

**PUBLIC SCHOOL-RELATED LEGISLATION
FORTY-NINTH LEGISLATURE, FIRST SESSION, 2009**

HOUSE BILLS

- *H 1a** **FEED BILL [SGND (Jan. 23) Ch. 1]**, *Rep. WK Martinez* — funds the 2009 legislative session and other legislative activities, including the Legislative Education Study Committee (LESC) for FY 10.
- H 2 **GENERAL APPROPRIATION ACT OF 2009 (PASSED/H)**, *Rep. Saavedra*
CS/H 2 — makes appropriations and authorizes expenditures by state agencies in FY 10, including:
et al. approximately \$2.35 billion in recurring funds from the General Fund for Public School Support and related appropriations; an additional \$164.7 million in federal fiscal stabilization funds for the State Equalization Guarantee (SEG) (or Public School Funding Formula) distribution, \$2.5 million in nonrecurring special appropriations; and \$3.0 million in supplemental and deficiency appropriations. The SEG appropriation includes approximately \$2.6 million to provide a \$13,000 minimum annual salary for educational assistants; approximately \$12.0 million for a 0.75 percent increase in the employer contribution to the Educational Retirement Fund; \$4.5 million for the third year implementation of elementary physical education in grades K-6; and approximately \$1.0 million for school district assessment and test development costs. (CS/H 2, 3, 4, 5 & 6)
- *H 3a** **EDUCATION APPROPRIATION ACT**, *Rep. Miera* — enacts the Education Appropriation Act; appropriates nearly \$2.4 billion from the General Fund to the State Equalization Guarantee, including: sufficient funds for a \$13,000 minimum annual salary for educational assistants contingent upon the enactment of legislation; a three-fourths percent increase in the employer contribution to the Educational Retirement Fund, including transportation employees; \$5.0 million for the third-year implementation of elementary PE; appropriates \$1.5 million from the General Fund to the Dual Credit Textbook Fund, contingent upon the enactment of legislation; appropriates \$20,000 from the General Fund to the Legislative Council Service for a study of public school transportation; appropriates \$200,000 from the General Fund to the Higher Education Department to establish the School Leadership Institute, contingent upon enacted legislation; funds other public school related appropriations including rural revitalization, the Outdoor Classroom Initiative, and GRADS; and appropriates \$7.7 million from the General Fund to the Public Education Department to support school districts experiencing operating budget shortfalls. (Succeeding entries: H 2 et al.)
- *H 7** **DEVELOPMENT TRAINING FUNDING**, *Rep. B. Lujan* — appropriates \$10 million from the General Fund to the Development Training Fund for FY 10 and subsequent fiscal years for a development-training program for new or expanding industries and businesses in New Mexico. (May affect public schools)
- *H 8** **ESTIMATED TAX PAYMENTS & WITHHOLDING**, *Rep. B. Lujan* — amends the Income
*CS/H 8a Tax Act to allow taxes deducted and withheld under the Oil and Gas Proceeds Withholding Act to be deemed a payment for estimated tax purposes; amends the Corporate Income and Franchise Tax Act to provide a payment date for the first quarterly payment of estimated corporate income tax (CIT); requires withholding reporting of certain companies; establishes rate limits; provides a credit and requires electronic filing of withholding information returns by certain employers and payers for various agencies; provisions that affect income taxes are

applicable to tax year 2010, except for the CIT payment change, which is effective in tax year 2009; quarterly payments require one-eighth of the annual estimated taxes due for the year in the first quarter, and require the remaining first quarter balance due to be remitted in the second quarter. The bill addresses FY 09 general fund solvency issues. (May affect public schools)

*H 9 **CAPITAL OUTLAY CUTS & REAUTHORIZATIONS [SGND (Feb. 6) Ch. 5**
*CS/H 9a **(partial veto)]**, *Rep. Sandoval* — voids \$94.2 \$91.8 million in capital projects funded with General Fund dollars and reverts these funds to the General Fund; voids approximately \$25.7 \$24.6 million in capital projects funded with severance tax bond proceeds; reauthorizes the voided severance tax bond proceeds plus an additional approximately \$23.0 million of FY 10 severance tax bonding capacity to continue viable General Fund projects; and authorizes the State Board of Finance to issue severance tax bonds in additional amounts if additional proceeds are needed to fund certain projects. (The bill addresses FY 09 General Fund solvency issues).

*H 10 **APPROPRIATION REDUCTION & BUDGET ADJUSTMENT [SGND (Feb. 6) Ch. 2**
*CS/H 10 **(partial veto)]**, *Rep. Varela* — reduces General Fund appropriations for FY 09 in Laws 2008, Chapter 3 (*General Appropriation Act of 2008*) in Section 4 by various amounts, including a 2.5 percent reduction to Public School Support and an additional \$4.0 million for public school transportation, ~~except appropriations to DFA, PED and HED that have been expended prior to January 1, 2009~~; provides authority for DFA to reduce other appropriations, including other state funds, internal service/interagency transfers, and federal funds as necessary to reflect the General Fund reductions; and provides state agencies with additional budget adjustment authority in FY 09. The bill addresses FY 09 General Fund solvency issues.

H 13 GENERAL APPROPRIATION ACT OF 2009, *Rep. Varela* — enacts the General Appropriation Act of 2009; appropriates nearly \$2.4 billion to the State Equalization Guarantee, including sufficient funds for a .75 percent increase in the employer contribution to the Educational Retirement Fund, including transportation employees; \$5.0 million for the third year implementation of elementary PE; \$1.5 million for beginning teacher mentorship, \$9.5 million for Public Education Department (PED) PreK programs and additional \$2.0 million from federal Temporary Assistance for Needy Families (TANF) funds; \$9.5 million for K-3 Plus, \$750,000 for the cyber academy, and \$1.5 million for dual credit instructional materials; also appropriates \$2.0 million to PED for emergency support to school districts experiencing shortfalls in their operating budgets in FY 10.

H 15a STATE EMPLOYEE DISMISSAL ARBITRATION (**PASSED/H**), *Rep. B. Lujan* — amends statute to authorize a state employee who has entered into a collective bargaining agreement to enter arbitration to resolve a contested dismissal, demotion, or suspension. (May affect PED)

H 18 SCHOOL DISTRICT CLERK MINIMUM SALARIES, *Rep. Thomas* — adds a new section of the School Personnel Act to provide a minimum salary for clerks, secretaries, secretary-bookkeepers, and bookkeepers in school districts; and appropriates \$4.0 million from the General Fund to the Public Education Department for expenditure in FY 10 to raise the salaries of clerks, secretaries, secretary-bookkeepers, and bookkeepers in school districts to minimum levels.

PUBLIC SCHOOL-RELATED LEGISLATION
49TH LEGISLATURE, 1ST SESSION, 2009

- H 35 NATIVE AMERICAN TEEN MENTAL HEALTH PROGRAM, *Rep. Begaye* — appropriates \$50,000 from the General Fund to the Department of Health for FY 10 to implement a Native American adolescent health program focusing on mental health and teen suicide prevention through interagency collaboration. (May affect public schools)
- H 44a RUNNING START FOR CAREERS ACT (**PASSED/H**), *Rep. Berry* — adds a new section to the Public School Code to create the Running Start for Careers Act; establishes a public-private partnership to conduct a six-year pilot project for the purpose of providing pre-apprenticeship opportunities for high school students; and creates the Running Start for Careers Fund. (For the LESC)
- H 45 STATE RULE REGULATORY IMPACT STATEMENTS, *Rep. Berry* — amends the State
CS/H 45 Rules Act to require state agencies, including the Public Education Department, to prepare a regulatory impact statement on any proposed rule; among its provisions, requires provisions for public inspection and comment; requires the agency to file the rule and a final regulatory impact statement with the records center; requires the state records administrator to provide a list of all regulatory impact statements as of July 1 each year for distribution to the appropriate legislative standing or interim committee; and requires notices to the Small Business Regulatory Commission prior to the adoption of a proposed rule that may have an adverse effect on small business.
- H 49 TRIBAL COLLEGES IN DUAL CREDIT PROGRAM (**PASSED/H**), *Rep. Begaye* — amends statute to include federal BIE high schools and tribal colleges in the state Dual Credit Program.
- H 50 AMERICAN INDIAN POST-SECONDARY EDUCATION ACT (**PASSED/H**),
CS/H 50a *Rep. Begaye* — enacts the American Indian Post-Secondary Education Act; creates the American Indian Post-Secondary Education Division in the Higher Education Department (HED) and prescribes its duties; requires HED to consult with and enter into Memoranda of Agreement (MOAs) with tribes in implementing the act; and creates a non-reverting American Indian Post-Secondary Education Fund and provides for the awarding of grants.
- H 53 TRIBE & PUEBLO EMERGENCY MANAGEMENT SERVICES, *Rep. Begaye* — appropriates \$5.0 million for emergency management services on Indian nations, tribes, and pueblos, and two Indian school properties.
- H 54 NAVAJO NATION PORTABLE DENTAL CLINIC SERVICES, *Rep. Begaye* — appropriates \$100,000 from the General Fund to the Department of Health for FY 10 to contract with a nonprofit school-based portable dental program for the provision of rural portable dental clinic services on the Navajo Nation for the Shiprock and Crownpoint agencies.
- H 64 RESTORING INCOME TAX PROGRESSIVITY, *Rep. MP Garcia* — amends the Income Tax Act to revise personal income tax rates for tax years 2010 through 2014. (May affect public schools)
- H 69 NMSU PRE-FRESHMAN ENGINEERING PROGRAM, *Rep. Heaton* — appropriates \$360,000 from the General Fund to the Board of Regents of New Mexico State University for FY 10 to support the Pre-Freshman Engineering Program.

PUBLIC SCHOOL-RELATED LEGISLATION
49TH LEGISLATURE, 1ST SESSION, 2009

- H 73a COLLEGE AFFORDABILITY ENDOWMENT DISTRIBUTION (**PASSED/H**), *Rep. B. Lujan* — changes the distribution of the College Affordability Endowment Fund; among other changes, requires that, when the corpus of the endowment fund reaches \$250 million, an annual distribution of 5.0 percent of the average endowment fund year-end market values for the immediately preceding five years be made from the endowment fund to the scholarship fund; and requires that at least \$2.0 million be distributed annually from the endowment fund to the scholarship fund.
- H 74 GALLUP-MCKINLEY SCHOOLS ENERGY AUDIT, *Rep. Lundstrom* — appropriates \$75,000 from the General Fund to the Energy, Minerals and Natural Resources Department for expenditure in FY 10 to perform an energy audit of the Gallup-McKinley County Public Schools facilities.
- H 75 MANUFACTURING & INVESTMENT TAX CREDITS (**PASSED/H**), *Rep. B. Lujan* — extends the life of investment credit provisions to the year 2020 pertaining to employment and equipment credits; and extends to 2020 the period for application of certain provisions for apportionment of business income for corporate income tax purposes by taxpayers whose principal business activity is manufacturing. (May affect public schools)
- *H 76a NMFA PUBLIC PROJECT FUND LOANS (**PASSED/H**), *Rep. Varela* — authorizes the New Mexico Finance Authority to make loans for public projects from the Public Project Revolving Fund; names qualifying entities and allowable purposes, including building, road, and equipment projects; infrastructure projects; refinancing; solid waste projects; water and waste water projects; and declares an emergency. (May affect public schools)
- H 79 PUBLIC EMPLOYEE RETIREMENT INFO DISCLOSURE (**PASSED/H**), *Rep. Varela* — amends a section of the Public Employees Retirement Act to prohibit disclosure of information about members and retired members to certain entities without member or retired member prior release or consent; except that applicable coverage plans, amounts of retirement plan contributions made by member and affiliated public employers, and pensions amounts paid may be produced or disclosed without member or retired member release or consent.
- H 80 TAOS COUNTY AFTER-SCHOOL PROGRAM, *Rep. Gonzales* — appropriates \$128,000 from the General Fund to the local government division of the Department of Finance and Administration for FY 10 for an after-school program, contingent upon receipt of \$500,000 in matching funds from other sources; provides, through collaborative partnerships, assistance to students and schools to make adequate yearly progress in Taos County. [Identical to S 96]
- H 95 PUBLIC LIBRARY SERVICES GRANTS-IN-AID, *Rep. Gutierrez* — appropriates \$681,022 from the General Fund to the Cultural Affairs Department for FY 10 to make grants-in-aid for public library services.
- H 129 EXPAND RURAL HEALTH PRACTITIONER TAX CREDIT, *Rep. Gutierrez* — amends statute to expand the Rural Health Care Practitioner Tax Credit to provide an income tax credit for occupational therapists, physical therapists, social workers, and speech-language pathologists. [Identical to S 58]

- H 131 GIFTED EDUCATION TEACHER REQUIREMENTS, *Rep. Stewart* — adds a new section of the School Personnel Act to establish statewide competencies for gifted education teachers; requires the Public Education Department to establish competencies for teachers who provide special instruction or case management to qualified gifted students; and requires that, beginning January 1, 2012, gifted education teachers be highly qualified in gifted education and demonstrate the competencies for gifted education teachers.
- H 132 EDUCATIONAL PROPERTY TAX EXEMPTIONS, *Rep. Miera* — amends a section of the Property Tax Code to exempt from property taxes a property that is leased to a public school district or public school, including a charter school, and used exclusively for educational purposes.
- H 133 NMSU SUSTAINABLE AGRICULTURE PROGRAM, *Rep. Steinborn* — appropriates \$100,000 from the General Fund to the Board of Regents of NMSU for FY 10 to establish a sustainable agriculture program to provide teaching, research, and extension services for students and small-scale farmers and ranchers.
- H 134 NMSU SCIENCE, MATH & AEROSPACE PROGRAM, *Rep. Steinborn* — appropriates \$200,000 from the General Fund to the Board of Regents of New Mexico State University for FY 10 to support the science, engineering, mathematics, and aerospace academy to improve student achievement and increase participation statewide.
- H 136 EDUCATIONAL ASSISTANT LICENSING & SALARIES, *Rep. Miera* — amends the School Personnel Act to provide for minimum annual salaries based on licensure levels and qualifications for educational assistants in public schools; and makes an FY 10 appropriation from the General Fund to the state equalization guarantee for distribution to school districts and charter schools statewide. (For the LESC)
- H 137a EDUCATIONAL ASSISTANT MINIMUM SALARIES (**PASSED/H**), *Rep. Miera* — amends the School Personnel Act to provide for a \$13,000 minimum annual salary for educational assistants. (For the LESC)
- H 139a CREATE DUAL CREDIT TEXTBOOK FUND (**PASSED/H**), *Rep. Miera* — creates the Dual Credit Textbook Fund, administered by the Instructional Material Bureau in the Public Education Department (PED); requires that money in the fund be used only to purchase textbooks and course supplies for students participating in the Dual Credit Program; requires PED, by April 1 of each year, to allocate to each school district, charter school, and state-supported school a specific dollar amount for each dual credit course completed by an eligible student during the prior calendar year; and requires PED, by July 31 of each year, to distribute 100 percent of those allocations, to the extent that funds are available. (For the LESC)
- H 140a PUBLIC SCHOOL FINANCE REPORTING DATES (**PASSED/H**), *Rep. Miera* — amends the Public School Finance Act to establish standardized reporting dates of student membership in public schools, including charter schools; allows the Public Education Department (PED) to withhold up to 100 percent of fund allotments to any school district or charter school that fails to comply with the requirements; allows PED to continue withholding allotments until the superintendent or head administrator complies with the reporting requirements; and applies the new reporting dates to school district transportation reports and charter school receipt of local property tax revenue.

PUBLIC SCHOOL-RELATED LEGISLATION
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- H 141 VALENCIA COUNTY ANTI-GANG ACTIVITIES, *Rep. Barela* — appropriates \$25,000 from the General Fund to the local government division of the Department of Finance and Administration for FY 10 to support anti-gang activities of law enforcement agencies operating in Valencia County.
- H 151 STATE ETHICS COMMISSION ACT (**PASSED/H**), *Rep. Park* — creates the State Ethics
CS/H 151a Commission Act and the State Ethics Commission; among its provisions, by January 1, 2011,
et al. requires the commission to submit a report to the Governor, the Legislature, and the Chief Justice of the Supreme Court regarding the extension of State Ethics Commission jurisdiction to elected and appointed officials and employees of counties, municipalities, and school districts; and appropriates \$500,000 from the General Fund to the State Ethics Commission for FY 10 to carry out the provisions of the act. (CS/H 151 & 614)
- H 151 STATE ETHICS COMMISSION ACT (**PASSED/H**), *Rep. Park* —creates the State Ethics
CS/H 151 Commission Act; among its provisions, creates seven-member State Ethics Commission;
CS/CS/H 151a receive and investigate complaints alleging ethics violations; report findings based on clear
et al. and convincing evidence; provide public access to certain reports; draft a proposed code of ethics for all executive branch officials and employees; develop, adopt, and promulgate procedural rules; employ an executive director; submit an annual report; and promulgate rules for recusal of members; requires the executive director to take an oath of office; requires a complainant to agree on the complaint form to be bound by confidentiality rules of the commission; and by January 1, 2011, requires the commission to submit a report to the Governor, the Legislature, and the Chief Justice of the Supreme Court regarding the extension of State Ethics Commission jurisdiction to elected and appointed officials and employees of counties, municipalities, and school districts. (CS/CS/H 151 & 614)
- H 152 SCHOOL EMPLOYEE SALARY INCREASES, *Rep. Park* — appropriates \$165.0 million from the General Fund to the Public Education Department for FY 10 to provide an 8.0 percent salary increase to all public school employees, including transportation employees.
- *H 154 SEVERANCE TAX BOND PROJECTS, *Rep. Sandoval* — authorizes the issuance of severance tax bonds; authorizes expenditures from certain funds and balances; clarifies conditions for the issuance of bonds; establishes conditions for the expenditure of severance tax bond proceeds; establishes the conditions for the reversion of unexpended balances; makes multiple appropriations, including \$2.0 million to the Public Education Department (PED) to construct pre-kindergarten classrooms statewide and \$2.0 million to PED to purchase and equip school buses statewide. [Identical to *S 404]
- H 155 INSURANCE COVERAGE FOR AUTISM TREATMENT, *Rep. Gutierrez* — adds new
CS/H 155 sections to the Health Care Purchasing Act, the Nonprofit Healthcare Plan Law, and laws
CS/CS/H 155 related to blanket or group health insurance coverage to require public and other health insurance plans to provide coverage for diagnosis and treatment of autism spectrum disorder; requires specific treatment to be covered for eligible individuals who are 19 years of age or younger or who are 22 years of age or younger and enrolled in high school; limits coverage to \$36,000 annually, not to exceed \$200,000 in total lifetime benefits; excludes limited-benefit health insurance policies and individual supplemental health policies; and allows exclusion of coverage for services received by children three to 22 years of age under the federal Individuals with Disabilities Education Improvement Act (IDEA). (May affect public schools)

- H 158 DECREASE CLASS SIZE FOR GRADES 4, 5 & 6, *Rep. Park* — amends the Public School Code to decrease the average class size for grades 4, 5, and 6 to 22 students.
- H 162 OTERO & LINCOLN EARLY CHILDHOOD PROGRAM, *Rep. Vaughn* — appropriates \$18,000 from the General Fund to the Board of Regents of NMSU for FY 10 to pay for a pilot program through the Alamogordo campus that will provide on-site professional development training to early childhood service providers in Otero and Lincoln counties.
- H 167 ALTERNATIVE ENERGY FOR SCHOOLS GRANT ACT, *Rep. T. Garcia* — enacts the Alternative Energy for Schools Grant Act to help qualified schools to install alternative energy infrastructure for the purpose of reducing energy costs and providing educational opportunities for students with respect to the utilization of alternative sources of energy; creates a grant program prescribes duties at the Secretary of Public Education related to the Alternative Energy for Schools Grant Program; and appropriates \$1.0 million from the General Fund to the Energy, Minerals & Natural Resources Department (EMNRD) for FY 10 to carry out the provisions of the act.
- H 171 NM-GROWN PRODUCE FOR SCHOOL MEALS, *Rep. Cote* — appropriates \$3.0 million from the General Fund to the Board of Regents of New Mexico State University for FY 10 to provide New Mexico-grown fresh fruits and vegetables for school meals and snacks.
- H 174a SCHOOL EVENT SERVICE GROSS RECEIPTS (**PASSED/H**), *Rep. Roch* — adds a new section of the Gross Receipts and Compensating Tax Act to exempt from Gross Receipts Tax the receipts from refereeing, umpiring, scoring, or other officiating at school events sanctioned by the New Mexico Activities Association.
- H 175 COLLEGE STUDENT LIST SALES (**PASSED/H**), *Rep. Espinoza* — prohibits public and
CS/H 175 private postsecondary educational institutions from selling or providing certain information about undergraduate students to a credit card issuer without the student's consent; prohibits those institutions from making an agreement market credit cards to undergraduate students that would provide the prohibited information; and; allows the Attorney General to seek civil penalties of up to \$10,000 for each violation, plus costs and reasonable attorney fees against violators.
- H 177 SCHOOL EDUCATIONAL FIELD TRIPS, *Rep. Maestas* — appropriates \$50,000 from the General Fund to PED for the cost of educational field trips for public school students to attend a professional basketball game in Albuquerque.
- H 188 EDUCATOR LICENSURE FUND PURPOSES (**PASSED/H**), *Rep. Hall* — amends statute to clarify that money in the Educator Licensure Fund is subject to the annual legislative appropriation process and that the money in the fund may be used to cover costs of licensing educators: including costs associated with evaluating and processing licensing applications and professional development dossiers; and conducting background checks, and enforcing educator ethics requirements. (For the LESC)
- *H 189 **ALTERNATE DEAF TEACHER LICENSE ASSESSMENT [SGND (Mar. 18) Ch. 10]**, *Rep. Gonzales* — amends the School Personnel Act to provide for an appropriate alternative to passage of all or part of the New Mexico Teacher Assessment for teacher candidates who are deaf or hard of hearing; requires the Public Education Department to promulgate rules; and requires an eligible deaf or hard-of-hearing applicant with an appropriate degree to be issued a temporary teaching license for no more than two years. (For the LESC)

