTION 1. A new section of the Gross Receipts and Compensating Tax Act is enacted to read:

"[NEW MATERIAL] EXEMPTION--GROSS RECEIPTS TAX--
COMPENSATING TAX--FUEL FOR SCHOOL BUSES.--

A. Exempt from the gross receipts tax are receipts from the sale of fuel used in a vehicle authorized by contract with the public education department as a school bus for the to-and-from school transportation of students.

B. Exempt from the compensating tax is the use of

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1 fuel in a vehicle authorized by contract with the public
2 education department as a school bus for the to-and-from school
3 transportation of students."

4 SECTION 2. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2015.

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51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO SCHOOL TRANSPORTATION; MAKING AN APPROPRIATION FOR
INSTALLATIONS AND OPERATIONS OF SECURITY AND GLOBAL POSITIONING
SYSTEM DEVICES FOR SCHOOL BUS SERVICES.

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

SECTION 1. APPROPRIATION.--Five hundred sixty-five
thousand dollars (\$565,000) is appropriated from the general
fund to the public education department for expenditure in
fiscal year 2015 to provide for installations and operations of
security and global positioning system devices for school
buses. Any unexpended or unencumbered balance remaining at the
end of fiscal year 2015 shall revert to the general fund.

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51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PUBLIC SCHOOL TRANSPORTATION; PROVIDING FOR A
SCHOOL BUS REPLACEMENT CYCLE BASED ON MILEAGE AS WELL AS YEARS
OF SERVICE.

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

SECTION 1. Section 22-8-27 NMSA 1978 (being Laws 1967,
Chapter 16, Section 77, as amended) is amended to read:

"22-8-27. TRANSPORTATION EQUIPMENT.--

A. The department shall establish a systematic
program for the purchase of necessary school bus transportation
equipment.

B. In establishing a system for the replacement of
school-district-owned buses, the department shall provide for
the replacement of school buses on a ~~[twelve-year]~~ cycle of
twelve years or two hundred thousand miles. School districts

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1 requiring additional buses to accommodate growth in the school
2 district or to meet other special needs may petition the
3 department for additional buses. Under exceptional
4 circumstances, school districts may also petition the
5 department for permission to replace buses prior to the
6 completion of a [~~twelve-year~~] replacement cycle or to use buses
7 in excess of twelve years or two hundred thousand miles
8 contingent upon satisfactory annual safety inspections.

9 C. In establishing a system for the use of
10 contractor-owned buses by school districts or state-chartered
11 charter schools, the department shall establish a schedule for
12 the payment of rental fees for the use of contractor-owned
13 buses. The department shall establish procedures to ensure the
14 systematic replacement of buses on a [~~twelve-year~~] replacement
15 cycle of twelve years or two hundred thousand miles. School
16 districts requiring additional buses to accommodate growth in
17 the school district or to meet other special needs may petition
18 the department for additional buses. Under exceptional
19 circumstances, school districts may also petition the
20 department for permission to replace buses prior to the
21 completion of a [~~twelve-year~~] replacement cycle or to use buses
22 in excess of twelve years or two hundred thousand miles
23 contingent upon satisfactory annual safety inspections.

24 D. The school district shall file a lien on every
25 contractor-owned school bus under the contract on which the

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1 contractor owes money, which lien shall have priority second
2 only to a lien securing the purchase-money obligation. The
3 school district shall perfect its lien on each contractor-owned
4 school bus by filing the lien with the motor vehicle division
5 of the taxation and revenue department. The lien shall be
6 recorded on the title of the school bus. A school bus
7 contractor shall not refinance or use a school bus on which a
8 school district has a lien as collateral for any other loan
9 without prior written permission of the department. A school
10 bus lien shall be collected and enforced as provided in Chapter
11 55, Article 9 NMSA 1978. The school district shall release its
12 lien on a school bus:

13 (1) when the department authorizes a
14 replacement of the school bus; or

15 (2) when the contractor has reimbursed the
16 school district the amount calculated pursuant to Subsection E
17 of this section if the school bus service contract is
18 terminated or not renewed and the contractor owes the school
19 district as provided in that subsection.