- H 190 TEACHER LEVEL ADVANCEMENT REQUIREMENTS (**PASSED/H**), *Rep. Gonzales* — introduces legislation to define the professional development dossier (PDD) as a requirement for advancement to Level 2 and to Level 3 in the three-tiered teacher licensure system and to require the Public Education Department to exercise more oversight of the PDD process, including such components as the selection and training of PDD reviewers. (For the LESC)
- *H 191a **INTERIM SCHOOL TRANSPORTATION TASK FORCE (PASSED/H)(PASSED/S)**, *Rep. Gonzales* — creates a 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 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; and appropriates \$20,000 from legislative cash balances to the Legislative Council Service for FY 10 for the expenses of the task force. (For the LESC)
- H 197 REGIONAL EDUCATION COOPERATIVE PROGRAMS (**PASSED/H**), *Rep. T. Garcia* — amends the Regional Cooperative Education (REC) Act to: authorize an REC, on behalf of its members and in cooperation with the Public Education Department (PED), to apply for, accept, and expend state, federal, local, and private funds that are available for programs of educational benefit; allow an REC to provide and be reimbursed for revenue-generating education-related services to non-members, so long as services provided do not detract from the cooperative's ability to fulfill its responsibilities to its members; and require each REC to submit to PED, on a schedule to be determined by the department, a report and evaluation of the technical assistance and other services provided by the cooperative; and makes these reports available upon request to the Legislative Education Study Committee and the Legislative Finance Committee. (For the LESC)
- H 199 SCHOOL DISTRICT & TRAINING CENTER AGREEMENTS (**PASSED/H**),
CS/H 199 *Rep. T. Garcia* — amends the Public School Code to clarify the responsibility of public school districts, the state, the Public Education Department (PED), and parents for special education services provided in private training and residential treatment centers (RTCs); among its provisions, amends sections of the Public School Code that address the education of students in private nonsectarian, nonprofit education training and RTCs, and adds definitions specific to the section; clarifies, that for a qualified student placed in an RTC other than by a school district or a due process decision, PED shall determine which district is responsible for the cost of educating the qualified student and the reasonable reimbursement owed to the receiving district; and amends the Children's Code to require that the Children, Youth and Families Department (CYFD) standards for RTCs include space provisions where school districts may provide the required free appropriate public education (FAPE). (Previously for the LESC)
- H 203 EXPAND RURAL HEALTH CARE TAX CREDIT, *Rep. R. Martinez* — amends the Income Tax Act to expand eligibility for the Rural Health Care Practitioner Tax Credit to include occupational therapists, physical therapists, social workers, and speech-language pathologists. [Identical to SB 58]

PUBLIC SCHOOL-RELATED LEGISLATION
49TH LEGISLATURE, 1ST SESSION, 2009

- *H 205 SCHOOL DISTRICT BUS PURCHASING AUTHORITY, *Rep. Powdrell-Culbert* — amends the Public School Code to allow a school district the first option to purchase school buses if a contract with a school bus operator is terminated or not renewed; and allows a school district to require the succeeding contractor to purchase the buses if the school district does not execute its option to purchase.
- H 206 PUEBLO EARLY CHILDHOOD EDUCATION, *Rep. Madalena* — appropriates \$50,000 from the General Fund to the Indian Affairs Department for FY 10 to provide early childhood education for preschool children residing in the pueblos of Cochiti, Santa Ana, and Zia.
- H 213 NMHU TECHNICAL ASSISTANCE CENTER, *Rep. Vigil* — appropriates \$800,000 from the General Fund to the Board of Regents of New Mexico Highlands University (NMHU) for FY 10 for the Statewide Technical Assistance Center at NMHU to provide guidance to New Mexico public schools and to extend the Public Education Department’s capacity to help school districts achieve adequate yearly progress.
- H 214 NMHU BEN LUJAN LEADERSHIP INSTITUTE, *Rep. Vigil* — appropriates \$500,000 from the General Fund to the Board of Regents of New Mexico Highlands University for FY 10 for the Ben Lujan Leadership and Public Policy Institute.
- H 217a NMHU BILINGUAL ED MATERIALS, *Rep. Vigil* — appropriates \$260,000 from the General Fund to the Board of Regents of New Mexico Highlands University for FY 10 for bilingual education materials and programs.
- H 234 SCHOOL ADMINISTRATOR LICENSURE CONSIDERATION, *Rep. T. Garcia* — adds a new section of the School Personnel Act to require the Public Education Department (PED) to grant a Level 3-B license to an applicant who has professional employment experience in an educational setting and meets other requirements; and requires PED to promulgate rules.
- H 235a CONTRACTED SCHOOL BUS DRIVER SALARY INCREASE (**PASSED/H**), *Rep. T. Garcia* — amends the Public School Finance Act to provide for salary increases for contracted school bus drivers and attendants equal to those for public school employees; and to require that school district transportation budget not be approved unless this provision has been met.
- H 237a CHANGE REPORT CARD PUBLICATION DATE (PASSED/H)(PASSED/S)**, *Rep. Barreras* — amends statute to change the annual school district report card publication date to a date determined by the Public Education Department; and requires that school districts publish notification in a newspaper of general circulation that the report card is available, including how and where copies of the report card may be obtained and a list of topics covered in the report card.
- H 239 HEALTH SAVINGS ACCOUNTS (**PASSED/H**), *Rep. Gardner* — adds a new section of
CS/H 239a the Group Benefits Act and a new section of the Public School Insurance Authority Act to require that health coverage options for state and local public employees through the General Services Department (GSD) Risk Division, and for subscribers and their covered dependents through the Public School Insurance Authority (PSIA), include the offer of an option to receive health care coverage through a high-deductible health plan in conjunction with coverage pursuant to the Medical Care Savings Account Act beginning with the 2011 plan year open enrollment or switch enrollment period; and requires that group insurance contributions from GSD and PSIA as well as employee contributions be made in equal

proportions to the high-deductible plan and to the medical savings account at a rate equaling the total premium cost of the lowest-cost major medical group health coverage option otherwise available to employees.

- H 240a PUBLIC SCHOOL SECURITY INFRASTRUCTURE FUND, *Rep. Jeff* — enacts legislation to create the Public School Security Infrastructure Fund to be administered by the Public Education Department (PED); requires PED to expend funds as awards for school security grants; limits PED to \$50,000 in a fiscal year for administration of the fund; requests that school security grant proposals be submitted to PED no later than June 30 each year; and appropriates \$500,000 from the General Fund to the Public School Security Infrastructure Fund for FY 10 and subsequent years.
- H 245a CHILD CARE PROVIDER COLLECTIVE BARGAINING (**PASSED/H**), *Rep. MP Garcia* — adds a new section of statute to provide for collective bargaining and representation of certain childcare providers. (May affect public schools)
- H 250 USE OF SEVERANCE TAX BONDING FOR SCHOOLS, *Rep. Park* — enacts a temporary provision in statute authorizing the remaining severance tax bonding capacity available to the first session of the 49th Legislature to be used for Public School Capital Outlay.
- H 253 QUARTERLY CAMPAIGN REPORT FILING, *Rep. Park* — amends the Campaign Reporting Act to require statewide candidates for public office and public officials to file certain campaign reports quarterly; requires monthly reports during an election year; changes reporting requirements; and reconciles the amendments of certain state laws. (May affect Public Education Commission candidates and members)
- H 262 INCOME TAX CREDITS (**PASSED/H**), *Rep. Sandoval* — adds a new section of the Tax Administration Act to provide an income tax credit based on filing status, personal exemptions, and taxable income; among its provisions, replaces the standard deduction, personal exemptions, the low- and middle-income exemption, the value of graduated tax rates, and the low-income comprehensive tax rebate; and requires that a tax credit or rebate indexed for inflation be annually adjusted. (Potential impact on General Fund revenues)
- H 289a CHARTER SCHOOL AUTHORITY SUBCOMMITTEES [SGND (Mar. 18) Ch 12]**, *Rep. Roch* — amends the Public School Code to allow chartering authorities to designate subcommittees for public hearings on charter school applications; and requires other committee members who were not present at the public hearing to receive the transcript of the hearing and related documents prior to ruling on an application.
- H 292 SCHOOL CHARTERING AUTHORITY TRANSFERS, *Rep. Madalena* — amends the Public School Code to allow the chartering authority for a locally chartered charter school existing on July 1, 2007 to be transferred to the Public Education Commission at any time provided that the governing body, the local school board, and PEC agree to the transfer; and allows the charter to be amended as agreed to by the governing body, the local school board, and PEC.
- H 298a TOBACCO SETTLEMENT FUND REVERSIONS (**PASSED/H**), *Rep. Chasey* — amends provisions of the Tobacco Settlement Program Fund (TSPF) to require that unexpended balances, except for those from appropriations made to higher education institutions, shall revert to the TSPF. (May affect public schools)

PUBLIC SCHOOL-RELATED LEGISLATION
49TH LEGISLATURE, 1ST SESSION, 2009

- H 299 ALTERNATE METHOD OF PRIMARY BALLOT ACCESS, *Rep. Park* — adds a new section of the Primary Election Law to allow candidates for statewide public office, including the Public Education Commission, or the office of a US representative, to have their names placed on the primary election ballot by paying filing fees in lieu of a nominating petition.
- H 311 MILITARY CHILD EDUCATIONAL OPPORTUNITY (**PASSED/H**), *Rep. Cote* — enacts
CS/H 311a the Interstate Compact on Educational Opportunity for Military Children; creates the Interstate Commission; provides that the compact will become effective and binding when at least 10 states adopt it; allows the commission to assess membership fees and impose penalties on states in default of the compact; requires member states to develop a state council and to appoint or designate a military family education liaison to facilitate the implementation of the compact; provides for a full-time staff for the commission; and includes specific provisions that address the range of issues that confront military students.
- *H 312 INDUSTRIAL TRAINING BOARD MEMBERS & FUNDS (**PASSED/H**), *Rep. B. Lujan* — amends statute to change membership of the Industrial Training Board and provides for designees, including the director of the instructional support division of the Public Education Department or the director’s designee; and changes requirements concerning distribution of development training funds for work force training to nonurban communities.
- H 321a SCHOOL FINANCE AUDIT REPORT REQUIREMENTS (**PASSED/H**), *Rep. Varela* — amends statute to establish sanctions against school districts and charter schools for not submitting timely audit reports to the Public Education Department; requires the state auditor to notify PED of the failure to submit an audit; and provides for the temporary withholding of up to 7.0 percent of a district’s current-year State Equalization Guarantee distribution and possible suspension of the local school board or governing body of a charter school.
- H 322 INCREASE TEACHER LICENSE MATH REQUIREMENT (**PASSED/H**), *Rep. Arnold-Jones* — amends the Public School Code to require nine hours of postsecondary course credit for persons seeking licensure or reciprocity in elementary education.
- H 325 AFRICAN AMERICAN CENTER WEB-BASED PROGRAM, *Rep. Stapleton* — appropriates \$50,000 from the General Fund to the State Fair Commission for FY 10 for a web-based supplementary math and science program for students at the African American Performing Arts Center.
- H 329a PUBLIC WORK PROJECT PREVAILING WAGE (**PASSED/H**), *Rep. B. Lujan* — amends statute to provide for the determination of prevailing wage rates and prevailing fringe benefit rates; and requires payment of prevailing rates on public works projects. (May affect public schools)
- H 330a UNIFORM ATHLETE AGENTS ACT (**PASSED/H**), *Rep. Maestas* — creates the Uniform Athlete Agents Act to provide standards for representation of student athletes eligible for any inter-college sport by an athlete agent; defines the term “athlete agent”; establishes procedures for athlete agents; and prescribes penalties for violations of certain provisions of the act.
- H 331a PUBLIC SCHOOL FUNDING FORMULA (**PASSED/H**), *Rep. Stewart* — amends statute to phase in a new public school funding formula that incorporates four measures of student need, namely poverty, English language learners, special education, and mobility, provided

that certain legislation introduced during the 2009 legislative session to increase state revenue by at least \$350 million for FY 11 is enacted; recognizes costs associated with school district and school size; and is based on the concept of educational sufficiency in that it enables schools and districts to provide a comprehensive instructional program, including gifted education, designed to meet the needs of all students. (For the LESC)

- H 332a **PUBLIC SCHOOL FACILITY INSURANCE COVERAGE (PASSED/H)**, *Rep. Miera* — adds a new section of the Public School Code and amends the Public School Insurance Authority Act to provide for the adoption of policies relating to volunteers and the private use of school facilities; and provides for limited insurance coverage for liability related to the private use of school facilities. [Identical to S 226a]
- *H 333a **ALLOW 5-YEAR PUBLIC SCHOOL GRADUATION (PASSED/H)(PASSED/S)**, *Rep. Miera* — amends the Public School Code to allow any student completing all requirements within five years of entering the 9th grade be counted as a high school graduate by the school system in which the student is enrolled.
- *H 334a **SCHOOL BOARD MEMBER CONFLICTS OF INTEREST (PASSED/H)**, *Rep. Miera* — amends the Public School Code to limit conflicts of interest in membership of local school boards and governing bodies of charter schools. [Similar to *S 364a]
- H 338 **STUDY PRESCHOOL DENTAL EXAMS FOR CHILDREN**, *Rep. Miera* — appropriates \$10,000 from the General Fund to Department of Health for FY 10 to conduct a study in conjunction with the Public Education Department to evaluate the cost-benefits of requiring preschool dental examinations for children.
- H 342a **PUBLIC SCHOOL MEDIA LITERACY CLASSES (PASSED/H)(PASSED/S)**, *Rep. Maestas* — amends the Public School Code to allow, beginning with school year 2010-2011, that media literacy be offered as an elective for public school students in grades 6 through 12.
- H 346 **EDUCATION GROSS RECEIPTS SURTAX (PASSED/H)**, *Rep. Stewart* — adds a new section of the *Tax Administration Act* to add an “education surtax” of 0.75 percent to the state gross receipts tax and to the state compensating tax, including both tangible property and services; require that the net receipts attributable to the education surtax be distributed to the Public School Fund; and appropriate the first \$600,000 of the revenue raised from the education surtax to the Public Education Department (PED) for expenditure in 2010 and 2011 to collect reliable public school data, adjust the data collection system, beta test the public school funding formula, and provide school personnel training. The effective date of the provisions in CS/HB 346 is July 1, 2009, contingent upon the enactment of House Bill 331 in the 1st Session of the 49th Legislature that provides “a new method for determining the state equalization guarantee distribution to public schools.”
- H 348 **REQUIRE ART & MUSIC THROUGH 6TH GRADE**, *Rep. Rodefer* — amends the Public School Code to require that art and music be taught at least once a week in kindergarten through grade 6.
- H 349 **ELIMINATE CERTAIN STANDARDIZED SCHOOL TESTS (PASSED/H)**, *Rep. Rodefer*
CS/H 349 — amends the Public School Code to require the Public Education Department to report to the Legislative Education Study Committee by October 1 each year a comparison of the assessments required pursuant to the Statewide Assessment and Accountability System and

provisions of the federal government, to identify standardized tests that are not required pursuant to the federal No Child Left Behind Act, to identify testing and other state-mandated assessment requirements that could be abolished without loss of federal funds, and to recommend statutory changes to minimize testing and state-mandated assessments.

- H 351 RETIREE HEALTH CARE FUND CONTRIBUTIONS (**PASSED/H**), *Rep. Varela* — amends statute to make a tax distribution of \$250,000 to the Retiree Health Care Fund; and increases employer and employee contributions to the fund.
- H 356 EDUCATIONAL ASSISTANT LICENSING & SALARIES, *Rep. Thomas* — amends the Public School Code to create a licensing framework for educational assistants; provides for minimum salaries; and appropriates \$2.6 million from the General Fund to the Public School Fund for the State Equalization Guarantee distribution in FY 10.
- H 371 AFRICAN AMERICAN CENTER ON-LINE EDUCATION, *Rep. Stapleton* — appropriates \$80,000 from the General Fund to the State Fair Commission for FY 10 for the administration of an on-line technology-based education program at the African American Performing Arts Center.
- H 373a SCHOOL BOARD APPROVAL OF PERSONNEL DECISIONS, *Rep. Gonzales* — amends the Public School Code to require local school board approval of the local superintendent’s employment, assignment, termination, or discharge of other school administrators and administrative department heads; and allows personnel actions to be appealed to the Public Education Department.
- H 379a LOCAL SCHOOL DISTRICT POLICE FORCE & FUNDING (**PASSED/H**), *Rep. Rehm* — adds a new section of law to allow a local school district with a population of more than 200,000 to establish a police force; and to adopt policies and rules for the school district police force. [Similar to S 525]
- H 386 NM-GROWN FRUITS & VEGETABLES IN SCHOOL LUNCH, *Rep. King* — appropriates \$3.3 million from the General Fund to the Board of Regents of New Mexico State University for FY 10 and subsequent years for the purchase of New Mexico-grown fresh fruits and vegetables for school lunches statewide.
- *H 392 GREENFIELD TAX INCREMENT DISTRICTS PROCEDURES, *Rep. Barela* — amends the Tax Increment for Development Act to define and establish procedures for Greenfield Tax Increment Development District; provides for expanded notice and oversight of tax increment development districts; creates a task force; and appropriates \$100,000 from the General Fund to the Legislative Council Service for FY 09 and FY 10 to pay costs associated with the Tax Increment Financing Taskforce. (May affect public schools)
- H 401 EDUCATIONAL TRAINING FOR G.E.D. CANDIDATES, *Rep. Maestas* — appropriates \$100,000 from the General Fund to the Department of Finance and Administration for FY 10 for Bernalillo County to provide educational training for persons pursuing their General Educational Development certificate.
- H 415a 5-YEAR OLD SMALL BUSINESS GROSS RECEIPTS, *Rep. Arnold-Jones* — proposes a gross receipts tax credit of one-half of 1.0 percent to 1.0 percent of Gross Receipts Tax due in the taxable period for small New Mexico businesses that remain in business for more than

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five years, provided a controlling ownership interest in the business was not purchased during those five years; and specifies the tax credit for businesses operating in New Mexico for at least five, 10, 15 and 20 years. The effective date of the provisions is January 1, 2010. (Potential impact on General Fund revenues)

- H 432 SCHOOL ATHLETICS EQUITY ACT (**PASSED/H**), *Rep. Picraux* — adds a new section to
CS/H 432a the Public School Code enacting the School Athletics Equity Act to ensure gender equity in
sports; requires reporting of data by all public schools that have an athletics program for
grades 7-12; requires written assurance of compliance with the federal Title 9 by school
districts and charter schools; and requires annual reports from the Public Education
Department to the Governor and the Legislature on the act, including a summary of the data
received from public schools.
- H 433 SEX OFFENDER ELECTRONIC NAME REGISTRATION (**PASSED/H**), *Rep. King* —
CS/H 433a amends statute to require a sex offender to register any electronic identities used by the sex
et al. offender; requires a sex offender to notify the county sheriff of any subsequent electronic
identities that a sex offender intends to use; requires information not provided to the public to
be used only for law enforcement purposes; and among other provisions, requires a sex
offender to provide written notice of any change regarding the sex offender's employment at
a public or private school in New Mexico. (CS/H 433 & 24)
- H 435 ATTENDANCE AT STATE FAIR AS INSTRUCTION DAY, *Rep. Jeff* — adds a new
section of the Public School Code to allow attendance at the New Mexico State Fair to count
as an instructional day.
- H 436 SCHOOL EMPLOYEE TERMINATION PROCESS (**PASSED/H**), *Rep. Gardner* —
CS/H 436a amends the School Personnel Act to clarify the process for termination and discharge of
school employees by a local superintendent or governing authority; and clarifies an appeals
process for licensed and unlicensed school employees who have been employed for at least
three consecutive years.
- H 439 AFRICAN AMERICAN CENTER ON-LINE PROGRAM, *Rep. Stapleton* — appropriates
\$75,000 from the General Fund to the State Fair Commission for FY 10 for an on line
technology-based math and science education program for educators at the African American
Performing Arts Center.
- H 440 NATIVE AMERICAN SCHOOL VISITS TO LEGISLATURE, *Rep. Jeff* — appropriates
\$50,000 from the General Fund to the Indian Affairs Department for FY 10 to enable Native
American high school students to visit the New Mexico Legislature.
- H 442 INCREASE INSTRUCTIONAL SCHOOL YEAR, *Rep. Park* — amends the Public School
Code to increase the instructional year to 210 full instructional days for a regular school
calendar, exclusive of release time for in-service training; requires that a school year consist
of at least 168 instructional days for a variable school year calendar, exclusive of release time
for in-service training; and requires the make-up of time lost to weather, in-service training,
or other non-school events.
- H 448 NMSU CHICANO STUDENT OUTREACH, *Rep. Gutierrez* — appropriates \$55,000 from
the General Fund to the Board of Regents of the New Mexico State University for FY 10 to
hire staff for outreach and retention of students in Chicano programs.

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- *H 450 WNMU EARLY CHILDHOOD PROGRAM, *Rep. Hamilton* — appropriates \$265,000 from the General Fund to the Board of Regents of Western New Mexico University for FY 09 and FY 10 to fund the early childhood program.
- H 452 BUDGET TRANSPARENCY ACT, *Rep. Kintigh* — creates the Budget Transparency Act; requires the Secretary of the Department of Finance and Administration (DFA), in coordination with the Secretary of Information Technology, to develop and provide to the public an easily accessible, searchable budget database that displays the state budget, including state and federal money, for each year beginning with FY 12; requires this database to contain links to each local government’s budget; and requires DFA to maintain the local government budget database and to test it for ease of access and search capabilities before making it available to the public. [Relates to CS/S 159]
- CS/H 452
- H 453 EDUCATIONAL RETIREMENT SERVICE CREDITS (**PASSED/H**), *Rep. MP Garcia* — amends the Educational Retirement Act to provide conditions for acquiring certain allowed service credit including that a member shall have five years or more of contributory employment to be eligible to purchase service credit.
- H 455 PROTECT CHILDREN FROM METHAMPHETAMINE, *Rep. King* — appropriates \$500,000 from the General Fund to the Attorney General for a statewide project to protect children against methamphetamine. (May affect public schools)
- H 460 NET INCOME DEDUCTION OF CAPITAL GAIN INCOME, *Rep. Arnold-Jones* — amends the Income Tax Act to eliminate the cap on the deduction for net capital gain income for the taxable year for which the deduction is being claimed. (Potential impact on General Fund revenues)
- H 463 TAX REVENUE TO CERTAIN CHARTER SCHOOLS, *Rep. Miera* — amends the Public School Buildings Act to change how locally chartered charter schools in school districts with more than 60,000 students receive tax revenue, requiring them to be evaluated, ranked in a facilities master plan, and funded in the same manner as other schools within the district.
- H 464a SCHOOL CAPITAL OUTLAY ADMINISTRATIVE LIMITS (**PASSED/H**), *Rep. Giannini* — amends the Public School Buildings Act to clarify the definition of “administration” to include, under certain circumstances, projects funded in whole or in part by the Public School Capital Improvements Act or by school district General Obligation bonds; and changes the total project cost limitation for administration from 5.0 percent to 10 percent.
- *H 465a PUBLIC SCHOOL IMPROVEMENT DEFINITIONS (**PASSED/H**), *Rep. Miera* — amends the Public School Capital Improvements Act to expand the definition of “capital improvements” to include payments made as defined in the Public School Lease Purchase Act; and allows the local distribution to be used temporarily (FY 09 and FY 10) for school district or charter school operating costs related to purchasing property insurance and facility maintenance.
- H 466a PUBLIC SCHOOL LEASE PURCHASE (**PASSED/H**), *Rep. Miera* — amends and enacts sections of the Public School Lease Purchase Act to prohibit the issuance of General Obligation bonds for property acquired through a lease purchase agreement.

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- H 474 CS/H 474 REDUCE SCHOOL CLASS SIZES, *Rep. Cervantes* — amends the Public School Code to limit individual class loads to 22 students for elementary school teachers of grades 1, 2, and 3 and to 24 students for teachers of grades 4, 5, and 6; provides that special education students shall be counted in determining maximum class loads in integrated classrooms; allows for waivers by the Secretary of Public Education; and appropriates \$62.0 million from the General Fund for FY 10 to support public school class size reduction.
- H 477a PROFESSIONAL LICENSURE BACKGROUND CHECK (**PASSED/H**), *Rep. Giannini* — amends the Counseling and Therapy Practice Act to provide for criminal history background checks and fingerprinting of applicants for licensure. (May affect public schools)
- H 483 MOUNTAINAIR AFTER-SCHOOL LEARNING CENTER, *Rep. King* — appropriates \$225,000 from the General Fund to the Public Education Department for FY 10 for after-school learning centers in the Mountainair Public Schools.
- H 485 CS/H 485 CONTRACTOR-OWNED SCHOOL BUS LIENS (**PASSED/H**), *Rep. King* — amends the *School Finance Act* relating to school transportation equipment to require a school district to file a lien on every contractor-owned school bus on which the contractor owes money; to record the lien on the title of the school bus; to prohibit a school bus contractor from refinancing or using a school bus as collateral for any other loan without prior written permission from the Public Education Department; requires a school district to release the lien upon authorization from the Public Education Department based on a replacement or contractor reimbursement to the school district upon termination or non-renewal of a contract; allows PED to deduct amounts owed on a contractor-owned school bus from a school district's transportation distribution; requires school bus contracts to include school district documentation that a lien on every contractor-owned school bus has been filed; and establishes that provisions of the bill apply to contracts and contract renewals entered into on or after June 19, 2009.
- H 489 CS/H 489 EMPLOYEE PROTECTION FROM RETALIATION (**PASSED/H**), *Rep. MP Garcia* — amends statute to extend the period to begin a civil action to enforce wage and hour laws to within three years after a violation occurs; adds a new section of law to provide employees protection from retaliation for asserting a claim or right pursuant to the Minimum Wage Act or assisting another person to do so; increases liability for failure to pay wages; and provides penalties.
- H 493 CS/H 493a MINIMUM WAGE INCLUSION & PROCEDURES (**PASSED/H**), *Rep. Park* — amends employment wage and hour law; among its provisions, provides for compensatory time pursuant to federal law; allows the filing of complaints with the Labor Relations Director of the Workforce Solutions Department; requires employers to cooperate in investigations; provides penalties for failure to respond to investigations; requires four-year maintenance of wage records; provides for class actions; designates any remaining class action proceeds to the state; and creates the non-reverting Wage and Hour Enforcement Fund.
- *H 496 TEACHER PROFESSIONAL DEVELOPMENT, *Rep. King* — appropriates \$2.5 million from the General Fund to the Teacher Professional Development Fund for FY 09 and subsequent fiscal years for teacher professional development.

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- H 500a DFA APPROVAL OF LOCAL LAND SALES & LEASES (**PASSED/H**), *Rep. King* — amends statute to designate approval authority for sales and leases of public property: for local public bodies, the Secretary of Department of Finance and Administration; for school districts, the Public Education Department; and for state educational institutions, the Higher Education Department; and raises the level to \$100,000 (from \$25,000) of consideration for sales and leases requiring State Board of Finance approval.
- H 503 DOÑA ANA REGIONAL EDUCATIONAL INITIATIVE, *Rep. Nuñez* — appropriates \$100,000 from the General Fund to the Board of Regents of New Mexico State University for FY 10 for Doña Ana Community College to implement the Doña Ana Regional Educational Cooperative (REC).
- H 507 PUBLIC RECORD INSPECTION & REQUESTS, *Rep. K. Martinez* — amends statute to allow the use of email and facsimile requests to inspect public records; requires a record custodian’s supervisor to review decisions about what records are exempt from inspection; requires the custodian, in the same manner the request was made, and within 15 days of receipt of the request, to notify the requester that additional time will be needed to respond to the request, or to provide an explanation of a denial of the request; and requires damages to be paid from the funds of the public body to be awarded for failure to act in accordance with the provisions of the bill. (May affect public schools)
- CS/H 507
- H 508 SCHOOL LIBRARY MATERIAL DISTRIBUTION (**PASSED/H**), *Rep. Madalena* — amends the School Library Act to provide for distribution of school library materials to governmentally controlled schools; and defines “governmentally controlled school” to mean a governmentally owned or controlled Bureau of Indian Education (BIE) school located in New Mexico that provides instruction for grades 1-12 and is not sectarian or denominational.
- H 514 BERNALILLO STAY IN SCHOOL PROGRAM, *Rep. Maestas* — appropriates \$100,000 from the General Fund to DFA for FY 10 for a dropout prevention program to include employability and life skills training, tutoring and homework assistance, and after-school work-experience opportunities for at-risk youth in Bernalillo County.
- H 516 HEAVY EQUIPMENT MOTOR VEHICLE TITLE, *Rep. Rehm* — amends the Motor Vehicle Code to require a certificate of title for heavy equipment; establishes a fee; provides for the upgrade and maintenance of computer systems and equipment of the Motor Vehicle Department (MVD); and appropriates fees collected to the MVD to defray costs of upgrading and maintaining computer systems and equipment. (May affect school districts)
- H 520a CONSOLIDATED ENVIRONMENTAL REVIEW ACT, *Rep. Chasey* — enacts the Consolidated Environmental Review Act; requires governmental agencies at all levels to develop standards and procedures to protect environmental quality; requires public agencies to perform an environmental assessment of any state-funded project under their authority, to prepare an environmental impact statement for any project that may have a significant effect on the environment, and to choose the best available alternative to a proposed project that minimizes or avoids adverse environmental effects; provides for rules to be adopted by the Environmental Improvement Board; provides for fees; and appropriates proceeds from fees to carry out the provisions of the act. (May affect public education)

- H 523 BEHAVIORAL HEALTH COLLABORATIVE SERVICES, *Rep. Varela* — amends statute to require the Interagency Behavioral Health Purchasing Collaborative to include statewide screening, intervention, treatment, and referral services through primary care and school-based clinics in its plan for delivery of behavioral health services; requires that at least \$800,000 be provided annually for such services; and requires that specific plans for statewide screening, intervention, treatment, and referral be included in any contract with a single provider for behavioral health services. [Similar to S 473a & identical to S 481]
- *H 525a ALTERNATIVE EDUCATIONAL RETIREMENT PLANS (**PASSED/H**), *Rep. Chasey* — amends statute to place conditions on the time in which an employee may elect to participate in an alternative retirement plan of a qualifying state educational institution; provides a one-time option for an employee who has made contributions in an alternative retirement plan for a certain period to become a regular member; changes the benefits available under alternative retirement plans; and, upon termination of employment, allows transfer of a retirement account balance to another eligible retirement plan or withdrawal of the balance. [Identical to S 572a]
- H 534a ELECTRONIC PUBLIC RECORDS REQUESTS (**PASSED/H**), *Rep. El. Chavez* — amends statute to allow electronic requests for public records. (May affect public schools)
- H 538a NO LARGE PUBLIC EMPLOYEE RETIREMENT BENEFITS, *Rep. Rehm* — amends statute to prohibit public employers, including state agencies, educational institutions, and schools from paying, entering into, or renewing a contract to pay for any compensation, or allowance to a public employee who resigns or is terminated for cause; and provides that the employment agreement in force at the time of separation of a public employee shall be fulfilled.
- H 548 RECYCLING DEVELOPMENT ACT, *Rep. Steinborn* — enacts the Recycling Development Act; establishes a recycling fee of 60 cents per ton; establishes a Recycling Infrastructure and Opportunity Fund for recycling programs and handling recycling fee distributions; includes an organization representing public schools and a state educational institution in the Recycling and Illegal Dumping Alliance to make recommendations for rulemaking and making grants from the recycling infrastructure and the fund; and allows public school districts, among others, to be eligible to apply for grants.
- H 550a LOCAL SCHOOL BOARD GOVERNMENTAL CONDUCT (**PASSED/H**), *Rep. Park* — amends statute to require local school board members to comply with the provisions of the Governmental Conduct Act.
- H 552 INFRASTRUCTURE DEVELOPMENT ACT (**PASSED/H**), *Rep. B. Lujan* — creates the
CS/H 552 Infrastructure Development Zone Act; provides for the creation of infrastructure development zones and for an elected board; authorizes infrastructure zones to provide services, including public educational or cultural facilities pursuant to an approved service plan; authorizes boards to issue bonds, to enter into other debt obligations, to levy property taxes and assessments, fees, tolls, and other charges; and provides that, except as otherwise provided, bonds issued under the act are not obligations of the state.

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- H 554a SPECIAL FUEL FROM VEGETABLE OIL TAX DEDUCTION (**PASSED/H**), *Rep. Gonzales* — adds a new section of the Gross Receipts and Compensating Tax Act to provide a deduction from special fuel excise tax and gross receipts paid for special fuel consisting of vegetable oil or animal fat; and specifies deductions for special fuel sold for use in contracted public school buses.
- H 564 NM GOVERNMENT EDUCATION FUND, *Rep. EH Chavez* — appropriates \$50,000 from the General Fund to the New Mexico Government Education Fund for FY 09 and subsequent fiscal years to contract for annual weeklong high school civics courses focusing on New Mexico state government for boys and girls to be held at various postsecondary institutions.
- H 568 STATEWIDE SCHOOL TOURISM EDUCATION PROGRAM, *Rep. MH Garcia* — appropriates \$250,000 from the General Fund to the Board of Regents of NMSU for FY 10 to implement a statewide hospitality and tourism education initiative in public schools throughout the state.
- H 569 PREDICTIVE DEMOGRAPHIC MODELS, *Rep. MH Garcia* — appropriates \$400,000 from the General Fund to the Economic Development Department for FY 10 to work in conjunction with various state departments, including the Public Education Department to develop a model to forecast the demographic and economic futures of local communities.
- H 573 ADJUSTMENT OF RETIREMENT PLANS (**PASSED/H**), *Rep. Heaton* — amends and
*CS/H 573 adds new sections to three statutes governing various aspects of retirement for public
*CS/CS/H 573a employees. Among its provisions, the bill amends the Public Employees Retirement Act (PERA) and the Educational Retirement Act (ERA) to change the retirement eligibility requirements and benefits, age limits, and years of service for new members employed on or after July 1, 2010 and extends the “sunset” date for the return to work program from January 1, 2012 to January 1, 2022. The bill also amends the Retiree Health Care Act (RHCA) to change, effective July 1, 2009, the contributions to the fund of eligible participating retirees; to increase the employer and employee contributions to the fund effective July 1, 2010; and to remove the June 30, 2010 expiration date for an annual distribution of \$250,000 to the fund from the Tax Administration Suspense Fund. Finally, the bill creates a 25-member Retirement Systems Solvency Task Force to study the actuarial soundness and solvency of the PERA, ERA, and RHCA retirement plans; to prepare a solvency plan for each entity; and to submit the solvency plans and task force recommendations to the Investments and Pensions Oversight Committee or other appropriate interim committee, the Legislative Finance Committee, and the Governor no later than October 1, 2009.
- H 581 RIO ARRIBA YOUTH SUMMER ENRICHMENT, *Rep. Rodella* — appropriates \$20,000 from the General Fund to the Department of Finance and Administration for FY 10 to contract for provision of youth summer enrichment and life skills programs in Rio Arriba County.
- H 583a SMALL PRECINCT ABSENTEE VOTING (**PASSED/H**), *Rep. Rodella* — adds a new section of the Election Code to provide for absentee voting in lieu of establishing a polling place in small, isolated precincts. (May affect public school boards)

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- H 588a EDUCATIONAL RETIREMENT LOCAL AUDITS (**PASSED/H**), *Rep. O'Neill* — amends the Educational Retirement Act (ERA) to provide for audits of local administrative units at any time to ensure compliance with the ERA and rules adopted by the board.
- H 595 WEST LAS VEGAS SCHOOL ENRICHMENT SERVICES, *Rep. Vigil* — appropriates \$225,000 from the General Fund to the Public Education Department for FY 10 to fund enrichment support services after school and during the summer for children in grades K-8 in the West Las Vegas Public Schools.
- H 597 SCHOOL TEXTBOOKS ON COMPACT DISC, *Rep. Cervantes* — adds a new section of
CS/H 597 the Public School Code to create the Print Disability Access Act; among its provisions, requires publishers, upon request, to provide textbooks in an electronic format mutually agreed upon by the publisher and the educational institution; and requires that the electronic format conform to national standards for students who are certified by a competent authority as having a print disability, including dyslexia.
- H 598 ELECTRONIC PUBLIC RECORD INSPECTION REQUESTS (**PASSED/H**), *Rep. Cervantes* — amends the Inspection of Public Records Act to allow a written request for public records to include an electronic communication, including email and facsimile. (May affect public schools)
- H 600a PUBLIC RECORD INSPECTION VIOLATIONS, *Rep. Cervantes* — adds a new section of the Inspection of Public Records Act to provide a misdemeanor judgment and \$500 penalty for knowingly and willingly withholding public records subject to inspection under the act. (May affect public schools)
- *H 614 STATE ETHICS COMMISSION ACT, *Rep. MH Garcia* — creates the State Ethics Commission Act; among its provisions, requires the commission to receive and investigate complaints alleging ethics violations by state officials, state employees, and lobbyists; to hire an executive director; to promulgate rules; to report its findings and maintain public records; allows the commission to issue advisory opinions, initiate complaints, recommend disciplinary actions, subpoena witnesses and records; and appropriates \$500,000 from the General Fund to the State Ethics Commission for FY 09 and FY 10. (Succeeding entries: CS/H 151)
- H 615 SCHOOL DATING VIOLENCE POLICIES, *Rep. Crook* — adds a new section of the Public School Code to require public schools to adopt dating violence policies; and requires public schools to incorporate dating violence information into health education curricula in grades 7-12.
- H 618 MANUFACTURING SKILLS PROGRAM, *Rep. Miera* — appropriates \$1.0 million from the General Fund to the Public Education Department for FY 10 and FY 11 to establish a manufacturing skills program for high school elective courses that lead to certification approved by the federal Manufacturing Skill Standards Board; allows the program to be offered through the statewide Cyber Academy and New Mexico community colleges; and allows funds to be used to train teachers and to purchase software and needed infrastructure for the program.

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- H 619 COLLEGE COURSE CUT SCORES, *Rep. Miera* — requires the Higher Education Department to collaborate with public postsecondary educational institutions to establish uniform and consistent cut scores for placement of students in college-level courses; and requires that uniform cut scores become effective at all public postsecondary educational institutions no later than January 1, 2010.
- H 620 PUBLIC SCHOOL CAPITAL OUTLAY MAINTENANCE, *Rep. Miera* — amends the Public School Capital Improvements Act to clarify the definition of “maintenance” and to include salaries for maintenance as an allowable expenditure.
- H 621 NAVAJO LANGUAGE RESEARCH & TEACHING, *Rep. Begaye* — appropriates \$97,500 from the General Fund to the Board of Regents of the University of New Mexico for FY 10 for a program of teaching the Navajo language. (May affect public schools)
- H 622a GREEN JOBS BONDING ACT (**PASSED/H**), *Rep. B. Lujan* — creates the Green Jobs
CS/H 622 Bonding Act; provides for green jobs training programs; creates a fund; and provides procedures for implementing grants to postsecondary institutions for green jobs training programs.
- H 625 STATE HIGH SCHOOL BASKETBALL TOURNAMENT, *Rep. B. Lujan* — appropriates \$100,000 from the General Fund to the Public Education Department for FY 10 to provide funding for the annual state high school basketball tournament.
- *H 629 CAPITAL OUTLAY REAUTHORIZATIONS, *Rep. Trujillo* — reauthorizes or reapportions unexpended fund balances from the proceeds of severance tax bonds to the Severance Tax Bonding Fund; provides for the extension of time periods on certain capital projects including extending the Albuquerque Public Schools Educational Technology Project at McKinley Middle School through FY 11; and expands or changes purposes of certain projects and extends the time for completion of certain projects, including projects at Cariños Charter School (Española Public Schools) and Santa Fe High School, (Santa Fe Public Schools). [Identical to *S 443]
- H 631a EDUCATIONAL RETIREMENT ELIGIBILITY(**PASSED/H**), *Rep. King* — amends the Educational Retirement Act to change retirement eligibility for members first employed on or after July 1, 2010 as follows: to be eligible for retirement the member must be any age and have 30 or more years of service credit, or be at least 65 years of age and have five or more years of service, or the sum of the member’s age and years of earned service credit equals at least 80; and provides for reductions in benefits for members retiring before 60 years of age.
- H 635 FEDERAL FUNDS TO FATHERHOOD PROGRAM, *Rep. Nuñez* — 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 programs including education in high schools on the value of marriage, relationship skills, and budgeting; and requires fatherhood programs.
- H 643 PUBLIC MONEY INVESTMENTS IN BANKS, *Rep. Gutierrez* — amends statute to provide an alternative procedure for investing public money in banks and savings and loan associations; among its provisions, provides deposit authority of public funds and required procedures to various entities including the state treasurer, county and municipal treasurers, and the treasurer of any public or educational institution.

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- H 644 JUNIOR RESERVE OFFICERS' TRAINING CORPS, *Rep. Rehm* — appropriates \$50,000 from the General Fund to the Public Education Department for FY 10 for Albuquerque Public Schools to help with the travel expenses, training, and activities of the Junior Reserve Officers' Training Corps.
- H 646a SCHOOL BOARD CANDIDATE CONTRIBUTION INFO, *Rep. Park* — adds a new section to the School Election Law to require school board candidates to comply with the Campaign Reporting Act; adds a new section to the Campaign Reporting Act and amends existing sections of the act to require reporting individuals in a school district election, as well as school board members who are not candidates in an election, to file with the Secretary of State sworn reports of expenditures and contributions according to a prescribed schedule; and assesses penalties for late reports.
- H 656 DOMESTIC VIOLENCE VICTIM SUBSTITUTE ADDRESS (**PASSED/H**), *Rep. Cote* —
CS/H 656 creates the Confidential Address Program Act to allow the use of a substitute address by victims of domestic abuse who are approved by the Secretary of State for participation in the Confidential Address Program; allows public schools to contact the Secretary of State to verify the enrollment eligibility of a participant, which shall be determined using the current residential address on file with the Confidential Address Program; requires that all school correspondence mailed to the participant or the participant's parents or guardian be sent to the substitute address; and specifies certain agency exemption requirements.
- H 657a SUBSTITUTE TEACHING TAX DEDUCTION, *Rep. MH Garcia* — adds a new section of the Income Tax Act to allow a taxpayer who worked in New Mexico as a full-time licensed teacher for at least 20 years and retired from a licensed teaching position to claim a personal income tax deduction for income derived from substitute teaching; and makes the income deduction applicable to taxable years beginning on or after January 1, 2009.
- H 659a REQUIRE HEALTH EDUCATION IN HIGH SCHOOL (**PASSED/H**), *Rep. MH Garcia* —
CS/H 659 amends the Public School Code dealing with high school graduation requirements to reduce to seven (from seven and one-half) the number of elective units and to add one-half required unit in health education for students entering the ninth grade in school year 2010-2011.
- H 661 PRISON MERITORIOUS DEDUCTION REQUIREMENTS, *Rep. Rehm* — amends statute to increase the amount of meritorious deductions that a prisoner may obtain for participating in certain programs; and prohibits a prisoner from earning meritorious deductions until a General Educational Development or, if warranted, an approved vocational, substance abuse, or mental health program is completed.
- H 662 PUBLIC EMPLOYEE BENEFIT OPTION HEALTH CARE, *Rep. Picraux* — amends statute to require publicly funded health care agencies to purchase plans with benefit options for public school employees, state and local public employees, and public retirees; requires certain benefit options; requires insurers and administrators selected to use common service definitions and other common characteristics; allows different benefit options through a Health Maintenance Organization (HMO), Preferred Provider Organization (PPO), point-of-service, or other health coverage product; requires state educational institutions and political subdivisions that use the consolidated purchasing single process to use only the plan selected by the publicly funded health care agencies; and requires disputes that may arise to be resolved by mediation, arbitration, or an alternative dispute resolution procedure.

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- H 672 LUNA COLLEGE SUMMER HIGH SCHOOL PROGRAM, *Rep. Vigil* — appropriates \$250,000 from the General Fund to the Higher Education Department for FY 10 for the Luna Community College to operate a summer institute in Las Vegas for high school students to enhance their ability to learn and to progress in their basic coursework.
- CS/H 675 H 675 COMMUNITY ACCESS TO MEDIA & INFORMATION ACT, *Rep. Maestas* — creates the Community Access to Media and Information Act; among its provisions, requires a service provider to conduct a community needs assessment; requires that compensation by a political subdivision from service providers be allocated for public, educational, and government access operations; requires that no less than 2.5 percent of the annual gross revenues of the service provider or one-half of the franchise fees be allocated for funding of direct governmental or contracted-for access management for general operations, and an additional 1.0 percent of service provider gross revenues be set aside for public, educational, and government access facilities and equipment; requires cable providers to carry public access channels and services in those designated market areas where they carry local commercial channels; and allows an access management organization or a subscriber to bring action to enforce compliance with the act. (May affect public schools) [Related to S 522]
- H 679 MIDDLE & HIGH SCHOOL SUPERCOMPUTER TRAINING, *Rep. Salazar* — appropriates \$150,000 from the General Fund to the Board of Regents of New Mexico TECH for FY 10 for science, technology, engineering, and math (STEM) applications to middle and high school students, and to strengthen STEM teaching techniques.
- H 687 IDENTITY OF DONORS WITH STATE BUSINESS, *Rep. Cervantes* — amends statute to require the written disclosure of a donor's identity and financial interest when a donor is doing, has done, or seeks to do business with a state agency including an institution of higher education and a public school district; and requires the agency to maintain a record of the written disclosure.
- H 691a PUBLIC SCHOOL YEAR & LENGTH OF DAY (**PASSED/H**), *Rep. King* — amends the Public School Code to require a school year to consist of 180 full instructional days for a regular school year calendar and 150 full instructional days for a variable school year, excluding release time for in-service training; to require that time lost due to weather, in-service training, or other events be made up; to allow school boards to set a longer school year; and to allow the Secretary of Public Education to waive the minimum length or number of school days in districts so long as the school year is adjusted to ensure that students receive the same instructional time as other students in the state.
- H 693 TEEN PARENT HIGH SCHOOL GRADUATIONS, *Rep. Gutierrez* — appropriates \$1.0 million from the General Fund to the Public Education Department for FY 10 to provide funding for a statewide recovery and retention program that targets teenage parents who have dropped out of school or are at risk of dropping out.
- H 704a HOME SCHOOL STUDENTS IN DISTRICT ACTIVITIES (**PASSED/H**), *Rep. Strickler* — amends the Public School Code to increase the number of school district athletic activities in which a home school student may participate from one athletic activity to as many as three at the public school in the attendance zone in which the student resides.