20 E. No school district shall pay rental fees for any
21 one bus for a period in excess of five years. In the event a
22 school bus service contract is terminated or not renewed by
23 either party, the department shall calculate the remaining
24 number of years or miles that a bus could be used based on a
25 twelve-year or two hundred thousand miles replacement cycle and

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1 calculate a value reflecting that use. The school district
2 shall deduct an amount equal to that value from any remaining
3 amount due on the contract, or if no balance remains on the
4 contract, the contractor shall reimburse the school district an
5 amount equal to the value calculated.

6 F. If the school district fails to take action to
7 collect money owed to it when a school bus contract is
8 terminated or not renewed, the department may deduct the amount
9 from the school district's transportation distribution."

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51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO SCHOOL TRANSPORTATION; INCREASING TO TWELVE YEARS
THE PERIOD OF TIME A SCHOOL DISTRICT MAY PAY RENTAL FEES FOR
EACH SCHOOL BUS.

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

SECTION 1. Section 22-8-27 NMSA 1978 (being Laws 1967,
Chapter 16, Section 77, as amended) is amended to read:

"22-8-27. TRANSPORTATION EQUIPMENT.--

A. The department shall establish a systematic
program for the purchase of necessary school bus transportation
equipment.

B. In establishing a system for the replacement of
school-district-owned buses, the department shall provide for
the replacement of school buses on a twelve-year cycle. School
districts requiring additional buses to accommodate growth in

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1 the school district or to meet other special needs may petition
2 the department for additional buses. Under exceptional
3 circumstances, school districts may also petition the
4 department for permission to replace buses prior to the
5 completion of a twelve-year cycle or to use buses in excess of
6 twelve years contingent upon satisfactory annual safety
7 inspections.

8 C. In establishing a system for the use of
9 contractor-owned buses by school districts or state-chartered
10 charter schools, the department shall establish a schedule for
11 the payment of rental fees for the use of contractor-owned
12 buses. The department shall establish procedures to ensure the
13 systematic replacement of buses on a twelve-year replacement
14 cycle. School districts requiring additional buses to
15 accommodate growth in the school district or to meet other
16 special needs may petition the department for additional buses.
17 Under exceptional circumstances, school districts may also
18 petition the department for permission to replace buses prior
19 to the completion of a twelve-year cycle or to use buses in
20 excess of twelve years contingent upon satisfactory annual
21 safety inspections.

22 D. The school district shall file a lien on every
23 contractor-owned school bus under the contract on which the
24 contractor owes money, which lien shall have priority second
25 only to a lien securing the purchase-money obligation. The

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1 school district shall perfect its lien on each contractor-owned
2 school bus by filing the lien with the motor vehicle division
3 of the taxation and revenue department. The lien shall be
4 recorded on the title of the school bus. A school bus
5 contractor shall not refinance or use a school bus on which a
6 school district has a lien as collateral for any other loan
7 without prior written permission of the department. A school
8 bus lien shall be collected and enforced as provided in Chapter
9 55, Article 9 NMSA 1978. The school district shall release its
10 lien on a school bus:

11 (1) when the department authorizes a
12 replacement of the school bus; or

13 (2) when the contractor has reimbursed the
14 school district the amount calculated pursuant to Subsection E
15 of this section if the school bus service contract is
16 terminated or not renewed and the contractor owes the school
17 district as provided in that subsection.

18 E. No school district shall pay rental fees for any
19 one bus for a period in excess of [~~five~~] twelve years. In the
20 event a school bus service contract is terminated or not
21 renewed by either party, the department shall calculate the
22 remaining number of years that a bus could be used based on a
23 twelve-year replacement cycle and calculate a value reflecting
24 that use. The school district shall deduct an amount equal to
25 that value from any remaining amount due on the contract, or if

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underscoring material = new
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1 no balance remains on the contract, the contractor shall
2 reimburse the school district an amount equal to the value
3 calculated.

4 F. If the school district fails to take action to
5 collect money owed to it when a school bus contract is
6 terminated or not renewed, the department may deduct the amount
7 from the school district's transportation distribution."

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51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PUBLIC SCHOOL TRANSPORTATION; CHANGING THE DATES FOR REPORTING SCHOOL TRANSPORTATION INFORMATION TO THE STATE TRANSPORTATION DIRECTOR; CHANGING THE BASIS FOR DETERMINING TRANSPORTATION DISTRIBUTION ALLOCATIONS.

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

SECTION 1. Section 22-8-29 NMSA 1978 (being Laws 1967, Chapter 16, Section 78, as amended) is amended to read:

"22-8-29. TRANSPORTATION DISTRIBUTIONS--REPORTS--
PAYMENTS.--

A. Prior to ~~[November 15]~~ the second reporting date of each year, each local school board of a school district and governing body of a state-chartered charter school shall report to the state transportation director, upon forms furnished by the state transportation director, the following information

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1 concerning the school district's or state-chartered charter
2 school's operation on the [~~first~~] second reporting date of the
3 current year:

4 (1) the number and designation of school bus
5 routes in operation in the school district;

6 (2) the number of miles traveled by each
7 school bus on each school bus route, showing the route mileage
8 in accordance with the type of road surface traveled;

9 (3) the number of students, including special
10 education students, transported on the [~~first~~] second reporting
11 date of the current year [~~and adjusted for special education~~
12 ~~students on December 1~~];

13 (4) the projected number of students to be
14 transported in the next school year;

15 (5) the seating capacity, age and mileage of
16 each bus used in the school district for student
17 transportation; and

18 (6) the number of total miles traveled for
19 each school district's or state-chartered charter school's per
20 capita feeder routes.

21 B. Each local school board of a school district and
22 governing body of a state-chartered charter school maintaining
23 a school bus route shall make further reports to the state
24 transportation director at other times specified by the state
25 transportation director.

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1 C. The state transportation director shall certify
2 to the secretary that the allocations from the transportation
3 distributions to each school district and state-chartered
4 charter school are based upon the transportation distribution
5 formula established in the Public School Code, [~~The allocations~~
6 ~~for the first six months of a school year shall be based upon~~
7 ~~the tentative transportation budget of the school district or~~
8 ~~state-chartered charter school for the current fiscal year.~~
9 ~~Allocations to a school district or state-chartered charter~~
10 ~~school for the remainder of the school year shall adjust the~~
11 ~~amount received by the school district or state-chartered~~
12 ~~charter school so that it equals the amount the school district~~
13 ~~or state-chartered charter school is entitled to receive for~~
14 ~~the entire school year based upon the November 15 report]~~
15 calculated and distributed for the entire school year using the
16 amounts reported on the second reporting date of the prior
17 school year, and subject to audit and verification.

18 D. The department shall make periodic installment
19 payments to school districts and state-chartered charter
20 schools during the school year from the transportation
21 distributions, based upon the allocations certified by the
22 state transportation director."

23 **SECTION 2. EFFECTIVE DATE.**--The effective date of the
24 provisions of this act is July 1, 2015.

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BILL

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PUBLIC SCHOOL TRANSPORTATION; CHANGING THE DATES FOR REPORTING SCHOOL TRANSPORTATION INFORMATION TO THE STATE TRANSPORTATION DIRECTOR; CHANGING THE BASIS FOR DETERMINING TRANSPORTATION DISTRIBUTION ALLOCATIONS.

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

SECTION 1. Section 22-8-29 NMSA 1978 (being Laws 1967, Chapter 16, Section 78, as amended) is amended to read:

"22-8-29. TRANSPORTATION DISTRIBUTIONS--REPORTS--
PAYMENTS.--

A. [~~Prior to November 15~~] On the second and third reporting dates, respectively, of each year, each local school board of a school district and governing body of a state-chartered charter school shall report to the state transportation director, upon forms furnished by the state

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1 transportation director, the following information concerning
2 the school district's or state-chartered charter school's
3 operation on ~~[the first]~~ each respective reporting date of the
4 current year:

5 (1) the number and designation of school bus
6 routes in operation in the school district;

7 (2) the number of miles traveled by each
8 school bus on each school bus route, showing the route mileage
9 in accordance with the type of road surface traveled;

10 (3) the number of students, including special
11 education students, transported on ~~[the first]~~ each respective
12 reporting date of the current year ~~[and adjusted for special~~
13 ~~education students on December 1]~~;

14 (4) the projected number of students to be
15 transported in the next school year;

16 (5) the seating capacity, age and mileage of
17 each bus used in the school district for student
18 transportation; and

19 (6) the number of total miles traveled for
20 each school district's or state-chartered charter school's per
21 capita feeder routes.

22 B. Each local school board of a school district and
23 governing body of a state-chartered charter school maintaining
24 a school bus route shall make further reports to the state
25 transportation director at other times specified by the state

.194937C.1

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1 transportation director.

2 C. The state transportation director shall certify
3 to the secretary that the allocations from the transportation
4 distributions to each school district and state-chartered
5 charter school are based upon the transportation distribution
6 formula established in the Public School Code, [~~The allocations~~
7 ~~for the first six months of a school year shall be based upon~~
8 ~~the tentative transportation budget of the school district or~~
9 ~~state-chartered charter school for the current fiscal year.~~
10 ~~Allocations to a school district or state-chartered charter~~
11 ~~school for the remainder of the school year shall adjust the~~
12 ~~amount received by the school district or state-chartered~~
13 ~~charter school so that it equals the amount the school district~~
14 ~~or state-chartered charter school is entitled to receive for~~
15 ~~the entire school year based upon the November 15 report]~~
16 calculated and distributed for the entire school year using an
17 average of the amounts reported on the second and third
18 reporting dates, respectively, of the prior school year, and
19 subject to audit and verification.

20 D. The department shall make periodic installment
21 payments to school districts and state-chartered charter
22 schools during the school year from the transportation
23 distributions, based upon the allocations certified by the
24 state transportation director."

25 SECTION 2. EFFECTIVE DATE.--The effective date of the

.194937C.1

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1 provisions of this act is July 1, 2015.

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BILL

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PUBLIC SCHOOL TRANSPORTATION; CHANGING THE DATES FOR REPORTING SCHOOL TRANSPORTATION INFORMATION TO THE STATE TRANSPORTATION DIRECTOR; CHANGING THE BASIS FOR DETERMINING TRANSPORTATION DISTRIBUTION ALLOCATIONS.

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

SECTION 1. Section 22-8-29 NMSA 1978 (being Laws 1967, Chapter 16, Section 78, as amended) is amended to read:

"22-8-29. TRANSPORTATION DISTRIBUTIONS--REPORTS--PAYMENTS.--

A. Prior to ~~[November 15]~~ the second and third reporting dates, respectively, of each year, each local school board of a school district and governing body of a state-chartered charter school shall report to the state transportation director, upon forms furnished by the state

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1 transportation director, the following information concerning
2 the school district's or state-chartered charter school's
3 operation on ~~[the first]~~ each respective reporting date of the
4 current year:

5 (1) the number and designation of school bus
6 routes in operation in the school district;

7 (2) the number of miles traveled by each
8 school bus on each school bus route, showing the route mileage
9 in accordance with the type of road surface traveled;

10 (3) the number of students, including special
11 education students, transported on ~~[the first]~~ each respective
12 reporting date of the current year ~~[and adjusted for special~~
13 ~~education students on December 1]~~;

14 (4) the projected number of students to be
15 transported in the next school year;

16 (5) the seating capacity, age and mileage of
17 each bus used in the school district for student
18 transportation; and

19 (6) the number of total miles traveled for
20 each school district's or state-chartered charter school's per
21 capita feeder routes.

22 B. Each local school board of a school district and
23 governing body of a state-chartered charter school maintaining
24 a school bus route shall make further reports to the state
25 transportation director at other times specified by the state

.194937D.2

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1 transportation director.