- H 705 **PROCUREMENT ACTION VALUE THRESHOLD (PASSED/H)**, *Rep. Maestas* — amends
CS/H 705 statute to increase certain thresholds for public procurement by the state or any political
subdivision; requires a contractor to register with the Department of Workforce Solutions in
order to submit a bid for public works contracts valued at more than \$60,000; and provides
for the disposition or sale of property that has a resale value of \$20,000 or less, under certain
conditions, by a state agency, local public body, school district, and state educational
institution. (May affect public schools)
- H 709 **LOTTERY SCHOLARSHIPS FOR TRIBAL COLLEGES (PASSED/H)**, *Rep. Alcon* —
amends statute to allow students attending tribal colleges to receive Lottery Tuition
Scholarships; among its provisions, defines a tribal college; allows governing bodies of tribal
colleges, to the extent that funds are available from the Legislature, to award scholarships to
qualified students; specifies criteria for authorizing scholarships to full-time resident
students; and requires the Higher Education Department to prepare guidelines for students
continuing eligibility criteria and administration of the tuition scholarship program at tribal
colleges.
- H 719 **SCHOOL DISTRICT GO BOND STATE REQUIREMENTS (PASSED/H)**, *Rep. T. Garcia*
— amends statute to clarify the duties of PED concerning school district GO bonds to
provide necessary information to the governing authorities and to voters pursuant to GO
bond elections.
- H 721a **EDUCATIONAL RETIREES RETURNING TO WORK (PASSED/H)**, *Rep. J. Thomas* —
amends the Educational Retirement Act to eliminate the extended sunset date in the return to
work provision; requires board approval of an application from a retired member to be re-
employed; and requires additional contributions from employers on behalf of retired
members who return to work. [Identical to S 476a]
- H 722a **DISCLOSURE OF EDUCATIONAL RETIREMENT INFO (PASSED/H)**, *Rep. J. Thomas*
— adds a new section of the Educational Retirement Act; among its provisions, specifies
member or retired member information that may be disclosed; and prohibits disclosure of
other information except to the member, retired member or the spouse, and certain other
designated parties. [Similar to S 490a]
- H 726 **SCIENCE & TECHNOLOGY PROGRAM OPERATIONS**, *Rep. Heaton* — appropriates
\$85,000 from the General Fund to the Board of Regents of New Mexico State University for
FY 10 to provide instructors, transportation, and equipment for a Science, Technology,
Engineering, and Mathematic (STEM) summer program for middle school students in the
Artesia, Carlsbad, Dexter, Hagerman, Lake Arthur, and Loving school districts.
- H 729a **INFORMATION TECHNOLOGY COMMISSION & DUTIES (PASSED/H)**, *Rep. Varela*
— amends statute to make changes in statewide information technology organization and
administration; among its provisions, requires compliance with federal guidelines for rate-
setting; revises the membership of the Information Technology Commission; provides for
payment of agencies to the Department of Information Technology (DoIT); changes the due
date for equipment replacement plans; and clarifies telecommunications duties of the DoIT.
(May affect public schools)

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- *H 738 HISPANIC CENTER DOMENICI EDUCATION CENTER, *Rep. Barreras* — appropriates \$80,000 from the General Fund to the Cultural Affairs Department for FY 09 and FY 10 for operation and maintenance of the Domenici Education Center at the National Hispanic Cultural Center.
- H 740 DUAL CREDIT PROGRAM FOR ADDITIONAL STUDENTS, *Rep. Espinoza* — amends statute to make students enrolled in a home school, private school, or Bureau of Indian Education (BIE) school eligible to participate in the dual credit program; requires the school district in which the student’s parent or legal guardian resides to pay the cost of required textbook and supplies through an allocation from the Public Education Department Instructional Material Bureau; and requires the student to return the textbooks and unused course supplies to the school district upon completion of or withdrawal from the course.
- H 751a INSURANCE COVERAGE FOR SOME HEALTH CONDITIONS, *Rep. Giannini* — adds a
CS/H 751 new section of the Insurance Code to require health insurance coverage for the diagnosis and treatment of a behavioral health condition, developmental disability, and autism spectrum disorder; among its provisions, defines developmental disability and autism spectrum disorder; outlines benefits for behavioral health treatment; prohibits behavioral health coverage from requiring pre-admission screening or applying limitations that restrict mental health benefits to those that are medically necessary; outlines covered treatment for a developmental disability and autism spectrum disorder for individuals who are 19 years of age or younger; allows exclusions of coverage for services received under the federal Individuals with Disabilities Education Act of 2004 and related state laws; and establishes other limits and potential exclusions of coverage.
- H 760 ALBUQUERQUE SCHOOLS UNM MENTORING PROGRAM, *Rep. Arnold-Jones* — appropriates \$100,000 from the General Fund to the Board of Regents of UNM for FY 10 to fund college preparatory mentoring programs at the University New Mexico School of Law for students in grades 6-12 in Albuquerque Public Schools.
- H 761 ALBUQUERQUE MUSEUM EDUCATIONAL PROGRAMS, *Rep. Arnold-Jones* — appropriates \$150,000 from the General Fund to the Cultural Affairs Department for FY 10 to contract for statewide education programs by a science center and children’s museum in Albuquerque.
- H 765 PUBLIC EMPLOYEES RETURNING TO WORK, *Rep. Berry* — amends statute to limit the option of retirees to return to work while receiving a retirement pension including a retiree who has been retained as an independent contractor performing the same duties as were performed before retirement; requires the suspension of a retiree’s pension in the month after the retired member’s salary for subsequent employment exceeds the final average salary that was used to calculate the member’s pension; and excludes retirees employed in a position in which the annual salary is less than \$18,000 or in a public safety or public health position.
- H 766 HIGHER EDUCATION ENDOWMENT FUND DISTRIBUTION (**PASSED/H**), *Rep. Saavedra* — amends statute to change the distribution of the Higher Education Endowment Fund appropriations based on certain distribution percentages and fund matching requirements.

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- H 779a HEALTH CARE PARTNERSHIP ACT (**PASSED/H**), *Rep. B. Lujan* — creates the Health
CS/H 779 Care Partnership Act to provide opportunity for all New Mexicans to obtain affordable
healthcare coverage through a combination of public and private options and financing;
creates the Health Care Partnership; requires that partnership benefit plans consistent with
national standards of care be developed and offered, to the extent resources are available, to
anyone living in New Mexico; requires educational institutions to purchase health coverage
under a partnership plan or other healthcare options for nonresident students not otherwise
covered; and appropriates \$500,000 from the General Fund to the Legislative Council
Service for FY 10 and FY 11 to support the partnership and the purposes of the act.
- *H 780a SCHOOL FOR THE BLIND DEFICIENCY CORRECTIONS (**PASSED/H**), *Rep. Miera* —
amends the Public School Code to include the New Mexico School for the Blind and
Visually Impaired and the New Mexico School for the Deaf in the Public School Capital
Outlay Act provisions for correction of outstanding deficiencies in school districts. (Similar
to S 628)
- H 784 BIOGAS FUEL PRODUCTION FACILITY TAX CREDIT, *Rep. Gardner* — adds a new
CS/H 784 section of the Income Tax Act and a new section of the Corporate Income Tax Act to provide
income tax credits for biogas fuel production facilities; among its provisions, requires the
Energy, Minerals & Natural Resources Department to certify an applicant’s eligibility for a
biogas fuel production income tax credit or biogas fuel production corporate income tax
credit based on certain qualifications; establishes limits on the total allocated rights to claim
the tax credit; provides that the tax credit is not refundable; and provides that taxpayers
claiming a tax credit under either act are ineligible for other tax credits for the same facility.
(May affect public schools)
- H 786 NATIVE AMERICAN STUDENT ART & LEADERSHIP, *Rep. Begaye* — appropriates
\$40,000 from the General Fund to the Indian Affairs Department for FY 10 to implement an
interdisciplinary art and leadership program for Native American middle school and high
school students.
- *H 787 STATE AGENCY INDEFINITE QUANTITY CONTRACTS, *Rep. Stapleton* — amends
statute to allow state agencies to procure multiple source contracts, architectural and design
services, and indefinite quantity construction contracts through required competitive sealed
bids; and allows state agencies to procure multiple indefinite quantity construction contracts
under a single request for proposals, provided that the total amount does not exceed \$2.0
million annually. (May affect public schools)
- H 791 TAX INCREMENT DISTRICT MAXIMUM PERIOD, *Rep. MP Garcia* — amends the Tax
Increment for Development Act to provide that the maximum dedication period for a state
gross receipts tax (GRT) increment is 25 years. (May affect public schools)
- H 795 SEVERANCE TAX BONDS FOR TRANSPORTATION, *Rep. Gonzales* — adds a new
section to the Severance Tax Bonding Act; among its provisions, requires the Board of
Finance to authorize 5.0 percent of the estimated annual severance tax bonding capacity each
year, provided that the Legislature authorizes the deducted amount, to be used to fund
transportation projects statewide beginning in 2010; and appropriates proceeds from the sale
of the bonds to the State Road Fund in the State Treasury. (May affect public schools)

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- H 820a PUBLIC-PRIVATE FACILITIES REVENUE BONDS (**FAILED/H**), *Rep. B. Lujan* — creates the Public-Private Facilities Revenue Bond Financing Act; among its provisions, authorizes the issuance of public-private facilities revenue bonds; provides for exemptions from the Procurement Code for the acquisition, construction, or improvement of a project undertaken by or on behalf of a local government pursuant to the Public-Private Facilities Revenue Bond Financing Act; and provides for exemption from the requirement for State Board of Finance approval for the sale, trade, or lease by a local government of property acquired pursuant to the Public-Private Facilities Revenue Bond Financing Act. (May affect public schools)
- H 822a SCHOOL PHYSICAL EDUCATION ELECTIVE PARITY (**PASSED/H**), *Rep. Cervantes* — adds a new section of the Public School Code to require school districts to provide parity in athletic elective credit for practicing or playing a sport.
- H 830 TAOS AT-RISK YOUTH TRAINING, *Rep. Gonzales* — appropriates \$50,000 from the General Fund to the Department of Finance and Administration for FY 10 to contract for training in ambassadorship, international service learning, job readiness, and education services for at-risk youth in Taos County.
- H 834 STATE DATA ANALYSIS CENTER ACT, *Rep. Arnold-Jones* — creates the State Data Analysis Center Act; among its provisions, creates the State Data Analysis Center; moves the UNM Earth Data Analysis Center and Bureau of Business and Economic Research to the State Data Analysis Center; creates an advisory committee; requires a statewide, long-range state data analysis strategic plan; and appropriates \$500,000 from the General Fund to the State Data Analysis Center for FY 10. (May affect public schools)
- H 835 SECURITY GUARD ACT, *Rep. Arnold-Jones* — creates the Security Guard Act; among its provisions, identifies regulated persons; creates the Security Guard Advisory Board; creates the Security Guard Fund; provides licensing procedures and requirements; provides penalties; and exempts individuals employed exclusively and regularly by one employer in connection with the affairs of that employer, and individuals providing temporary security at an athletic or other youth event under the auspices of a public or private school.
- H 842 SANTA FE SCHOOL TENNIS LESSONS, *Rep. B. Lujan* — appropriates \$35,000 from the General Fund to the Public Education Department for FY 10 to fund a program of tutoring in math, English and language arts, and tennis lessons in Santa Fe Public Schools and Pojoaque Valley Public Schools.
- H 843 ASSAULT & BATTERY ON A SPORTS COACH (**PASSED/H**), *Rep. Rodella* — adds a new section to the Criminal Code to designate battery upon a sports coach as a crime; and establishes penalties. [Identical to S 687]
- H 846 COLLEGE IN-STATE TUITION FOR NONRESIDENTS, *Rep. Miera* — adds a new section of law to provide for competitive scholarships to allow for in-state tuition and fees for nonresidents at all state educational institutions; limits the scholarships to no more than 6.0 percent of an institution's previous year full-time enrollment; and requires the Higher Education Department to promulgate rules and maintain records to assure that requirements are met.

- H 850a **GOVERNMENTAL CONDUCT ACT FOR ALL EMPLOYEES (PASSED/H)**, *Rep. Cervantes* — amends and enacts sections of the Governmental Conduct Act to include public officers and employees of all political subdivisions of the state; among its provisions, prohibits certain official acts, including, during a term of office or period of employment, the acquisition of a financial interest when the public officer or employee believes or should have reason to believe that the new financial interest will be directly affected by the officer's or employee's official act. (May affect public schools)
- H 854a **PERA MEMBER & STATE CONTRIBUTION CHANGES (PASSED/H)**, *Rep. Saavedra* — amends statute related to public employee retirement; among its provisions, during the period July 1, 2009 through June 30, 2011, increases employee contribution rates of general members, state police and adult correctional officer members, state hazardous duty members, and members while in office; and provides a corresponding temporary decrease in the employer contribution rates.
- H 855a **SCHOOL & SPECIAL ELECTION PRECINCT WORKERS**, *Rep. Steinborn* — amends statute to change the number of precinct workers required for special and school district elections.
- *H 870a **WINROCK TAX INCREMENT DEVELOPMENT PROJECT**, *Rep. Park* — authorizes the issuance of bonds secured by tax increments authorized pursuant to the Tax Increment for Development Act, including a state gross receipts tax increment for the Winrock/Quorum Town Center Redevelopment Tax Increment Development Project for a duration of 50 years; among its provisions: imposes requirements on the authorization; prohibits certain capital projects except state-owned buildings, public school buildings or facilities, and others; and declares an emergency.
- H 872 **NO SEVERANCE TAX PROJECTS IN CERTAIN COUNTIES**, *Rep. Gardner* — adds a new section of the Severance Tax Bonding Act to prohibit severance tax bonds to be issued for projects located in counties or municipalities that have enacted ordinances that have an onerous effect upon extractive industries; but does not prohibit the issuance of severance tax bonds to benefit a project for the state. (May affect public schools)
- H 874 **SCHOOL TRUANT DRUG TESTING POLICIES**, *Rep. Espinoza* — adds a new section of the Public School Code to require the Public Education Department to establish a model drug testing policy for truants and habitual truants; and requires each school district and charter school to maintain an attendance policy that provides for drug testing a truant or habitual truant according to the model drug testing policy established by PED.
- H 883 **CLEAN GOVERNMENT CONTRACTING ACT**, *Rep. Taylor* — creates the Clean Government Contracting Act; among its provisions, regulates procurement of sole-source contracts exceeding the cumulative amount of \$50,000; applies to all branches of state and local government including school districts and higher education institutions; establishes penalties for violations; and provides certain exemptions.
- H 884 **EMPLOYEE SECRET BALLOT PROTECTION ACT**, *Rep. Gardner* — creates the Employee Secret Ballot Protection Act to require that all employees have the right to a secret-ballot election process; prohibits a labor organization from authorizing a strike, picket, boycott, or other action for the sole purpose of attempting to induce an employer to enter into an agreement prohibited by the act; prohibits employers from denying secret-ballot elections; prohibits coercion and intimidation; and provides for penalties and remedies.

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- H 887 HISTORIC STATUES ACT, *Rep. Bandy* — creates the Historic Statues Act; provides for an honor roll of distinguished New Mexicans; allows the state historian to publish educational materials about the distinguished New Mexicans for use in public schools; provides for statues to be erected; creates a fund; prescribes penalties for defacing or moving a historic statue; and appropriates money in the fund to the Cultural Affairs Department to carry out purposes of the act. (May affect public schools)
- *H 928 QUALIFIED SCHOOL CONSTRUCTION BONDS (**PASSED/H**), *Rep. Miera* — adds a new section of the Public School Code to create the Qualified School Construction Bonds Act; among its provisions, authorizes the designation of bonds as qualified school construction bonds if certain criteria are met; exempts from the application process school districts that receive a direct allocation under the federal American Recovery and Reinvestment Act of 2009 (ARRA); amends statute to allow bonds that are designated as Build America Bonds authorized under the ARRA and bonds issued pursuant to the Qualified School Construction Bonds Act to be sold at a public or private sale to eligible taxpayers; and declares an emergency. [Identical to *CS/ S 734]
- H 940 TELECOMM RELOCATION COSTS TO CUSTOMERS (**PASSED/H**), *Rep. Gonzales* — adds a new section of law to entitle telecommunications companies to recover from their retail customers the actual costs incurred for the alteration, change, moving, or relocation of infrastructure or facilities requested by the state or political subdivision, including school districts.
- CS/H 940

HOUSE JOINT MEMORIALS

- HJM 27 “**ENLACE NEW MEXICO DAY**” (SGND), *Rep. Miera* — recognizes February 6, 2009 as “ENLACE New Mexico Day” at the New Mexico State Legislature for increasing opportunities for academic achievement, school completion, and success in higher education, not only for Latino students, but also for all students in New Mexico.
- HJM 31 STUDY EFFECTS OF BULLYING (**PASSED/H**), *Rep. Miera* — requests that the Children, Youth and Families Department, the Public Education Department, and the Department of Health study the incidence, nature, and effects of bullying and other forms of harassment affecting New Mexico children and youth.
- HJM 35 “**COMMUNITY SCHOOLS DAY**” (SGND), *Rep. Hall* — recognizes the efforts of the Albuquerque-Bernalillo County Community School Partnership by declaring February 12, 2009 “Community Schools Day” at the Legislature and reinforcing the state’s commitment to study the need for community schools and possible approaches to support community schools within the state’s public school system.
- HJM 42 **NORTHERN NM COLLEGE 100 YEARS, CONGRATS** (SGND), *Rep. Salazar* — congratulates Northern New Mexico College on its 100 years of operation.
- HJM 43a INCLUDE DYSLEXIA IN DISABILITIES (**PASSED/H**), *Rep. B. Lujan* — requests that the Public Education Department (PED) include dyslexia in the state definition of disabilities for the purpose of interpreting the federal Individuals with Disabilities Education Improvement Act; requests that PED identify effective interventions for students with dyslexia and establish certification criteria for specialists who assist students with dyslexia; and requests a report to the LESC by August 2009. [Identical to SJM 48a]

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- HJM 45 PUBLIC EMPLOYEE & EDUCATION SOLVENCY PLANS (**PASSED/H**), *Rep. Varela* — requests that the Retirement Board of the Public Employee Retirement Association and the Educational Retirement Board prepare solvency plans and recommendations to ensure that the retirement plans will be fully sufficient to protect current and future retirees.
- HJM 56** “**FFA & 4-H DAY**” (**SGND**), *Rep. Hall* — declares February 19, 2009 as “FFA and 4-H Day” at the Legislature. [Identical to SJM 43]
- HJM 59a SCHOOL FINANCIAL LITERACY CONTENT STANDARDS (**PASSED/H**), *Rep. Lundstrom* — requests that the Public Education Department (PED) review financial literacy content standards and benchmarks and model curricula; and requests that PED report to the LESC by October 31, 2009.
- HJM 62 MILITARY CHILD EDUCATIONAL COMPACT REVIEW, *Rep. Cote* — requests that the Public Education Department (PED) convene a task force to review and make recommendations regarding the Interstate Compact on Educational Opportunity for Military Children; delineates members of the task force; and requests reports to PED and the Legislative Education Study Committee (LESC) by October 1, 2009. (For the LESC)
- HJM 71 NEW SCHOOL DISTRICT INCLUDING RAMAH, *Rep. Lundstrom* — requests the creation of a new school district that includes Ramah, New Mexico.
- HJM 80 STUDY CYFD OUT-OF-SCHOOL TIME DIVISION, *Rep. Trujillo* — requests that the Children, Youth and Families Department (CYFD) collaborate with the Children’s Cabinet to study the merits and feasibility of creating an out-of-school time division in the department (CYFD), including ways in which such a program can streamline funding through the centralization of all out-of-school time programs within the state.
- HJM 81 GEOSPATIAL INFO SHARING TASK FORCE (**PASSED/H**), *Rep. Arnold-Jones* — requests that the Secretary of Information Technology, in cooperation with the Office of the Governor and the New Mexico Legislative Council, convene a task force to study the sharing of geospatial information and data analysis to consider how a center for data analysis and management can improve policy and decision-making at all levels; and requests that task force members include public and private sector leaders including the Public Education Department, the Public School Facilities Authority, and the Higher Education Department.
- HJM 82** “**BETTER HEARING & SPEECH MONTH**” (**PASSED/H**)(**PASSED/S**), *Rep. Wallace* — requests that the Governor designate the month of May as “Better Hearing and Speech Month.”
- HJM 83 TEACHING LICENSE GIFTED EDUCATION ENDORSEMENT, *Rep. Stewart* — requests that the Public Education Department collaborate with state postsecondary education institutions, gifted education organizations, and the Legislative Education Study Committee to determine the requirements for a gifted education endorsement on teaching licenses. [Identical to HM 103 and SM 81]

HOUSE JOINT RESOLUTIONS

- HJR 6 LEGISLATIVE REVIEW OF EXECUTIVE RULES, CA, *Rep. Nuñez* — proposes an amendment to the Constitution of New Mexico to allow the Legislature to nullify an adopted administrative regulation or rule of an executive agency by the passage of a resolution by three-fourths of the Legislature. (May affect PED)
- CS/HJR 6
- HJR 11a WAR VETERAN COLLEGE SCHOLARSHIP (**PASSED/H**), CA, *Rep. Sandoval* — proposes an amendment to Article 9, Section 14 of the Constitution of New Mexico to permit the establishment of a college scholarship program for New Mexico military war veterans.
- HJR 13 USE OF PUBLIC RESOURCES, CA, *Rep. Egolf* — proposes to amend Article 9, Section 14 of the Constitution of New Mexico to allow, under certain conditions, the state or any county or municipality to provide real estate, improvements, equipment, or money to be used for a public purpose. (May affect public schools)
- HJR 22 EDUCATIONAL INSTITUTION REGENTS, CA, *Rep. Chasey* — proposes an amendment to the Constitution of New Mexico to establish the number and qualifications of members of the boards of regents of the state educational institutions including public postsecondary institutions and the New Mexico Military Institute, the New Mexico School for the Blind and Visually Impaired, and the New Mexico School for the Deaf.

HOUSE MEMORIALS

- HM 3 **STUDY WHITE SANDS MISSILE RANGE SIZE INCREASE (SGND)**, *Rep. Cote* — requests that the New Mexico Legislative Council assemble a task force to study the impact of an expected doubling of the size of White Sands Missile Range on local school districts, transportation corridors, and other state services and report to the appropriate interim committee by October 2009.
- HM 12 **“BOYS STATE & GIRLS STATE DAY” (SGND)**, *Rep. Roch* — proclaims February 24, 2009 as “Boys and Girls State Day” at the House of Representatives.
- HM 15 **“SCHOOLS ON THE RISE DAY” (SGND)**, *Rep. Miera* — proclaims February 11, 2009 as “Schools on the Rise Day” at the House of Representatives. [Identical to SM 11]
- HM 16 **ADOLESCENT PREVENTATIVE HEALTH & WELL-BEING (SGND)**, *Rep. Chasey* — requests that the Department of Health collaborate with the Public Education Department to examine the adequacy of current practices for ensuring the preventive health and well-being of adolescents in New Mexico.
- HM 17 **EMPHASIZE CERTAIN COLLEGE DEGREE PROGRAMS (SGND)**, *Rep. Hall* — requests that the New Mexico Legislative Council assign a study to encourage state universities to emphasize degree programs in those professional disciplines that are in short supply in the state.
- HM 20 **USE OF CERTAIN VACCINES FOR CHILDREN (SGND)**, *Rep. Park* — requests that the Department of Health consider whether the pneumococcal conjugate vaccine and the meningococcal conjugate vaccine should be required for children.

- HM 22** **“NEW MEXICO MESA DAY” (SGND)**, *Rep. Sandoval* — declares March 9, 2009 as “New Mexico MESA Day” at the House of Representatives.
- HM 31** **“YMCA DAY” (SGND)**, *Rep. Wallace* — declares February 23, 2009 as “YMCA Day” at the House of Representatives.
- HM 41** **WILSON MIDDLE SCHOOL, CONGRATS (SGND)**, *Rep. Stapleton* — congratulates Wilson Middle School students on their campaign to help solve local and school-based hunger problems.
- HM 43** **“STAND UP FOR SANTA FE PUBLIC SCHOOLS DAY” (SGND)**, *Rep. Trujillo* — proclaims February 25, 2009 as “Stand Up for Santa Fe Public Schools Day” in the House of Representatives.
- HM 50** **“AFTER-SCHOOL FOR ALL-DAY” (SGND)**, *Rep. T. Garcia* — proclaims February 24, 2009 as “After-School for All Day” at the New Mexico House of Representatives.
- HM 51** **NM SPEECH-LANGUAGE & HEARING ASSOCIATION DAY (PASSED/H)**, *Rep. Wallace* — proclaims March 13, 2009 as “New Mexico Speech-Language and Hearing Association Day” at the House of Representatives.
- HM 53** **PREVENTION OF TEEN DATING VIOLENCE (PASSED/H)**, *Rep. Crook* — requests that the Public Education Department and the Department of Health convene a work group to study and develop recommendations regarding prevention of teen dating violence in New Mexico.
- HM 58** **BREASTFEEDING STUDENT MOTHER NEEDS (SGND)**, *Rep. El. Chavez* — requests that the Governor’s Women’s Health Advisory Council convene a task force to assess the level of support for breastfeeding student-mothers and make recommendations; and requests the advisory council to collaborate with the Public Education Department and others and to report its findings to the Legislative Education Study Committee and the Legislative Health and Human Services Committee by December 1, 2009.
- HM 63** **LOTTERY SCHOLARSHIP FOR DUAL-CREDIT PROGRAMS**, *Rep. Vigil* — requests that the Higher Education Department create a task force to study the feasibility of using the Lottery Scholarship to fund educational opportunities for students who are enrolled in dual credit, distance learning, and online dual credit courses and who are attending public high schools and Bureau of Indian Education-funded schools; and requests that findings and recommendations be presented to the Legislative Education Study Committee and the Legislative Finance Committee by October 1, 2009.
- HM 70a** **FINANCIAL LITERACY SCHOOL CURRICULA (PASSED/H)**, *Rep. Lundstrom* — requests that the Indian Education Division of the Public Education Department (PED) review financial literacy content standards and benchmarks and model curricula; that PED consult with school districts, financial institutions, and other experts; and that PED report to the Legislative Education Study Committee by October 31, 2009.

- HM 73** “**ST. MICHAELS HIGH 150TH ANNIVERSARY DAY**” (SGND), *Rep. Trujillo* — declares March 5, 2009 as “St. Michael’s High School 150th Anniversary Day” at the House of Representatives. (Relates to SM 37)
- HM 75** **STUDY EDUCATION ACCESS IN RAMAH (PASSED/H)**, *Rep. Alcon* — requests that,
CS/HM 75 no later than July 1, 2009 the Indian Education Division of the Public Education Department convene a task force to study access to public education in the Ramah area of New Mexico; and report its findings to the appropriate interim legislative committees and the Governor no later than December 1, 2009.
- HM 90** **DEVELOPMENT DISTRICT STUDY TASK FORCE (PASSED/H)**, *Rep. Barela* — requests that the New Mexico Legislative Council assemble a task force to study the status and impact of districts created to encourage development in the state; and that copies of the memorial be transmitted to the co-chairs of the Legislative Council and others, including the Secretary of the Public Education. (May affect public schools)
- HM 98** ALLEN & VIRGINIA CRANE’S READING TECHNIQUES, *Rep. Steinborn* — honors Allen and Virginia Crane; and requests the Public Education Department to consider the adoption of the vision and reading techniques developed by the Cranes to improve reading for students in grades K-12.
- HM 103** TEACHING LICENSE GIFTED EDUCATION ENDORSEMENT, *Rep. Stewart* — requests that the Public Education Department collaborate with state postsecondary education institutions, gifted education organizations, and the Legislative Education Study Committee to determine the requirements for a gifted education endorsement on teaching licenses. [Identical to HJM 83 and SM 81]
- HM 107** SCHOOL & PRIMARY HEALTH CLINIC FUNDING, *Rep. Varela* — requests that the Interagency Behavioral Health Purchasing Collaborative convene a stakeholder team to find ways to sustain funding for the screening, brief intervention, and the referral to treatment model for use in integrated primary care and school-based health clinics. [Identical to SM 88]
- HM 110** EXPAND UNM NATIVE AMERICAN STUDIES, *Rep. Jeff* — requests that the Board of Regents of the University of New Mexico (UNM) and the Higher Education Department recognize the need for expansion of the Native American Studies Program at UNM to include a master’s degree program.
- HM 119** “**CERTIFIED ATHLETIC TRAINERS MONTH**” (PASSED/H), *Rep. Gardner* — declares March “Certified Athletic Trainers Month” in New Mexico.

SENATE BILLS

- S 1** BEVERAGE CONTAINER RECYCLING ACT (PASSED/S), *Sen. M. Sanchez* — adds a
CS/S 1a new section of law to require county and municipal recycling programs; amends statute to require that 25 percent of the Litter Control and Beautification Fund be designated for grants for recycling programs for counties or municipalities; authorizes the board to adopt rules for certification of county and municipal recycling programs by DOE; and amends current

statute to change the allowable percentages of grant money allocated to tire abatement and tire recycling programs from two-thirds to 25 percent, and for abatement of illegal dumping and recycling of other solid wastes from one-third to 75 percent. (May affect public schools)

- S 18 NEGOTIATED RULEMAKING COMMITTEES, *Sen. Leavell* — allows department secretaries to form negotiated rulemaking committees. (May affect PED)
- S 19 LAS CRUCES DOWNTOWN TAX INCREMENT DEVELOPMENT (**PASSED/S**) *Sen. Papen* — authorizes the issuance of bonds not to exceed \$8.0 million secured by tax increments authorized under the Tax Increment for Development Act, including a state gross receipts tax (GRT) increment for the City of Las Cruces Main Street Downtown Tax Increment Development Project; and subjects the authorization to review by the New Mexico Finance Authority. (May affect public schools)
- *CS/S 19a
- S 21a HISPANIC AFFAIRS DEPARTMENT ACT (**PASSED/S**), *Sen. M. Sanchez* — creates the Hispanic Affairs Department Act; creates the Hispanic Affairs Department as a cabinet department under the Secretary of Hispanic Affairs; creates the Hispanic Affairs Commission and prescribes its membership and duties; prescribes duties of the secretary; prescribes duties of the department, which include studying such issues as education. (May affect public schools)
- S 22 CHILD ABUSE REPORTING REQUIREMENTS, *Sen. MJ Garcia* — amends the Children’s Code to require family members to report child abuse or neglect. (May affect public schools)
- S 27a **CHARTER SCHOOL APPLICATION TIME PERIOD [SGND (Mar. 18) Ch. 6]**, *Sen. MJ Garcia* — amends the Charter Schools Act to require applications for charters to be submitted to the chartering authority between June 1 and July 1 to be considered for the following fiscal year.
- S 28a **CERTAIN COLLEGE SCHOLARSHIPS BASED ON NEED (PASSED/S) (PASSED/H)**, *Sen. MJ Garcia* — amends statute to change the proportions of the gratis scholarships at public postsecondary educational institutions that are granted based on financial need.
- S 33a PUBLIC WORK PROJECT PREVAILING WAGE (**PASSED/S**), *Sen. Cisneros* — amends the Public Works Minimum Wage Act to provide for the determination of prevailing wage rates and prevailing fringe benefit rates; and requires payment of the prevailing rates on public works projects. (May affect public schools)
- S 34 AUTISTIC CHILD SERVICES MEDICAID PLAN WAIVER, *Sen. Harden* — adds a new section of the Public Assistance Act to require HSD to apply for a federal waiver or Medicaid state plan amendment for home- and community-based adaptive skill building services for individuals five years old and under who are diagnosed with autism spectrum disorder. (May affect public schools)
- S 38a **SCHOOL DISTRICT REVENUE FOR ACTIVITY BUSES (PASSED/S)(PASSED/H)**, *Sen. Harden* — amends the Public School Buildings Act to allow school districts with student membership of less than 60,000 to use tax revenue to purchase activity buses for extracurricular school activities.

- S 39 INSURANCE COVERAGE FOR AUTISM TREATMENT (**PASSED/S**), *Sen. Harden* —
CS/S 39a adds a new section of the Insurance Code to require health insurance coverage for diagnosis
FL/CS/S 39 and treatment of autism spectrum disorder to an eligible individual who is either 19 years of
age or younger or, if enrolled in high school, is 22 years of age or younger, provided that
such coverage may be limited to exclude coverage for services received under the federal
Individuals with Disabilities Education Improvement Act of 2004 and related state laws;
establishes other limits and potential exclusions of coverage; requires the maximum benefit
to be adjusted annually beginning January 1, 2011; defines “autism spectrum disorder” and
other terms; and requires coverage for certain required treatment.
- S 43 VOLUNTARY AUTISM REGISTRY, *Sen. Feldman* — appropriates \$200,000 from the
General Fund to the Department of Health for FY 10 to create and implement a voluntary,
statewide identification and registration program for autism spectrum disorders. (May affect
public schools)
- S 46a HIGH SCHOOL PRE-APPRENTICESHIP PROGRAMS (**PASSED/S**), *Sen. B. Sanchez* —
amends the Public School Code to allow school districts to offer industry-led or industry-
guided pre-apprenticeship programs as electives for qualified high school students; to
provide for approval of the programs, providers, and industry instructors; and to exempt
industry instructors from teacher licensure requirements but to require criminal background
checks. (For the LESC)
- S 47 DRUG DEMAND REDUCTION PROGRAM, *Sen. B. Sanchez* — appropriates \$15,000
from the General Fund to the Department of Military Affairs for FY 10 for the Crisis
Response Program 722 to provide a drug demand reduction program through the Civil Air
Patrol Cadet Program for at-risk middle and high school students.
- S 49 GOVERNMENTAL CONDUCT ACT FOR PUBLIC OFFICERS, *Sen. Lopez* — amends the
Governmental Conduct Act to include local government officials and employees. (May
affect local school board members)
- S 53 NMSU SPEECH-LANGUAGE PATHOLOGY PROJECT, *Sen. Papen* — appropriates
\$250,000 from the General Fund to the NMSU Board of Regents for FY 10 to support the
Speech Language Pathology and Special Education Extension Outreach Project.
- S 54 TOURISM EDUCATION FOR PUBLIC SCHOOLS, *Sen. Papen* — appropriates \$250,000
from the General Fund to the New Mexico State University Board of Regents for FY 10 to
implement a statewide hospitality and tourism education initiative in public schools
throughout New Mexico.
- S 56 **EXEMPT BORDER AUTHORITY FROM PROPERTY CONTROL (PASSED/S)**
(PASSED/H), *Sen. Papen* — amends statute to exempt certain agencies from the jurisdiction
of the Property Control Division of the General Services Department, including regional
education cooperatives.
- S 58 EXPAND RURAL HEALTH PRACTITIONER TAX CREDIT, *Sen. RC Martinez* —
amends statute to expand the Rural Health Care Practitioner Tax Credit to provide an income
tax credit for occupational therapists, physical therapists, social workers, and speech-
language pathologists. [Identical to H 129]

- S 68a DOMESTIC ABUSE VICTIM FINANCIAL INDEPENDENCE (PASSED/S) (PASSED/H)**, *Sen. Ortiz y Pino* — enacts the Promoting Financial Independence for Victims of Domestic Abuse Act to require employers, including school districts, to provide domestic abuse leave for employees under certain conditions.
- *S 79 FUND TRANSFERS & APPROPRIATION CUTS [SGND (Feb 6) Ch. 3 (partial veto)]**,
***CS/S 79** *Sen. Smith* — reduces certain appropriations from the General Fund, including a 2.5 percent reduction of FY 09 appropriations for the legislative branch (including legislative agency compensation appropriations); allows the Legislative Council Service (LCS), before June 30, 2009, to reduce appropriations for session expenses, not to exceed 2.5 percent of the total appropriation for that section; authorizes DFA to reduce allotments of funds to state agencies that have been allotted in excess of the reduced appropriations; reduces appropriations in Laws 2008, Chapter 6 (“HB 2 Jr.”); reduces appropriations enacted in the 2008 special session; transfers money from other state funds to the General Fund; distributes payment from participating tobacco manufacturers to the Tobacco Settlement Program Fund and dollars from the Tax Stabilization Reserve to the General Fund appropriation account; appropriates \$35.8 million from the appropriation contingency fund (education lock box) to the State Equalization Guarantee distribution and appropriates TANF contingency funds to the Human Services Department for transfer to the Tax Administration Suspense Fund for the Working Families Tax Credit. The bill addresses FY 09 General Fund solvency issues.
- *S 80a CORPORATE INCOME TAX REPORTING DATES [SGND (Feb 6) Ch. 4]**, *Sen. Smith* — amends the Corporate Income and Franchise Tax Act to require four (rather than three) payments of estimated corporate income tax (CIT); and requires that, for estimated payments due on or before April 15, 2009, the payments be one-eighth, rather than one-fourth of the annual CIT liability, and that the remainder of the annual estimated first quarter CIT liability be paid in addition to the taxpayer’s second-quarter payment. The emergency clause makes the Corporate Income Tax payment change effective in tax year 2009. The bill addresses FY 09 General Fund solvency issues. (May affect public schools)
- *S 81 HIRING FREEZE ENFORCEMENT (FAILED/S)**, *Sen. Beffort* — enacts temporary
***CS/S 81** statutory provisions to require agencies to comply with both the law limiting the number of employees and the Governor’s hiring freeze; exempts essential employees from the limitation on employee numbers; and decreases the amount of FY 09 reductions in appropriations to each state agency made in any other laws enacted by this Legislature to reflect savings realized for that agency by compliance with these temporary provisions. (May affect PED)
- S 93 NEUROSCIENCE-DRIVEN PILOT PROGRAM**, *Sen. P. Campos* — requires the Public Education Department (PED) to establish a pilot research program in which a contractor provides students in participating schools with a neuroscience-driven language development and reading proficiency intervention; prescribes criteria for the contractor and the participating schools; requires PED to report to the LESC by October 1, 2011; and appropriates \$2.0 million from the General Fund to PED for FY 10 and FY 11 to establish the pilot program.
- S 96 TAOS AFTER-SCHOOL PROGRAM**, *Sen. Cisneros* — appropriates \$128,000 from the General Fund to the local government division of the Department of Finance and Administration for FY 10 for an after-school program, contingent upon receipt of \$500,000 in matching funds from other sources; provides, through collaborative partnerships, assistance to students and schools to make adequate yearly progress in Taos County. [Identical to H 80]

- S 107a FRESH FRUITS & VEGETABLES IN SCHOOL LUNCHESES, *Sen. P. Campos* — appropriates \$1.4 million from the General Fund to the New Mexico State University Board of Regents for FY 10 and subsequent fiscal years for the Department of Agriculture to purchase New Mexico-grown produce, when available, for school meal programs statewide.
- S 108 TEMPORARY TAX AMNESTY PROGRAM, *Sen. Beffort* — appropriates \$500,000 from the General Fund to the Tax and Revenue Department for FY 10 to conduct a temporary tax amnesty program of no more than 90 days within FY 10; authorizes the Secretary of Tax and Revenue to waive interest and penalties; and repeals the provisions of the act July 1, 2010. (Potential impact on General Fund revenues)
- S 115a LEASED SCHOOL PROPERTY TAX EXEMPTIONS, *Sen. Boitano* — amends the Property Tax Code, beginning with the 2010 tax year, to exempt from property taxation any property leased to a public school district or public school that is used exclusively for educational purposes.
- S 122 ALBUQUERQUE YOUTH DIGITAL MEDIA TRAINING, *Sen. B. Sanchez* — appropriates \$100,000 from the General Fund to the Board of Regents of the University of New Mexico for FY 10 for the department of cinematic arts to provide digital media training and outreach for youth in Albuquerque.
- S 123 ADMINISTRATORS IN ACCOUNTABILITY REPORTING (PASSED/S) (PASSED/H)**, *Sen. Kernan* — amends statute to include academic and demographic data about candidates for administrative licensure in the Teacher Education Accountability Reporting System (TEARS). (For the LESC)
- S 124 CREATE SCHOOL LEADERSHIP INSTITUTE, *Sen. Kernan* — appropriates \$200,000 from the General Fund to the Higher Education Department for FY 09 and FY 10 to establish the School Leadership Institute; and provides salaries and benefits for up to three FTEs. (For the LESC)
- S 130 HOME LOANS FOR TEACHERS & OTHERS, *Sen. Boitano* — appropriates \$2.0 million from the General Fund to the Department of Finance and Administration to offer below-market interest rate home loans and down payment assistance to teachers and other professionals for the purchase of a home located in New Mexico.
- S 133a TEACHER LICENSURE CHANGES (**PASSED/S**), *Sen. Kernan* — amends the School Personnel Act to remove the requirement that, to hold a Level 3-B license, an applicant must have been a Level 3-A teacher for at least one year. (For the LESC)
- S 134 LIMIT SCHOOL CALENDAR ADJUSTMENTS, *Sen. Boitano* — amends the Public School Code to prohibit calendar adjustments in public schools after a school year has begun if those adjustments would lengthen a school day in increments of less than one-half hour per day.
- S 138 INSTRUCTIONAL SUPPORT LIMITED RECIPROCITY (**PASSED/S**), *Sen. Nava* — amends the School Personnel Act to provide conditions for reciprocity for school counselors and other instructional support providers licensed in other states. (For the LESC)

- S 145 ELIMINATE END DATE FOR RETURN TO WORK, *Sen. Nava* — amends the Educational Retirement Act to eliminate the 2012 sunset date in the current “return to employment” provision. (For the LESC)
- S 146 **CHANGE MENTORSHIP PROGRAM FUND DISTRIBUTION (PASSED/S) (PASSED/H)**, *Sen. Nava* — amends the School Personnel Act to require the Public Education Department, on or before September 15 of each fiscal year, to allocate to school districts no less than 50 percent of the available funds for mentorship programs based on the estimated number of beginning Level 1 teachers on the 40th day of the school year and, on or before January 15 of each fiscal year, to allocate the balance of the available funds based on the actual number of beginning teachers on the 40th day of the school year, adjusted for any over- or under-estimation made in the first allocation. (For the LESC)
- S 148 **CHARTER SCHOOL GOVERNING BODY TRAINING (PASSED/S)(PASSED/H)**, *Sen. Boitano* — adds a new section to the Charter Schools Act to require training for charter school governing body members.
- S 151 SECONDARY ACADEMIC COUNSELOR PROGRAM, *Sen. Nava* — appropriates \$195,000 from the General Fund to the Board of Regents of New Mexico State University for FY 10 to support middle and high school academic counselors and develop an academic advising toolkit to inform the practices of academic counselors throughout the state.
- S 152a **REQUIRE FRESHMAN YEAR OUTCOMES REPORTS [SGND (Mar 18) Ch. 7]**, *Sen. Nava* — changes statute to require New Mexico public postsecondary institutions, upon request from a public high school or school district superintendent in New Mexico, to provide a report of students who enroll in the institution within three years of graduating or leaving the high school without enrolling in another high school or earning a General Educational Development certificate; requires the reports to include advanced placement by subject, total credits earned, grade point averages, and retention from fall to spring semester of the first year in college, and frequency and patterns of remedial or developmental courses being taken; and requires that the Higher Education Department shall be provided with copies of the reports. (For the LESC)
- S 153a CONTINUE FAMILY & YOUTH RESOURCES PROGRAM **(PASSED/S)**, *Sen. Nava* — amends the Family and Youth Resource Act to include a provision to enable a school that met the poverty level eligibility criteria at the time of its application and program approval by the Public Education Department to continue to receive funding so long as its poverty level does not drop below an average of 80 percent over any three-year period. (For the LESC)
- S 154 EXPAND AUTHORITY OF LESC, *Sen. Nava* — amends statute to include higher education in the LESC’s study of all education in New Mexico. (For the LESC)
- S 155a EQUALIZE MEMBERSHIP OF LESC **(PASSED/S)(FAILED/H)**, *Sen. Nava* — amends statute to increase the membership of the LESC to twelve members by requiring six members each from the House and the Senate.
- S 156a **ALTERNATIVE SCHOOL ACCOUNTABILITY PILOT (PASSED/S)(PASSED/H)**, *Sen. Nava* — creates a six-year voluntary school accountability pilot project based on a student growth model for grades 4 through 8 that is separate from but complementary to the existing school accountability system; and phases in the project over two years. (For the LESC)

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- S 158 TRACK PRODUCTIVITY OF PUBLIC EMPLOYEES, *Sen. Rue* — amends state law to require, beginning in FY 10, collection of data on labor productivity of workers employed by the state and by local governments. (May affect public schools)
- S 159 BUDGET TRANSPARENCY ACT (**PASSED/S**), *Sen. Rue* — creates the Expenditure
CS/S 159a Transparency Act; among its provisions, requires the Secretary of Finance and Administration, in coordination with the Secretary of Information Technology, to develop and make available to the public a searchable expenditure database that displays the state operating expenditures, including all appropriations of state and federal money available for expenditure, by August 1 of each fiscal year beginning with FY 11. (May affect PED) [Related to CS/H 452]
- S 160 REQUIRE PRESCHOOL TEACHER CREDENTIALS, *Sen. Beffort* — adds a new section to the Children’s Code to create the Preschool Teacher Credentialing Act; and requires a preschool teacher credential and continuing education for a lead teacher in a facility licensed by the Children, Youth and Families Department.
- S 167a **PRE-KINDERGARTEN PROGRAM DISTRIBUTION (PASSED/S)(PASSED/H)**, *Sen. Beffort* — adds a new section of the Pre-Kindergarten Act, effective through July 1, 2014, to require that appropriations for pre-kindergarten programs be divided equally between the Public Education Department and the Children, Youth and Families Department.
- S 168 GADSDEN COMMUNITY EDUCATION CENTER, *Sen. Nava* — appropriates \$100,000 from the General Fund to the Board of Regents of NMSU for expenditure in FY 10 to establish the Gadsden Community Education Center.
- S 171 UNM FILM & DIGITAL MEDIA PROGRAM, *Sen. McSorley* — appropriates \$171,196 from the General Fund to the Board of Regents of the University of New Mexico for expenditure in FY 10 for the educational outreach and work force development of the interdisciplinary film and digital media program, the arts research technology and science laboratory, and the continuing education digital arts program.
- S 172 INTERIM HUMAN SERVICES COMMITTEE (**PASSED/S**), *Sen. Lopez* — creates the
CS/S 172 Legislative Health Committee as a permanent joint interim committee of the Legislature;
et al. among its provisions: requires the committee to conduct a continuing study of the programs, agencies, policies, issues, and needs relating to health; creates the Human Services Committee as a temporary committee until December 15 prior to the first session of the Fifty-Ninth Legislature; requires the Human Services Committee to conduct a continuing study of the programs, agencies, policies, issues, and needs relating to human services in New Mexico; and requires the committee to hear testimony from state departments including the Higher Education Department and the Public Education Department; and requires staff to be provided by the Legislative Council Service. (CS/S 172 & S 242)
- S 175a IN-PLANT TRAINING PROGRAM AVAILABILITY (**PASSED/S**), *Sen. Keller* — amends statute to provide certain work force development training to persons who have been born or educated in New Mexico; and names the Public Education Department Director of Instructional Support Division as a member of the Industrial Training Board.