2 C. The state transportation director shall certify
3 to the secretary that the allocations from the transportation
4 distributions to each school district and state-chartered
5 charter school are based upon the transportation distribution
6 formula established in the Public School Code, [~~The allocations~~
7 ~~for the first six months of a school year shall be based upon~~
8 ~~the tentative transportation budget of the school district or~~
9 ~~state-chartered charter school for the current fiscal year.~~
10 ~~Allocations to a school district or state-chartered charter~~
11 ~~school for the remainder of the school year shall adjust the~~
12 ~~amount received by the school district or state-chartered~~
13 ~~charter school so that it equals the amount the school district~~
14 ~~or state-chartered charter school is entitled to receive for~~
15 ~~the entire school year based upon the November 15 report]~~
16 calculated and distributed for the entire school year using an
17 average of the amounts reported on the second and third
18 reporting dates, respectively, of the prior school year, and
19 subject to audit and verification.

20 D. If, upon determination of the state
21 transportation director, the number of students reported on the
22 second reporting date pursuant to Paragraph (3) of Subsection A
23 of this section grew by one percent over the average of the
24 number of students from the second and third reporting dates of
25 the prior year, the state transportation director may transfer

.194937D.2

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1 an amount from the transportation emergency fund to the local
2 school board of a school district or governing body of a state-
3 chartered charter school equal to the difference between:

4 (1) the current transportation allocation
5 calculated using an average of the amounts reported on the
6 second and third reporting dates, respectively, of the prior
7 school year; and

8 (2) the allocation calculated with the number
9 of students reported on the second reporting date pursuant to
10 Paragraph (3) of Subsection A of this section from the current
11 year.

12 ~~[D-]~~ E. The department shall make periodic
13 installment payments to school districts and state-chartered
14 charter schools during the school year from the transportation
15 distributions, based upon the allocations certified by the
16 state transportation director."

17 **SECTION 2. EFFECTIVE DATE.**--The effective date of the
18 provisions of this act is July 1, 2015.

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51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

MAKING AN APPROPRIATION FROM THE TRANSPORTATION EMERGENCY FUND
TO THE PUBLIC EDUCATION DEPARTMENT; DECLARING AN EMERGENCY.

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

SECTION 1. APPROPRIATION.--One million dollars
(\$1,000,000) is appropriated from the transportation emergency
fund to the public education department for expenditure in
fiscal years 2014 and 2015 to pay for emergency fuel costs.
Any unexpended or unencumbered balance remaining at the end of
fiscal year 2015 shall revert to the transportation emergency
fund.

SECTION 2. EMERGENCY.--It is necessary for the public
peace, health and safety that this act take effect immediately.
.194939A.1

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51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

MAKING AN APPROPRIATION TO THE TRANSPORTATION EMERGENCY FUND;
DECLARING AN EMERGENCY.

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

SECTION 1. APPROPRIATION.--One million dollars (\$1,000,000) is appropriated from the general fund to the transportation emergency fund for expenditure in fiscal year 2014 and subsequent fiscal years to carry out the purposes of the transportation emergency fund. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

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

.194939B.1

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51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PUBLIC SCHOOL TRANSPORTATION; CREATING THE SCHOOL
TRANSPORTATION EMERGENCY FUEL FUND; MAKING AN APPROPRIATION.

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

SECTION 1. [NEW MATERIAL] SCHOOL TRANSPORTATION EMERGENCY
FUEL FUND--CREATED.--The "school transportation emergency fuel
fund" is created in the state treasury. The fund consists of
appropriations, gifts, grants, donations and bequests, income
from investment of the fund and money otherwise accruing to the
fund. Money in the fund shall not revert to any other fund at
the end of a fiscal year. The public education department
shall administer the fund, and money in the fund is subject to
appropriation by the legislature to the public education
department to provide public school emergency fuel funding to
school districts and state-chartered charter schools

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1 experiencing shortfalls in revenues due to increases in the
2 cost of fuel. Money in the fund shall be disbursed on warrants
3 signed by the secretary of finance and administration pursuant
4 to vouchers signed by the secretary of public education or the
5 secretary of public education's authorized representative.

6 SECTION 2. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2015.

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