- S 177 BERNALILLO G.E.D. TRAINING, *Sen. M. Sanchez* — appropriates \$5,000 from the General Fund to the Department of Finance and Administration for Bernalillo County to provide educational training for persons seeking to attain a general educational development (GED) certificate.
- S 189a **SCHOOL ATTENDANCE NOTICES & ABSENCES (PASSED/S)(PASSED/H)**, *Sen. MJ Garcia* — amends the Compulsory School Attendance Law to establish a consistent method to count unexcused absences; requires the Public Education Department (PED) to approve school district and charter school attendance policies; changes the term "truant" to "student in need of early intervention"; requires schools to notify parents by regular mail; requires schools to document attempts to provide parental notice and to intervene; requires PED to compile and verify absence rates; permits the juvenile probation office (JPO) to send a notice to a parent directing the parent and student to report to the JPO to discuss student or family services; and amends the Children's Code to change the definition of a "family in need of court-ordered services." (For the LESC)
- S 193 **SCHOOL PERSONNEL REPORTS TO LEGISLATURE (PASSED/S)(PASSED/H)**, *Sen. MJ Garcia* — amends the Professional Development Framework to require the Public Education Department, in conjunction with public school districts and charter schools, to provide an annual report to the Legislative Education Study Committee and the Legislative Finance Committee regarding all professional development activities, regardless of funding source; and to make any changes to the system of accounting and budgeting for all public schools and school districts necessary to fulfill this requirement. (For the LESC)
- S 200 HISPANIC AFFAIRS ACT, *Sen. B. Sanchez* — creates the Hispanic Affairs Act, the Office of Hispanic Affairs; and the Office of Hispanic Affairs Fund; creates the Land Grant Bureau; establishes a Land Grant Council; and appropriates \$300,000 from the General Fund to the Office of Hispanic Affairs Fund for FY 10 to pay costs of establishing the office and the bureau, hiring staff, and carrying out the purposes of the fund, including addressing education issues of Hispanics. (May affect public schools)
- S 204 NMSU ALLIANCE FOR ADVANCEMENT OF TEACHING, *Sen. Fischmann* — appropriates \$100,000 from the General Fund to the Board of Regents of New Mexico State University for FY 10 for the P-20 Alliance for the Advancement of Teaching and Learning.
- S 207 AUTISM SPECTRUM DISORDER SERVICES, *Sen. Harden* — appropriates \$3.0 million from the General Fund (\$2.5 million to the Department of Health and \$500,000 to the Higher Education Department) for FY 10 to fund autism spectrum disorder services including professional development and training for teachers of children with autism spectrum disorder.
- S 212 EXPAND DEFINITION OF NEPOTISM IN SCHOOLS (**PASSED/S**), *Sen. Asbill* — amends the Public School Code to expand the definition of nepotism to prohibit a school superintendent and a head administrator of a charter school from employing, in addition to other relatives named in the code, a brother, brother-in-law, sister, or sister-in-law of a member of the local school board, a member of the charter school governing board, or the local superintendent or the head administrator of a charter school.

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- S 216 BERNALILLO COUNTY ANTI-BULLYING PROGRAMS, *Sen. Ortiz y Pino* — appropriates \$100,000 from the General Fund to the local government division of the Department of Finance and Administration for the Bernalillo County Sheriff's Office for FY 10 to contract for anti-bullying and character-development programs for public school teachers using lessons learned from the Holocaust and other examples of genocide.
- S 217a UNM GEOGRAPHIC INFORMATION SYSTEM (**PASSED/S**), *Sen. Nava* — appropriates \$575,000 from the Public School Capital Outlay Fund to the Public School Facilities Authority for FY 10 through FY 12 to develop a geographic information system to be used by executive and legislative agencies.
- S 226a SCHOOL FACILITY PRIVATE USE LIABILITY (**PASSED/S**), *Sen. Keller* — adds a new section of the Public School Code and amends the Public School Insurance Authority Act to provide for the adoption of policies relating to volunteers and the private use of school facilities; and provides for limited insurance coverage for liability related to the private use of school facilities. [Identical to H 332a]
- S 227a FAMILY INFANT TODDLER PROGRAM FUNDING FORMULA (**PASSED/S**), *Sen. Ortiz y Pino* — creates the Family Infant Toddler program funding formula; requires the Department of Health to devise a funding formula to ensure the successful operation of the program; and provides a procedure for developing the budget for the program, including allowing the Public Education Department's pupil unit value as a baseline cost per child served.
- S 234 CREATE COMPUTER HARDWARE LOAN FUND, *Sen. P. Campos* — adds a new section to the Instructional Material Law to create the Computer Hardware Loan Fund to allow computers to be loaned to private school students; and transfers to the Computer Hardware Loan Fund the balance of a 2007 appropriation to the Public Education Department in the amount of \$2.5 million for expenditure in 2007 through 2011, which had been appropriated to provide computers to nonpublic schools controlled by an entity with five or more schools in New Mexico.
- S 235 RESOURCE & ENERGY-EFFICIENT PUBLIC BUILDINGS, *Sen. P. Campos* — adds a new section of the Severance Tax Bonding Act to provide for resource- and energy-efficient public buildings; and sets efficiency standards for new or renovated buildings using green building practices. (May affect public schools)
- S 248a CHILDREN'S CODE REVISIONS (**PASSED/S**), *Sen. Ortiz y Pino* — Amends provisions of the Children's Code, the Delinquency Act, the Family in Need of Court-ordered Services Act, the Abuse and Neglect Act, the Adoption Act, the Juvenile Parole Board Act, the Emancipation of Minors Act, the Juvenile Community Corrections Act, the Motor Vehicle Code and other state laws relating to the involvement of children in the juvenile justice system. Among its provisions, the bill replaces the Juvenile Parole Board with a Public Safety Advisory Board; outlines functions of the Juvenile Justice Advisory Board; amends the purpose of the Children's Code to reduce overrepresentation of minority children and families in the juvenile justice, family services, and abuse and neglect systems; requires a predisposition report and educational plan for children determined by the courts to be neglected or abused; and provides certain requirements for disclosure and sealing of records.

PUBLIC SCHOOL-RELATED LEGISLATION
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- *S 252 STATEWIDE DOMESTIC VIOLENCE EDUCATION, *Sen. Lopez* — appropriates \$200,000 from the General Fund to the Public Education Department for FY 09 to contract with a provider for domestic violence education for the provision of services to families dealing with the effects of domestic violence.
- S 255 SCHOOL SIZE CAPITAL FUNDING & CONSOLIDATION (**PASSED/S**), *Sen. Nava* —
CS/S 255a adds a new section of the *Public School Code* to provide procedures for the consolidation of two or more public schools within a school district by a local school board; and amends the *Public School Capital Outlay Act* to: define “community educational facility”; provide for up to a 5.0 percent credit against the required local share for new elementary or middle or junior high school construction projects designed to accommodate no more than 400 students; provide that, after 20 new school construction projects have qualified for and been awarded the credit of up to 5.0 percent of project cost against the local share, the credit will no longer be available or provided for subsequent projects; and the design requirement and size limitation will no longer be applicable.
- S 260 STATE MINIMUM WAGE COST-OF-LIVING INCREASE, *Sen. Keller* — amends statute to provide for an annual cost-of-living increase in the state minimum wage rate beginning on January 1, 2010 and January 1 of each year thereafter; and requires the Workforce Solutions Department to publish by November 1 of each year the adjusted minimum wage rate to become effective the following January. (May affect public schools)
- S 267 RIO RANCHO CYBER ACADEMY, *Sen. Sapien* — appropriates \$100,000 from the General Fund to PED for FY 10 for the Rio Rancho Cyber Academy in the Rio Rancho Public Schools.
- S 269 STATE BIPARTISAN ETHICS COMMISSION ACT, *Sen. Ryan* — creates the State Bipartisan Ethics Commission Act and the state Bipartisan Commission; prescribes powers and duties of the commission; allows annual ethics training and the publication of ethics rules; requires the development of a proposed ethics code for the executive branch; grants subpoena power through the Attorney General; provides for the filing and investigation of complaints against state officials, state employees, government contractors, and lobbyists for certain ethics violations; provides penalties; and appropriates \$500,000 from the General Fund to the State Bipartisan Ethics Commission for FY 10 to carry out the provisions of the act. (May affect PED and public education)
- S 273 TEACHER READING, MATH & SCIENCE TRAINING, *Sen. Nava* — makes several appropriations from the General Fund for FY 10 including \$2.8 million to the Public Education Department and \$1.245 million to the Higher Education Department for reading, science, and math education initiatives.
- S 274a CONTINUE OUTDOOR CLASSROOM PROGRAM, *Sen. Nava* — appropriates \$150,000 from the General Fund to the State Parks Division of the Energy, Minerals, and Natural Resources Department for FY 10 to continue the Outdoor Classroom Program.
- S 287 CONTINUE RE:LEARNING PROGRAM, *Sen. Nava* — appropriates \$432,000 from the General Fund to the Board of Regents of Eastern New Mexico University for FY 10 to continue the Re:Learning Program.

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- S 289 NM TECH SUMMER SCIENCE PROGRAM, *Sen. Nava* — appropriates \$50,000 from the General Fund to the Board of Regents of New Mexico Tech for FY 10 to provide scholarships for New Mexico high school students attending a summer science program.
- S 290 STRENGTHENING QUALITY IN SCHOOLS INITIATIVE, *Sen. Nava* — appropriates \$435,000 from the General Fund to the Public Education Department for FY 10 for the Strengthening Quality in Schools Initiative.
- S 292 REGIONAL EDUCATIONAL TECHNOLOGY ASSISTANCE, *Sen. Nava* — appropriates \$400,000 from the General Fund to the Board of Regents of New Mexico State University for FY 10 for the Regional Educational Technology Assistance program.
- S 293 EXPAND COMMUNITY SERVICE LEARNING OPPORTUNITY, *Sen. Nava* — appropriates \$56,000 from the General Fund to the Public Education Department for FY 10 to support and expand community service learning opportunities for public school students statewide.
- S 294 STATEWIDE RURAL REVITALIZATION PROGRAMS, *Sen. Nava* — appropriates \$400,000 from the General Fund to the Public Education Department for FY 10 to implement rural revitalization programs statewide.
- S 296 STATE CONTRACTOR CONTRIBUTION DISCLOSURE, *Sen. Feldman* — adds a new section of statute to require disclosure of campaign contributions by prospective and current state and local contractors; and provides for on-line access of disclosure. (May affect public schools) (Succeeding entries: S 263)
- S 305a ACTION AGAINST EMPLOYEE FOR DISCUSSING PAY, *Sen. Lopez* — amends statute to prohibit adverse action against an employee for discussing salary or other pay. (May affect public schools)
- S 309 CAPITAL PROJECTS ACT, *Sen. P. Campos* — enacts the Capital Projects Act; creates the Capital Projects Council; provides procedures for evaluating and prioritizing proposed statewide and local capital projects; and provides a means for monitoring and overseeing capital projects authorized by the Legislature. (May affect public schools)
- S 310a HIGHER EDUCATION CAPITAL OUTLAY ACT, *Sen. P. 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; appropriates money from the fund to the council for grants to institutions for council-approved capital projects; and authorizes the issuance of short-term severance tax bonds when the Higher Education Capital Outlay Council certifies the need for such bonds.
- S 312 SCHOOL DISTRICT CLERK MINIMUM SALARIES, *Sen. Eichenberg* — adds a new section to the School Personnel Act to provide a minimum salary for clerks, secretaries, secretary-bookkeepers, and bookkeepers in school districts effective the first full pay period after July 1, 2009; and appropriates \$4.0 million from the General Fund for FY 10 to raise salaries of the affected employees.

- S 317 USE OF STUDENT ID NUMBERS ON TRANSCRIPTS (**PASSED/S**), *Sen. Nava* — requires high schools and the Public Education Department to add the New Mexico public schools student identifier to all student transcripts and General Educational Development diplomas. (For the LESC)
- S 323 SCHOOL LIBRARY MATERIAL DONATION (**PASSED/S**), *Sen. Lovejoy* — amends the Public School Code to provide for distribution of school library materials to governmentally controlled schools; and requires the Public Education Department to report to the Public Education Commission concerning the administration of the School Library Material Act.
- *S 328 SCHOOL CONSTRUCT PROJECT BIDDER REQUIREMENTS, *Sen. Nava* — amends statute to require competitive qualifications-based proposals of bidders for public works construction projects for school districts and school boards; and require bidders to submit proof of minimum wages, medical benefits, and substance abuse checks of employees and subcontractors.
- S 334 USE OF PUBLIC FUNDS FOR CERTAIN ELECTIONS, *Sen. Boitano* — adds a new section to the Election Code to restrict the use of public funds for certain election campaigns; and to prohibit a state agency or a political subdivision of the state from using public funds to advertise for or oppose a ballot measure.
- S 335 WATER & WASTEWATER SYSTEM ASSISTANCE (**FAILED/S**), *Sen. Cisneros* — adds
CS/S 335a a new section of the Environmental Improvement Act; among its provisions, creates the Waste and Wastewater System Management Assistance Fund to assist small water and wastewater systems including qualified public school districts; and creates other funds for liquid waste, water quality management, and corrective action.
- S 336a TIERED FINANCIAL REPORTING FOR STATE ENTITIES (**PASSED/S**), *Sen. Sapien* — amends the Audit Act to establish a tiered system of financial reporting for a public body based on its annual revenue each year; among its provisions, provides a new definition of a public body that includes incorporated municipalities, and other specified entities; and excludes mutual domestic water consumers associations, land grants, incorporated municipalities or special districts with annual revenues, exclusive of capital outlay funds, federal or private grants of less than \$10,000; and school districts.
- S 348 PUBLIC FACILITY ENERGY EFFICIENCY CONTRACTS (**PASSED/S**), *Sen. Fischmann*
CS/S 348a — amends the Public Facility Energy Efficiency and Water Conservation Act; among its provisions, provides for cumulative utility and conservation-related cost savings for use in guaranteed utility savings contracts and extends the maximum term to 25 years for contracts pursuant to the act. (May affect public schools)
- *S 354 CENTRAL NM WORK EXPERIENCE PROGRAM, *Sen. Sapien* — appropriates \$300,000 from the General Fund to the Workforce Solutions Department for FY 09 and FY 10 for the Central Workforce Development Board to provide a summer work experience program for youth ages 16-21 in Bernalillo, Torrance, Sandoval, and Valencia counties.
- S 355 NONPUBLIC SCHOOL SCHOLARSHIP TAX CREDIT, *Sen. P. Campos* — adds a new section of the Income Tax Act to provide for the Equal Opportunity Scholarship Tax Credit for contributions made to certain organizations for scholarships for low-income students in nonpublic schools.

- S 363 SUBCONTRACTOR BONDING REQUIREMENT EXCEPTIONS, *Sen. Asbill* — amends statute to provide certain exceptions to the bonding requirement for subcontractors on public works projects, including subcontractors on projects in which the prime contractor is a construction manager selected pursuant to the Educational Facility Construction Manager At Risk Act.
- *S 364a SCHOOL BOARD MEMBER CONFLICTS OF INTEREST (**FAILED/S**), *Sen. Asbill* — amends the Public School Code to limit conflicts of interest in the membership of local school boards and governing bodies of charter schools. [Similar to H 334]
- S 366 TAX DISTRIBUTION TO RETIREE HEALTH CARE, *Sen. Smith* — amends statute to remove the timeline for the distribution of \$250,000 to the Retiree Health Care Fund; adds new provisions for determining annual increases through FY 13 in the employer and employee contributions for participating members according to the nature of their retirement plan (enhanced or not enhanced); provides for the Legislature to review and to adjust distributions at the first legislative session after July 1, 2013; and adds a definition of a “member of an enhanced retirement plan.”
- S 367 PAYMENT OF IMPACT FEES FOR SCHOOLS, *Sen. E. Griego* — amends statute to allow impact fees to be imposed and used for schools.
- S 370 LUNA COLLEGE YOUTH COLLEGE PROGRAM, *Sen. P. Griego* — appropriates \$200,000 from the General Fund to the Higher Education Department for FY 10 for the Youth College Program at Luna Community College.
- S 371 LUNA COLLEGE SUSTAINABLE AGRICULTURE PROGRAM, *Sen. P. Griego* — appropriates \$400,000 from the General Fund to the Higher Education Department for FY 10 to establish an alternative and sustainable energy curriculum program to be implemented by Luna Community College for seven school districts in northeast New Mexico.
- S 372 LUNA COLLEGE SCIENCE & MATH PREP PROGRAM, *Sen. P. Griego* — appropriates \$40,000 from the General Fund to the Higher Education Department for FY 10 for Luna Community College to fund a college preparatory summer math, science, and technology skills program for students from seven high schools in northeast New Mexico.
- S 373 LUNA COLLEGE REMEDIAL COLLEGE PREP PROGRAM, *Sen. P. Griego* — appropriates \$85,000 from the General Fund to the Higher Education Department for FY 10 for Luna Community College to fund a “crossroads academy” offering a summer developmental and remedial college preparatory program to high school students.
- S 375 EDUCATIONAL TRAINING FOR G.E.D. CANDIDATES, *Sen. Ortiz y Pino* — appropriates \$100,000 from the General Fund to Department of Finance and Administration for FY 10 for Bernalillo County to provide educational training for persons pursuing their General Educational Development certificate. [Identical to H 401]
- *S 378 PUBLIC SCHOOL CAPITAL OUTLAY AMENDMENTS (**PASSED/S**), *Sen. Nava* —
*CS/S 378 amends the Charter Schools Act to extend the deadline by which charter schools must be located in public buildings; amends the Public School Capital Outlay Act to: (1) provide that \$10.0 million may be awarded for expenditure in FY 10-12 for roof repair and replacement projects; (2) limit lease payment assistance for lease-purchase arrangements to charter school

facilities; (3) remove the limit on the amount of lease payment assistance funds that may be awarded; (4) authorize grants for projects, including lights and bleachers for athletic fields at certain rural high schools; (5) authorize an increase in a grant assistance award to certain school facilities in rural areas; (6) requires federal funds received by a school district or charter school for non-operating purposes pursuant to the federal *American Recovery Aid Reinvestment Act of 2009* to be included in the district or charter school's offset; and amends the Public School Capital Improvements Act to (1) expand the definition of "capital improvement"; (2) require bond resolutions to include charter school capital improvements; and (3) require distributions of bond proceeds and state match dollars to charter schools.

- S 383 FAMILY FORMATION FEDERAL FUNDING, *Sen. Ortiz y Pino* — amends statute to add a new section of the New Mexico Works Act to require the Human Services Department (HSD) to devote at least 2.0 percent of the federal block grant for New Mexico's Temporary Assistance for Needy Families (TANF) programs to be spent on family formation (including education in high schools on the value of marriage, relationship skills, and budgeting) and responsible parenting; requires funding for programs to be awarded through a competitive request for proposal process; and requires a report by the HSD secretary to the Interim Welfare Reform Oversight Committee through 2012.
- S 385 JOB SECURITY ACT, *Sen. McSorley* — enacts the Job Security Act to allow employees to use sick or annual leave to provide healthcare for family members or to participate in children's educational activities; and prohibits employers from discharging employees for use of sick or annual leave.
- *S 386 SEVERANCE TAX BOND PROJECTS, *Sen. Jennings* — authorizes the issuance of severance tax bonds; authorizes expenditures from certain funds and balances; clarifies conditions for the issuance of bonds; establishes conditions for the expenditure of severance tax bond proceeds; establishes the conditions for the reversion of unexpended balances; makes multiple appropriations, for FY 09-FY 13, to fund school district projects in Bernalillo, Chavez, Curry, Doña Ana, Eddy, Rio Arriba, San Juan, Santa Fe, and Taos counties.
- S 389 CORPORATE TAX TO PUBLIC SCHOOL FUND, *Sen. Wirth* — distributes a portion of corporate income tax revenue to the Public School Fund for the taxable years beginning January 1, 2009; and amends the Corporate Income and Franchise Tax Act to mandate combined reporting.
- S 392 SCHOOL CLASS SIZE LOAD WAIVER, *Sen. Boitano* — amends the Public School Code to provide for a class load waiver in school districts with more than 40,000 students; requires the approval of the principal, the affected teacher, and at least 75 percent of the parents in the class for which the waiver is being sought; and provides additional compensation for teachers with class loads above the statutory class load requirements.
- S 394 NO SEVERANCE TAX PROJECTS IN CERTAIN COUNTIES, *Sen. Sharer* — adds a new section of the Severance Tax Bonding Act to prohibit severance tax bonds from being issued for projects located in counties or municipalities that have enacted ordinances that have an effect upon extractive industries; requires annual hearings to be conducted by the Oil Conservation Commission, the Mining Commission, and the Coal Surface Mining Commission to determine the municipalities and counties that have such zoning or ordinances; and requires that municipalities and counties be notified within 10 days after the hearing by each commission of their ineligibility for projects funded with severance tax bond proceeds. (May affect public schools)

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- S 397 NEW MEXICO GOLDEN APPLE PROGRAM, *Sen. Nava* — appropriates \$600,000 from the General Fund to the Public Education Department for FY 10 for the Golden Apple Program to support New Mexico teachers.
- S 399a LOCAL EDUCATIONAL RETIREMENT UNIT AUDITS (**PASSED/S**), *Sen. Morales* — amends the Educational Retirement Act to provide for audits of local administrative units.
- S 400 NUTRITION COUNCIL ACT, *Sen. Ortiz y Pino* — creates the Nutrition Council Act to create a nutrition council to improve the quality of food grown in, produced in, or imported into New Mexico, and to educate residents in good nutrition choices; creates the Nutrition Research and Education Fund; and appropriates money in the fund to Department of Health from multiple sources, including federal grants, to carry out the provisions of the act. (May affect public schools)
- *S 404 SEVERANCE TAX BOND PROJECTS, *Sen. Cisneros* — authorizes the issuance of severance tax bonds; authorizes expenditures from certain funds and balances; clarifies conditions for the issuance of bonds; establishes conditions for the expenditure of severance tax bond proceeds; establishes the conditions for the reversion of unexpended balances; and makes multiple appropriations, including \$2.0 million to the Public Education Department (PED) to construct pre-kindergarten classrooms statewide and \$2.0 million to PED to purchase and equip school buses statewide. [Identical to H 154]
- S 406 GENERAL APPROPRIATION ACT OF 2009, *Sen. Smith* — enacts the General Appropriation Act of 2009; authorizes expenditures by state agencies required by law including expenditures for public school support; and appropriates nearly \$2.4 billion to the SEG, in FY 10, \$850,000 from other state funds, and \$4.6 million from federal funds to the Public Education Department for expenditure or allocation to school districts.
- S 412 EDUCATION GROSS RECEIPTS SURTAX, *Sen. Nava* — adds a new section of the Tax Administration Act, contingent upon passage by the Legislature of a new State Equalization Guarantee (SEG) distribution for public education, to impose the education surtax of three-fourths of 1.0 percent of gross receipts on Gross Receipts Tax for distribution to the Public School Fund; imposes a compensating tax of three-fourths of 1.0 percent of the value of tangible property for distribution to the Public School Fund; and appropriates funds for distribution to public schools in accordance with the new SEG.
- *S 424 STATE EMPLOYEE SALARY REDUCTIONS, *Sen. Beffort* — enacts a temporary provision in statute to require emergency salary reductions of 10 percent applicable to any exempt state employee whose salary is greater than \$75,000; exempts from the salary reduction any non-managerial and non-policymaking employee of state educational institutions, the legislative, and judicial branches of state government.
- S 428a RETIREE HEALTH DEFINITIONS & CONTRIBUTIONS, *Sen. Feldman* — amends statute to clarify the definition of “eligible participating retiree” in the Retiree Health Care Act; expands the definition of “eligible dependent”; requires additional contributions from employees who have accrued certain service credits; and requires retirees returning to work and their employers to contribute to the Retiree Health Care Fund.
- S 433 USE OF SCIENCE IN TEACHING BIOLOGICAL ORIGINS, *Sen. Cravens* — adds a new section of the Public School Code to allow teachers to teach all relevant scientific information when teaching theories of biological origins.

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- *S 443 CAPITAL OUTLAY PROJECT REAUTHORIZATIONS, *Sen. Cisneros* — reauthorizes or reapportions unexpended fund balances from the proceeds of severance tax bonds to the Severance Tax Bonding Fund; provides for the extension of time periods on certain capital projects including extending the Albuquerque Public Schools Educational Technology Project at McKinley Middle School through FY 11; and expands or changes purposes of certain projects and extends the time for completion of certain projects, including projects at Carinos Charter School, (Espanola Public Schools) and Santa Fe High School, (Santa Fe Public Schools). [Identical to *H 629]
- S 446a NAVAJO LANGUAGE RESEARCH & TEACHING, *Sen. Pinto* — appropriates \$97,500 from the General Fund to the Board of Regents of University of New Mexico for FY 10 for research and teaching of the Navajo language.
- S 450a CORPORATE FUEL ECONOMY STANDARD VEHICLES (**PASSED/S**), *Sen. Ortiz y Pino* — amends statute to provide for the purchase of vehicles that meet corporate average fuel economy standards issued by the federal government; and requires agencies and departments of state government and educational institutions to report annually the number of vehicles that meet these requirements. (May affect public schools)
- S 453 PUBLIC SCHOOL SCIENCE FACILITIES, *Sen. Jennings* — allows the State Board of
CS/S 453 Finance to issue and sell severance tax bonds pursuant to the Severance Tax Bonding Act in an amount not to exceed \$130.0 million for FY 10 through FY 14 to make grants to build or renovate and equip public high school science laboratories throughout the state; appropriates the bond proceeds to the Public School Capital Outlay Council (PSCOC); specifies reversion of unexpended balances no later than the end of FY 14; requires PSCOC to develop a process and methodology to evaluate and prioritize applications; requires public high schools to submit applications including assessments of current lab facilities; and requires PSCOC to approve grants, to the extent funds are available, after a public hearing.
- S 454a CHARTER SCHOOL T & E INDEX CALCULATION (**PASSED/S**), *Sen. Jennings* —
CS/S 454 amends the Public School Code to require that the calculation of the Training and Experience (T&E) Index of a locally chartered charter school and a state-chartered charter school be based on its own T&E Index; and holds harmless from the T&E calculation for FY 10 and FY 11 each charter school that was in existence in FY 09.
- S 455a SPECIAL FUEL FROM VEGETABLE OIL TAX DEDUCTION (**PASSED/S**),
CS/S 455 *Sen. Ortiz y Pino* — adds a new section of the Gross Receipts and Compensating Tax Act to provide a deduction from special fuel excise tax and gross receipts that are paid for special fuel consisting of vegetable oil or animal fat; and specifies deductions for special fuel sold for use in contracted public school buses. [Identical to H 554a]
- S 459a CONSIDERATION OF CRIMINAL HISTORY IN HIRING (**PASSED/S**), *Sen. Harden* — amends the Criminal Offender Employment Act to restrict inquiry and consideration of a conviction until the final stages of the hiring process; specifically, prohibits a board, department, or agency of the state or any of its subdivisions from inquiring about a conviction on an initial application; and requires consideration of a conviction only after the applicant has been selected as a finalist for the position. (May affect public schools)
- S 460a ADDITIONAL INVESTMENT COUNCIL APPOINTEES (**PASSED/S**), *Sen. Neville* — amends statute to provide for additional appointees to the State Investment Council including the chief financial officer of a state institution of higher education; among its provisions, requires that council members have no less than 10 years experience in the field of

investment or finance; and prohibits a member of the council from having contracts to do business with certain state agencies including the Educational Retirement Board for a period of two years prior and two years after the end of the member's term.

- S 462 UNM PRESCHOOL-THROUGH-COLLEGE MATH EDUCATION, *Sen. McSorley* — appropriates \$500,000 from the General Fund to the Board of Regents of the University of New Mexico for FY 10 to implement the Preschool-through-College Mathematics and Science Education Center.
- S 464 RELEASE OF PUBLIC SCHOOL STUDENT INFO (**PASSED/S**), *Sen. Ortiz y Pino* — adds a new section of the Public School Code to require high schools to provide written notices to students and parents prior to releasing student personal information to postsecondary recruiters; requires high schools to maintain a record of students and parents who choose to withhold personal information from recruiters; limits high schools from releasing personal information prior to the 40th school day; limits access of recruiters to high schools; requires advance notification by postsecondary recruiters; and requires written permission of parents before allowing minor students to leave campus with a postsecondary recruiter.
- CS/S 464
- S 472 ENLACE PROGRAM, *Sen. B. Sanchez* — appropriates \$2.0 million from the General Fund to the Higher Education Department for FY 10 for the ENLACE Program; and requires the appropriation to be equally distributed to the University of New Mexico, New Mexico State University, San Juan College, Santa Fe Community College, and Clovis Community College.
- S 473a BEHAVIORAL HEALTH COLLABORATIVE SERVICES, *Sen. Beffort* — amends statute to require the Interagency Behavioral Health Purchasing Collaborative to include statewide screening, brief intervention, treatment, and referral services through primary care and school-based clinics in its plan for delivery of behavioral health services; requires that at least \$800,000 be provided annually for such services; and requires specific plans for statewide screening, intervention, treatment and referral to be included in any contract with a single provider for behavioral health services. [Similar to H 523 and S 481]
- S 476a EDUCATIONAL RETIREES RETURNING TO WORK, *Sen. Kernan* — amends the Educational Retirement Act to eliminate the extended sunset date in the return to work provision; requires board approval of an application from a retired member to be re-employed; and requires additional contributions from employers on behalf of retired members who return to work. [Identical to H 721a]
- S 478a EXTRAORDINARY COSTS OF NEW SCHOOL OPENINGS, *Sen. Ryan* — appropriates \$5.0 million from the federal general purpose fiscal stabilization funds allocated for flexible use under the federal American Recovery and Reinvestment Act (subject to the requisite application process) to the New School Development Fund for FY 10 and subsequent fiscal years, for school districts to pay for equipment and other costs unique to the first year of operation of new schools.
- S 481 BEHAVIORAL HEALTH COLLABORATIVE SERVICES, *Sen. Beffort* — amends statute to require the Interagency Behavioral Health Purchasing Collaborative to include statewide screening, brief intervention, treatment, and referral services through primary care and school-based clinics in its plan for delivery of behavioral health services; requires that at least \$800,000 be provided annually for such services; and requires that specific plans for statewide screening, intervention, treatment and referral be included in any contract with a single provider for behavioral health services. [Identical to H 523 and Similar S 473a]

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- *S 483 TAX INCREMENT DEVELOPMENT DISTRICT MORATORIUM, *Sen. McSorley* — amends the Tax Increment for Development Act to impose a three-year moratorium on approval of plans for greenfield tax increment development districts and on approval of dedication of state gross receipts tax increment for certain bonds; creates a Tax Increment Financing Task Force; and appropriates \$100,000 from the General Fund for FY 09 and FY 10 to pay costs associated with the task force. (May affect public schools)
- S 484 MARRIAGE & FAMILY THERAPISTS IN SCHOOLS (**PASSED/S**), *Sen. McSorley* — amends the Public School Code to include marriage and family therapists as instructional support providers; and requires marriage and family therapists to be licensed by the Public Education Department to work in public schools.
- S 490a EDUCATIONAL RETIREMENT INFO DISCLOSURE (**PASSED/S**), *Sen. Fischmann* — adds a new section of the Educational Retirement Act; among its provisions, specifies member or retired member information that may be disclosed; and prohibits disclosure of other information except to the member, retired member or the spouse, and certain other designated parties. [Similar to H 722a]
- S 502a SEX OFFENDER REGISTRATION & HUMAN TRAFFICKING (**PASSED/S**), *Sen. MJ Garcia* — amends statute to require registration of sex offenders for additional sex offenses; requires additions to the list of sexual offenses including human trafficking of children under 16 years of age for a sexual purpose; requires additional information upon registration including copies of the sex offender's passport and immigration documents and information on every offense for which the sex offender has been convicted; and clarifies the information available on the Sex Offender Internet Website. (May affect public schools)
- S 503 SOUTH VALLEY SCHOOL SUMMER PROGRAMS, *Sen. Ortiz y Pino* — appropriates \$600,000 from the General Fund to the Public Education Department for FY 10 to contract for the provision of summer programs for English language learners in eight South Valley elementary schools.
- S 506 UNEMPLOYMENT PAYMENT WAITING PERIOD EXEMPTION, *Sen. B. Sanchez* — amends statute to provide that the one-week waiting period before unemployment benefits are paid shall not apply to individuals enrolled in certain training programs, including attendance in training or school on a full-time basis.
- S 508 RETURN INCOME TAX TO PRE-2004 RATES, *Sen. Lopez* — amends the Income Tax Act to return income tax rates to rates imposed prior to 2004; and provides that the provisions of this act apply to taxable years beginning on or after January 1, 2010. (Potential impact on General Fund revenues)
- S 509 TAX INCREMENT DEVELOPMENT DISTRICT FORMATION, *Sen. McSorley* — amends the Tax Increment for Development Act to clarify and amend requirements for formation and operation of tax increment development districts; requires the inclusion of public policy goals in a Gross Receipts Tax (GRT) increment development plan; and requires dedication of up to 10 percent of a GRT increment to include one of five policy goals, one of which is dedicating land improved with infrastructure for public school facilities and contributing a one-time payment per dwelling unit for capital improvements to public school facilities, to be negotiated by the affected school district and the tax increment development district board.

- S 514 **LIMITING ALCOHOL ADVERTISING NEAR YOUTH ACT**, *Sen. MJ Garcia* — creates the Limiting Alcohol Advertising Near Youth Act; bans alcoholic beverage outdoor advertisements within 500 feet of any public playground, elementary school, secondary school, institution of higher learning, or child-care facility; exempts public service advertising designed to encourage minors to refrain from consuming or purchasing alcoholic beverages; and requires the appointment of a youth alcohol advertising monitor to administer and enforce the act.
- S 515 **EDUCATION TRUST FUND INVESTMENT RECAPTURE (PASSED/S)**, *Sen. Wirth* — amends statute to allow investors in a qualified tuition program as defined in Section 529 of the Internal Revenue Code to transfer investment monies to another state qualified tuition plan without the monies being subject to the recapture provisions of the New Mexico Income Tax Act.
- S 522 **COMMUNITY ACCESS TO MEDIA & INFORMATION ACT**, *Sen. Ortiz y Pino* — creates the Community Access to Media and Information Act; requires a political subdivision that enters into a franchise agreement with a communications, information, and digital services corporation to require in the agreement that no less than 10 percent of the bandwidth and spectrum or channels, whichever is greater, be made available for public use; among its provisions, requires cable and satellite providers to carry public, educational, and governmental access channels and services in those designated market areas where they carry local commercial channels; requires annual reports to the Public Regulation Commission; and allows a services subscriber to bring action to enforce compliance with the act. (May affect public schools) [Related to CS/H 675]
- S 525a **SCHOOL DISTRICT LAW ENFORCEMENT**, *Sen. B. Sanchez* — adds a new section of law to authorize a local school district with a population of more than 200,000 to establish a police force with jurisdiction within the boundaries of the school district and to adopt policies and rules applicable to the police force. [Similar to H 379]
- S 531 **LFC REVIEW OF STATE FUNDING RECIPIENTS (PASSED/S)**, *Sen. Keller* — adds a
FL/S 531 new section of statute that requires the Legislative Finance Committee (LFC) to establish a program evaluation division to conduct program evaluations, information technology evaluations, and special reviews of any department, agency, institution, or instrumentality of the state or a political subdivision thereof; among its provisions, requires the program evaluation division to report results of work performed to the LFC; and to make final reports available to the Legislature and the public; and requires that information provided by an agency that is confidential by law or exempt from public inspection not be disclosed by members of the LFC or its staff.
- S 533a **HEALTH POLICY COMMISSION DUTIES & DONATIONS**, *Sen. Lopez* — amends statute to refine the duties of the New Mexico Health Policy Commission; grants the commission the authority to accept donations; creates a fund; appropriates donations to be used to finance activities of the fund; and requires reports to the Governor, all legislators, legislative committees, and interested parties. (May affect public schools)
- S 547a **CAPITAL OUTLAY OVERSIGHT & PROJECT REVIEW (FAILED/S)**, *Sen. P. Campos* — creates the Capital Outlay Review Committee, as a permanent joint interim legislative committee, to oversee the Department of Finance and Administration (DFA) capital outlay planning and other state agencies; creates the Capital Outlay Planning and Monitoring Act

and the Capital Outlay Planning and Monitoring Division; creates the Executive Capital Planning Committee; requires a five-year State Capital Improvement Plan; provides powers, duties and staff; requires Infrastructure Capital Improvement Plans; creates the Capital Project Audit Fund; appropriates funds to the State Auditor's Office and the Legislative Finance Committee for audits; and transfers all functions from the local division of DFA to the DFA Capital Outlay Planning and Monitoring Division.

- S 553 COUNTY CATTLE GUARDS NEAR SCHOOL BUS ROUTES (PASSED/S) (PASSED/H)**, *Sen. Ulibarri* — amends statute to require counties, with the consent of property owners, to construct cattle guards where privately owned fences intersect school bus routes on county roads; and requires the cost of construction to be paid from county road funds.
- S 554 COUNTY GROSS RECEIPTS FOR BOND REPAYMENT**, *Sen. Ulibarri* — amends statute to pledge revenues from the one-sixteenth increment of County Local Option Gross Receipts Tax (GRT) for payment of principal and interest due on GRT revenue bonds.
- S 556a OFFICE OF PEACE ACT**, *Sen. Ortiz y Pino* — creates the Office of Peace Act; among its provisions, establishes an office dedicated to peacemaking, conflict resolution, and the study of educational curricula relevant to peace; provides powers and duties including assisting with a peace education curriculum for new and experienced teachers and courses for teacher education in New Mexico; creates the Citizens Peace Advisory Council; and appropriates \$60,000 from the General Fund to the Office of Peace for FY 10 and FY 11 to carry out the provisions of the act.
- S 557 STATE ETHICS COMMISSIONS ACT**, *Sen. Lopez* — creates the State Ethics Commission Act; creates the Executive Ethics Commission, the Legislative Ethics Commission, the Public Officer Ethics Commission; provides powers and duties; provides for annual ethics training and the publication of ethics guides; grants subpoena powers; allows issuance of advisory opinions related to certain ethics violations; provides for the filing of complaints against state officials, state employees, government contractors, and lobbyists for ethics violations; establishes investigations of complaints; appropriates \$100,000 from the General Fund to each of the three commissions for FY 10 to carry out the provisions of the act; and repeals the act effective July 1, 2012. (May affect PED)
- S 562 JUNIOR RODEO FINALS IN NEW MEXICO**, *Sen. Muñoz* — appropriates \$2.0 million from the General Fund to the Economic Development Department for FY 10 through FY 20 to fund an effort to encourage the National Junior and High School Rodeo Finals to be held in New Mexico.
- *S 572a ALTERNATIVE EDUCATIONAL RETIREMENT PLANS [SGND (Mar. 18) Ch. 9]**, *Sen. MJ Garcia* — amends statute to place conditions on the time in which an employee may elect to participate in an alternative retirement plan of a qualifying state educational institution; provides a one-time option for an employee who has made contributions in an alternative retirement plan for a certain period to become a regular member; changes the benefits available under alternative retirement plans; and, upon termination of employment, allows transfer of a retirement account balance to another eligible retirement plan or withdrawal of the balance. [Identical to H 525a]

- S 575a **INSTRUCTIONAL MATERIAL PURCHASES (PASSED/S)**, *Sen. Nava* — amends statute to transfer responsibility for instructional materials for adult basic education (ABE) from the Public Education Department (PED) to the Higher Education Department (HED); provides for the transfer of the allocation for ABE instructional materials from the Instructional Material Fund to the ABE Fund each year; requires HED to include funding for instructional materials for ABE students in its formula for equitable distribution from the ABE Fund; requires HED to promulgate rules on the purchase and provision of instructional materials for the free use of ABE students; allows private schools to expend up to 50 percent of their instructional material funds for items that are not on the multiple list provided that the funds are not spent for religious, sectarian, or non-secular materials; and requires private schools to purchase all instructional materials from an in-state depository.
- S 576 **TAX INCREMENT DEFINED**, *Sen. Fischmann* — amends the Tax Increment for Development Act to define tax increments as tax revenue generated from new businesses; and defines an eligible business as either a start-up of an entirely new business or a relocation of an existing business from outside New Mexico. (May affect public schools)
- S 577 **MIDDLE COLLEGE HIGH SCHOOL DUAL CREDIT (PASSED/S)**, *Sen. Muñoz* — amends statute to exempt middle college high schools from requirements for dual credit programs; and defines a middle college high school as a charter school that provides a seamless continuity between high school and college by providing simultaneous enrollment in and academic credit for high school and a postsecondary educational institution.
- S 580 **LEASE PURCHASE OF ALTERNATIVE FUEL VEHICLES**, *Sen. P. Campos* — amends statute to revise the name of the Public Facilities Energy Efficiency and Water Conservation Act to the Governmental Energy Efficiency and Water Conservation Act; provides for the lease-purchase of alternative fuel option vehicles by school districts upon the approval of the Secretary of the Public Education; makes a distribution from the Extraction Taxes Suspense Fund to the Public School Utility Conservation Fund; and appropriates money from the Public School Utility Conservation Fund to Public Education Department for school districts to pay for fund-related costs, including a vehicle lease-purchase energy conservation contract.
- S 581a **EDUCATIONAL DATA WAREHOUSE**, *Sen. Nava* — codifies the requirements for a comprehensive P-20 data system that collects, integrates, and reports data from the Public Education Department (PED), the Higher Education Department (HED), and other agencies, as follows: establishes a “data warehouse council” that includes PED, HED, the Children, Youth and Families Department, the Department of Information Technology, the Department of Workforce Solutions, public postsecondary institutions, and public school districts, that will: assign responsibilities and authority for the operation and management of the system; develop interagency agreements; develop a strategic plan with timelines and budget requirements; provide that the system may be used for program research and evaluation, including the aggregation, collection, and distribution of data, but that personally identifiable student and educator data will be safeguarded as required by federal and state law; and require an annual system status report detailing the capability of the system to perform specified functions. (For the LESC)
- *S 583a **FREEZE PRECINCT BOUNDARIES FOR REDISTRICTING (PASSED/S)**, *Sen. Lopez* — adds a section to the Election Code to temporarily freeze precinct boundaries for redistricting purposes; provides for adjustment of precinct boundaries prior to the federal 2010 census

including federal, state, and county political boundaries, municipal boundaries, and school district boundaries; provides that precincts shall be composed of certain boundaries whenever possible, including school district and other political boundary lines; and provides for delayed repeal effective January 31, 2012.

- S 584 PUBLIC PROJECT REVOLVING FUND PROJECTS (**PASSED/S**), *Sen. Ortiz y Pino* —
CS/S 584 amends the New Mexico Finance Authority Act to expand the list of qualified entities and public projects for the purposes of the Public Project Revolving Fund, including a charter school; a water, drainage, irrigation or conservancy district, or other special district; a university research park corporation; or a consortium of any two or more qualified entities created pursuant to law.
- S 585 SOLAR ENERGY RESEARCH PROJECT, *Sen. Ortiz y Pino* — appropriates \$150,000 from the General Fund to the Public Education Department for FY 10 for a community-based solar and photovoltaic energy research project to be conducted by Robert F. Kennedy Charter High School in Albuquerque in cooperation with a community-based organization and a youth-focused organization that will provide students with the opportunity to learn about the scientific process, marketing, and administration.
- S 586 DOÑA ANA AVANCE PARENT-CHILD PROGRAM, *Sen. Papen* — appropriates \$250,000 from the General Fund to the Children, Youth and Families Department for FY 10 to fund the Avance Parent-Child Education Program in Doña Ana County.
- S 593 MEDICAL STUDENT CONDITIONAL TUITION WAIVER (**PASSED/S**), *Sen. Feldman*
CS/S 593 — creates the Conditional Tuition Waiver for Primary Care Medical Students Act; provides
CS/CS/S 593a conditional tuition waivers for up to 10 medical students each year who choose primary care practice in underserved areas of the state; stipulates that qualifying medical students must be New Mexico residents and graduates of a New Mexico high school or a New Mexico college or university; and creates a self-sustaining fund.
- S 595 STATE LODGERS' GROSS RECEIPTS SURTAX, *Sen. Muñoz* — adds a new section of the Tax Administration Act to impose a state lodger's surtax on gross receipts of the hospitality industry; requires that 50 percent of the surtax be distributed to education; creates the State Lodgers' Education Fund and the State Lodgers' Economic Development Fund; and requires the Public Education Department to adopt rules to administer the education fund.
- S 603 PRIVATE SCHOOL TUITION TAX DEDUCTION, *Sen. P. Campos* — adds a new section of the Income Tax Act to provide for an income tax deduction from net income in an amount not to exceed \$500 for tuition payments made to a private nonprofit elementary or secondary school.
- *S 621 GENERAL FUND SCHOOL USE TRANSFER & BONDS, *Sen. M. Sanchez* — transfers money to the General Fund from the Local Government Transportation Fund; authorizes severance tax bonds for the Local Government Transportation Fund; appropriates \$10.0 million from the General Fund to the Public Education Department for FY 09 and subsequent fiscal years for the emergency support of school districts that are experiencing shortfalls in their operating budgets and would otherwise need to lay off employees or reduce the quality of education; and requires any unexpended or unencumbered funds to be transferred to the New School Development Fund for FY 10 and subsequent years.

- S 623 EDUCATIONAL RETIREMENT SERVICE CREDITS, *Sen. Fischmann* — amends the Educational Retirement Act; among its provisions, allows service credit without contribution for periods of time a member’s employment is interrupted because the member was engaged in military service provided that the member returns to work within 18 months following honorable discharge; and allows purchase of service credit for members engaged in military service or the commissioned corps of the Public Health Service from which the member was honorably discharged, provided that the member has five or more years of contributory employment.
- S 626 **CHARTER SCHOOL STUDENT ACTIVITIES WITHIN ZONE (PASSED/S) (PASSED/H)**, *Sen. Morales* — amends the Public School Code to limit charter school students’ participation in student activities to schools in their attendance zone.
- S 627 EXPAND NMMI SCHOLARSHIPS (**PASSED/S**), *Sen. Jennings* — amends statute to allow, in the event that no applicant is available from a legislator’s district or a contiguous legislative district, the legislative scholarships to the New Mexico Military Institute be awarded to any qualified nominee from any legislator’s district.
- S 628 SCHOOLS FOR BLIND AND DEAF DEFICIENCIES (**PASSED/S**), *Sen. Nava* — amends the Public School Code to include the New Mexico School for the Blind and Visually Impaired and the New Mexico School for the Deaf in the Public School Capital Outlay Act provisions for correction of outstanding deficiencies in school districts. (Similar to H 780)
- S 632 WEST LAS VEGAS COMMUNITY LEARNING CENTER, *Sen. P. Griego* — appropriates \$250,000 from the General Fund to the Public Education Department for FY 10 for the 21st Century Community Learning Center in West Las Vegas Public Schools.
- S 634 MORA SCHOOLS COMMUNITY LEARNING CENTER, *Sen. P. Griego* — appropriates \$125,000 from the General Fund to the Public Education Department for FY 10 for the 21st Century Community Learning Center in Mora Independent Public Schools.
- S 637 SCHOOL DISTRICT THREE SESSION CALENDARS, *Sen. Lopez* — amends the Public School Code to require a local school board of a district with 10,000 or more students to establish three sessions per calendar year for school attendance, each separated by a break of a minimum of five school days, unless the school district currently operates on a year-round calendar.
- S 638 SCHOOL TOLERANCE & DIVERSITY CURRICULUM, *Sen. Lopez* — adds a new section of the Public School Code to require the Public Education Department to develop standards for a kindergarten to grade 12 curriculum in tolerance, diversity awareness, and communication; and requires the teaching of tolerance and training in diversity communication at every level through graduation.
- S 639 SCHOOL-PARENT COMMUNICATION DAYS, *Sen. Lopez* — amends statute to require budgets for school districts to include one full day at the beginning of each 90-day period to be devoted to communication among parents, administrators, teachers, and students; requires the Public Education Department (PED) to establish a rule; and appropriates \$28.0 million from the General Fund to PED for FY 10 for salaries for two additional school days per year.
- S 644 EDUCATIONAL EMPLOYEES AS LEGISLATORS, *Sen. E. Griego* — amends statute to allow employees of state educational institutions to serve as legislators. (Related to SJR 14)

- S 649a CRIMINAL RECORD EXPUNGEMENT ACT (**PASSED/S**), *Sen. M. Sanchez* — creates
CS/S 649a the Criminal Record Expungement Act; among its provisions, gives a court the authority to order that criminal and public records be expunged upon identity theft, wrongful arrest, indictment, or charge; and allows, under certain conditions, a person released without a conviction and a person convicted of no more than one misdemeanor or violation of a municipal ordinance to petition district court for an order to expunge arrest records and public records; and excludes from “public records” certain records kept by the Public Education Department and other departments, as well as records received pursuant to a background check as authorized by law.
- S 650 TECHNOLOGY & ENERGY IMPROVEMENTS FUND, *Sen. M. Sanchez* — creates the
*CS/S 650 Renewable Energy and Technology Fund; among its provisions, provides for federal stimulus distributions to the state related to information technology, research and investment in clean energy, and other science-related infrastructure, education, and research; requires the Economic Development Department to administer the fund; requires that money in the fund be used to provide grants for technology- and energy-related projects or other project-ready programs; requires that any money from the federal stimulus distributions unencumbered to a specific project within one year from receipt be credited to the fund; and creates the Technology and Energy Stimulus Technical Advisory Committee. (May affect public schools)
- S 670 THREE DIMENSIONAL ACADEMIES FOR LIFELONG LEARNERS, *Sen. Cisneros* — appropriates \$6.0 million from the separate account of the Appropriation Contingency Fund to the Higher Education Department (HED) for FY 10 and FY 11 to contract for the design, development, and implementation of a curriculum to be delivered via three-dimensional academies for students in New Mexico; and requires the request for proposals issued by HED to include the design of curricula that enhance career skills and college preparedness, use simulated professional experiences that create realistic workplace situations, provide availability for local and distance education for lifelong learners, and provide professional development in mentoring methods for New Mexico faculty.
- S 678 SCHOOL BOARD CANDIDATE CONTRIBUTIONS, *Sen. Lopez* — adds a new section of the School Election Law to require candidates for election to school district boards to comply with provisions of the Campaign Reporting Act; provides a schedule for campaign contribution and expenditure reports for school district elections; and assesses penalties for late reports.
- *S 679 COMMUNITY COLLEGE DISTRICT EXPANSIONS, *Sen. P. Campos* — amends statute to apply procedures for adding public school districts to expand community college districts and technical and vocational institute districts; allows qualified school district voters to petition the Higher Education Department (HED) for inclusion in a community college district; requires HED to conduct a survey; and, based on survey results, requires HED to call an election; and provides that district expansion be based on a majority of the votes cast in the established community college or technical and vocational institute district.
- S 687 ASSAULT & BATTERY ON A SPORTS COACH, *Sen. RC Martinez* — adds a new section to the Criminal Code to designate battery upon a sports coach as a crime; and establishes penalties [Identical to H 843]

- S 732 LICENSE APPLICATION TIME FRAME RULES (**PASSED/S**), *Sen. B. Sanchez* — adds a
CS/S 732a new section of law to require state agencies to promulgate rules by July 1, 2010 to establish
specific time frames for response to license applications received after August 1, 2010. (May
affect public schools)
- *S 734 QUALIFIED SCHOOL CONSTRUCTION BONDS, *Sen. Nava* — adds
*CS/S 734 a new section of the Public School Code to create the Qualified School Construction Bonds
Act; among its provisions, authorizes the designation of bonds as qualified school
construction bonds if certain criteria are met; exempts from the application process school
districts that receive a direct allocation under the federal American Recovery and
Reinvestment Act of 2009 (ARRA); amends statute to allow bonds that are designated as
Build America Bonds authorized under the ARRA and bonds issued pursuant to the Qualified
School Construction Bonds Act to be sold at a public or private sale to eligible taxpayers; and
declares an emergency. [Identical to *CS/H 928]

SENATE JOINT MEMORIALS

- SJM 1 HEALTH CARE SERVICES COMMON INTEREST MEETING (PASSED/S)**
(PASSED/H), *Sen. Feldman* — requests that the New Mexico Health Policy Commission
convene a meeting of public entities engaged in the administration, delivery, and payment of
health care services to help identify areas of common interest and opportunities for
consolidation; and that recommendations be reported to the Legislative Health and Human
Services Committee during its November meeting. (May affect public schools)
- SJM 11a STUDY AUTISM & SERVICES TO CHILDREN (**PASSED/S**), *Sen. Harden* — requests
that the Public Education Department study autism spectrum disorders to determine how to
provide best practice services to all children with autism in public schools.
- SJM 13a FUTURE WORK FORCE NEEDS (**PASSED/S**), *Sen. Keller* — requests that the Workforce
Solutions Department collaborate with the Economic Development Department, the Public
Education Department, the Higher Education Department, and the Children, Youth and
Families Department to identify the future work force needs in New Mexico; and specifically
identify, project, and track the number and types of jobs that will be needed in New Mexico
businesses and government for a period of not less than five years into the future.
- SJM 23a ADDRESS UNINTENDED PREGNANCIES (**PASSED/S**), *Sen. E. Griego* — requests that
the New Mexico Health Policy Commission, in coordination with the Human Services
Department and the Department of Health and other organizations, form an advisory panel to
address the issue of unintended pregnancy in New Mexico and offer policy recommendations
to reduce the numbers of unplanned pregnancies. (May affect public schools)
- SJM 34 STUDY PRE-KINDERGARTEN EFFECTIVENESS (**PASSED/S**), *Sen. Beffort* — requests
that the Secretary of the Children, Youth and Families Department (CYFD) convene a study
of the current requirements of teachers and staff for CYFD-funded New Mexico pre-
kindergarten programs, taking into consideration current evaluations and costs of providing
services including the costs of teachers and staff; and requests that findings and
recommendations of the study be delivered to the CYFD Secretary, the Child Development
Board, and the appropriate interim legislative committee by November 1, 2009.

PUBLIC SCHOOL-RELATED LEGISLATION
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- SJM 36 SCHOOL DISTRICT INCREMENTAL DAY INCREASES (**PASSED/S**), *Sen. Kernan* — requests that the Office of Education Accountability (OEA) study the practice of school districts adding incremental increases to school days and the effect of those increases on student achievement and teacher professional development; and requests that OEA report its findings and recommendations to the LESC before September 30, 2009.
- SJM 37 PRC PUBLIC RESOURCE USE PROCEDURES (**PASSED/S**), *Sen. Lovejoy* — requests that the Public Regulation Commission (PRC) develop and adopt administrative operating procedures to ensure accountability, consistency, and the efficient and effective use of public resources; and requests that PRC consider the structure and accountability measures undertaken by the Public Education Commission as a model.
- SJM 43 “**FFA & 4-H DAY**” (SGND), *Sen. P. Griego* — declares February 19, 2009 as “FFA and 4-H Day” at the Legislature. [Identical to HJM 56]
- SJM 47 SHORT-CYCLE EDUCATIONAL ASSESSMENTS (**PASSED/S**), *Sen. Nava* — requests that the Secretary of Public Education work with the US Department of Education to suspend federally mandated assessments and replace them with short-cycle formative assessments to meet No Child Left Behind requirements.
- SJM 48a INCLUDE DYSLEXIA IN DISABILITIES (**PASSED/S**), *Sen. Nava* — requests that the Public Education Department (PED) include dyslexia in the state definition of disabilities for the purpose of interpreting the federal Individuals with Disabilities Education Improvement Act; requests that PED identify effective interventions for students with dyslexia and establish certification criteria for specialists who assist students with dyslexia; and requests a report to the LESC by August 2009. [Identical to HJM 43a]
- SJM 51 “**READ ACROSS AMERICA DAY**” (SGND), *Sen. Nava* — congratulates Senator Mary Jane M. Garcia as the Honorary Chair of the National Education Association-New Mexico Read Across America Campaign for school year 2008-2009; and declares March 2, 2009 as Read Across America Day in the Legislature.
- SJM 52 EVALUATE NM APPROACH TO DRUG POLICY, *Sen. B. Sanchez* — requests that the New Mexico Health Policy Commission create a task force to evaluate New Mexico’s current approaches to drug policy through the use of law enforcement, treatment, prevention, and harm reduction and to develop strategies for effective change; and requests that the task force present its findings and recommendations to the interim Legislative Health and Human Services Committee and other appropriate legislative committees by November 1, 2009. (May affect public schools)
- SJM 60 RE-CREATE STATE SPANISH SUPERVISOR POSITION (**PASSED/S**), *Sen. Ortiz y Pino* — requests that the Public Education Department convene a working group to discuss re-creating the position of state supervisor of Spanish to protect New Mexico’s unique constitutional provisions for preservation of the Spanish language; and report to the LESC by November 2009.
- SJM 62a SCHOOL MEAL DONATIONS & FOOD REDISTRIBUTION (**PASSED/S**), *Sen. Nava* — requests that the Public Education Department request that public school districts and charter schools food service directors donate excess school meals to public or private nonprofit organizations that feed the hungry and homeless, including faith-based organizations; and requests that state agencies and nonprofit organizations convene a work group to address food redistribution to hungry and homeless people in New Mexico.

- SJM 67 SCHOOL DISTRICT REIMBURSEMENT STUDY (**PASSED/S**), *Sen. Leavell* — requests that the Public Education Department (PED) work with the Office of Education Accountability, the Legislative Education Study Committee, and the Legislative Finance Committee to examine such issues as the timely adoption and updating of PED rules, monitoring school district and charter school audits, establishing processes to allocate special funds, and reimbursement of both state and federal flow-through funds; and suggest appropriate procedures for timely reimbursement of funds to school districts and charter schools.
- SJM 68 FEDERAL STIMULUS FUND EXPENDITURES, *Sen. Ingle* — requests that a task force be created to ensure that federal stimulus money by New Mexico is expended responsibly and that New Mexico receives as great a share of the available stimulus money as possible. (May affect public schools)
- SJM 71a PUBLIC PROJECT SUBCONTRACTOR BONDING (**PASSED/S**), *Sen. Asbill* — requests that the Superintendent of Insurance convene a work group, including members of the Public School Facilities Authority, three members from school districts appointed by the Public School Capital Outlay Oversight Task Force (PSCOOTF), to study the costs and benefits of the statutory requirement, enacted in 2005 and amended in 2007, for the bonding of subcontractors on public works building projects; to develop a process for determining a prequalified bidder list; and to report its findings and recommendations to the Governor, the PSCOOTF, the Legislative Finance Committee, and the Legislative Education Study Committee.

SENATE JOINT RESOLUTIONS

- SJR 3 LIMIT REAL PROPERTY TAXES TO ONE PERCENT, CA, *Sen. Payne* — proposes an amendment to the Constitution of New Mexico to limit taxes on real property to 1.0 percent of the current value of the property. (May affect public schools)
- SJR 4 LIMIT STATE EXPENDITURES, *Sen. Payne* — addresses the fiscal crisis in New Mexico by requiring the Legislature to limit expenditures for FY 10 to no more than 95 percent of the most current consensus estimate of recurring General Fund revenue as reported by the Director of the Legislative Finance Committee. (May affect public schools)
- SJR 8 SUPERMAJORITY CONFIRMATION VOTES, CA, *Sen. Keller* — proposes to amend the Constitution of New Mexico to require a two-thirds majority vote of the Senate to confirm appointments to the boards of regents of the state educational institutions.
- SJR 10 EDUCATIONAL INSTITUTION BOARDS OF REGENTS, CA, *Sen. Keller* — proposes an amendment to the Constitution of New Mexico to establish the number and qualifications of members of the boards of regents of the state educational institutions.
- SJR 11 HOLD SCHOOL ELECTIONS APART FROM OTHERS, CA, *Sen. M. Sanchez* — proposes to amend Article 7, Section 1 of the Constitution of New Mexico to remove the restriction mandating that all school elections be held at different times from other elections.

- SJR 12 **QUALIFIED ELECTOR LANGUAGE, CA**, *Sen. Morales* — proposes to amend Article 7, Section 1 of the Constitution of New Mexico to remove language demeaning persons with developmental disabilities and to provide that every person who is a qualified elector pursuant to the Constitution and laws of the United States and a citizen thereof shall be qualified to vote in elections in New Mexico, subject to residency and registration requirements provided by law, except felons and incapacitated persons as restricted by statute.
- SJR 14 **EDUCATIONAL EMPLOYEES AS LEGISLATORS, CA**, *Sen. E. Griego* — proposes an amendment to the Constitution of New Mexico to allow employees of educational institutions to serve as state legislators. (Related to S 644)
- SJR 16 **LEGISLATIVE VOTES ON EXECUTIVE RULES, CA**, *Sen. Ingle* — proposes an amendment to the Constitution of New Mexico to allow the Legislature to enact laws that prohibit regulatory rules of the Executive branch from taking effect if nullified by a majority vote of the Legislature. (May affect PED)
- SJR 17 **VOTER IDENTIFICATION, CA**, *Sen. Ingle* — proposes an amendment to the Constitution of New Mexico to require that voters present an original or copy of a government-issued identification card or document containing the person’s photograph prior to voting in person in state elections. (May affect school boards)

SENATE MEMORIALS

- SM 10 **“NEW MEXICO MESA DAY,” (SGND)** *Sen. Cravens* — declares March 9, 2009 as “New Mexico Mesa Day” at the Senate to recognize the nonprofit organization that, in partnership with schools and universities, promotes educational enrichment for pre-college students from historically underrepresented ethnic groups.
- SM 11a **“SCHOOLS ON THE RISE DAY” (SGND)**, *Sen. Nava* — declares February 11, 2009 as “Schools On the Rise Day” at the Senate to recognize 13 schools in New Mexico for achieving adequate yearly progress for two consecutive years. [Identical to HM 15]
- SM 15 **“NM FAMILY & PARENT INVOLVEMENT DAY” (SGND)**, *Sen. B. Sanchez* — declares Thursday, February 12, 2009 as “New Mexico Family and Parent Involvement Day” at the Senate.
- SM 21 **DRIVER & HIGHWAY SAFETY TASK FORCE (PASSED/S)**, *Sen. Wirth* — requests that the Attorney General create a driver and highway safety task force to study changes needed in the Motor Vehicle Code to address driver and highway safety and to propose legislation for changes and for addressing problems posed by loss of the driving privilege; and requests that representatives of the medical community, advocacy groups for retirees, young persons, and persons with disabilities be members of the task force. (May affect public schools)
- SM 26 **CREATE PUBLIC SERVICE ACADEMY (PASSED/S)**, *Sen. Cisneros* — requests that the US Congress be urged to pass federal legislation to create a public service academy, the nation’s first national college devoted to public service outside of the military.

- SM 37 **“ST. MICHAEL’S HIGH 150TH ANNIVERSARY DAY” (SGND)**, *Sen. P. Griego* — declares March 5, 2009 as “St. Michael’s High School 150th Anniversary Day” at the Senate. (Relates to HM 73)
- SM 38a STUDY OUT-OF-SCHOOL TIME CYFD DEPARTMENT, *Sen. P. Campos* — requests that the Children, Youth and Families Department (CYFD) and the Public Education Department collaborate with the Children’s Cabinet to study the merits and feasibility of creating an out-of-school time division in CYFD.
- SM 41 **INTERIM DISABILITIES CONCERNS COMMITTEE (SGND)**, *Sen. E. Griego* — requests that the New Mexico Legislative Council create an interim disabilities concerns committee that includes membership of individuals with expertise in disabilities law, health, education, and resources including public members.
- SM 43 **“AFTER-SCHOOL FOR ALL DAY” (SGND)**, *Sen. E. Griego* — proclaims February 24 as “After-School Day for All Day” at the Senate. (Identical to HM 50)
- SM 47 **“STAND UP FOR SANTA FE PUBLIC SCHOOLS DAY” (SGND)**, *Sen. E. Griego* — proclaims February 25, 2009 “Stand Up for Santa Fe Public Schools Day” at the Senate. [Identical to HM 43]
- SM 52 **“OIL & GAS INDUSTRY DAY” (SGND)**, *Sen. Leavell* — recognizes the many contributions of the oil and gas industry to the state of New Mexico, its residents, and its institutions; and declares February 28, 2009 as “Oil and Gas Industry Day” at the Senate.
- SM 53 **NM SPEECH-LANGUAGE & HEARING ASSOCIATION DAY (PASSED/S)**, *Sen. Harden* — proclaims March 13, 2009 as “New Mexico Speech-Language and Hearing Association Day” at the Senate.
- SM 56 **“LOIS OPAL WILKINSON ALDRICH DAY” (SGND)**, *Sen. Adair* — recognizes Lois Opal Wilkinson Aldrich as an educator in New Mexico upon her 100th birthday; and proclaims March 4, 2009 “Lois Opal Wilkinson Aldrich Day” at the Senate.
- SM 57 SCHOOL EMPHASIS ON COUNTRY & FLAG, *Sen. Eichenberg* — requests that the Public Education Department encourage school boards to place emphasis on Americanism and respect for our country and flag.
- SM 71 **EVALUATE DRUG POLICY APPROACHES (SGND)**, *Sen. B. Sanchez* — requests that the New Mexico Health Policy Commission create a task force to evaluate New Mexico’s current approaches to drug policy through the use of law enforcement, treatment, prevention, and harm reduction, including drug prevention strategies used by New Mexico teachers, prevention specialists, and school districts; to develop strategies for effective change; and to present findings and recommendations to more effectively address drug use to the interim Legislative Health and Human Services Committee and other appropriate interim committees by November 1, 2009.
- SM 75 **REVIEW BRANCH & COMMUNITY COLLEGE STATUTES (PASSED/H)**, *Sen. P. Campos* — requests that the Higher Education Department work with the Public Education Department to review the adequacy and appropriateness of branch and community college statutes and present recommendations to the 2nd Session of the 49th Legislature.

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- SM 76 ENCOURAGE ENERGY-EFFICIENT PUBLIC BUILDINGS, *Sen. P. Campos* — encourages New Mexico communities to plan and design energy-efficient public buildings. (May affect public schools)
- SM 80 SCHOOL DISTRICT EMPLOYEE SALARY INCREASES, *Sen. Eichenberg* — requests that public school districts consider salary increases for clerks, secretaries, secretary-bookkeepers, and bookkeepers in school districts statewide.
- SM 81 TEACHING LICENSE GIFTED EDUCATION ENDORSEMENT, *Sen. Nava* — requests that the Public Education Department collaborate with state postsecondary education institutions, gifted education organizations, and the Legislative Education Study Committee to determine the requirements for a gifted education endorsement on teaching licenses. [Identical to HJM 83 and HM 103]
- SM 83 TOLERANCE CURRICULUM IN SCHOOLS, *Sen. Lopez* — requests that the Public Education Department (PED) provide suggestions for interweaving a tolerance and diversity curriculum into the existing content standards for K-12; prepare and disseminate to all school districts a guide for inclusion of tolerance and diversity teaching; and present its report and guide to the Legislative Education Study Committee during the 2009 interim.
- SM 84 STUDY TEACHER CANDIDATE MATH CURRICULUM, *Sen. Fischmann* — requests that the Office of Education Accountability in the Department of Finance and Administration, the Higher Education Department, and the Public Education Department convene a task force to study the rigor and relevance of the required mathematics curriculum for students preparing for a career as an elementary school teacher; and that the task force present findings and recommendations to the LESC by December 2009.
- SM 86 STUDY NURSING INSTRUCTOR SHORTAGE, *Sen. Beffort* — requests that the Board of Nursing collaborate with the New Mexico Center for Nursing Excellence, the Higher Education Department, and others to study the impact of a shortage of nursing instructors on the status of nursing in New Mexico.
- SM 88 PRIMARY & SCHOOL-BASED HEALTH CLINIC FUNDING, *Sen. Beffort* — requests that the Interagency Behavioral Health Purchasing Collaborative convene a stakeholder team to find ways to sustain funding for the screening, brief intervention, and the referral to treatment model for use in integrated primary care and school-based health clinics. [Identical to HM 107]
- SM 91 STUDY EDUCATIONAL INSTITUTION GOVERNANCE, *Sen. Keller* — requests that the Higher Education Department study the governance structure of New Mexico's state educational institutions; and report its findings and recommendations to the appropriate interim legislative committee by November 1, 2009.
- SM 92 NM CAREER & TECHNICAL STUDENT ORGANIZATIONS (PASSED/S), *Sen. Asbill*** — requests that recognition be extended to the career and technical student organizations of New Mexico for their service to the residents of the state.
- SM 93 PRIORITIZE & MONITOR CAPITAL OUTLAY PROJECTS, *Sen. P. Campos* — requests that the Legislative Finance Committee, the Department of Finance and Administration, and the Legislative Council Service collaborate on a process to prioritize, review, and monitor capital outlay projects, including the establishment of a capital outlay planning and review committee to report recommendations for a statewide framework to the Legislature by January 1, 2010. (May affect public schools)