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SENATE BILL 110
43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998
INTRODUCED BY
CYNTHIA NAVA

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

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

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

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

A. "federal funds" means any payments made by the United States government to state government or agencies except those payments made in accordance with the federal Mineral Lands Leasing Act;

B. "general fund" means that fund created by Section 6-4-2 NMSA 1978 and includes federal Mineral Lands Leasing Act receipts, but excludes the general fund operating reserve, the appropriation contingency fund and the risk reserve; and

C. "other state funds" means:

(1) unencumbered nonreverting balances in state agency accounts, other than in internal service funds accounts, appropriated by the Education Appropriation Act;

(2) all revenue available to state agencies from sources other than the

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total
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1 general fund, internal service funds, interagency transfers and federal funds; and

2 (3) all revenue, the use of which is restricted by statute or agreement.

3 Section 3. **FORMAT.** --The general format of the appropriations set forth in the Education
4 Appropriation Act with respect to symbols used, column headings and amounts stated are those
5 used in the General Appropriation Act of 1997.

6 Section 4. **APPROPRIATIONS.** --The appropriation for public school support in fiscal year
7 1999 shall be:

8 **PUBLIC SCHOOL SUPPORT:**

9 (1) State equalization guarantee

distribution:	1, 356, 011. 0	1, 000. 0		1, 357, 011. 0
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11 (2) Transportation distributions:

(a) Operations	71, 038. 3			71, 038. 3
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(b) School-owned bus replacements	2, 197. 5			2, 197. 5
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(c) Contractor-owned bus rent fees	11, 958. 2			11, 958. 2
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Subtotal	85, 194. 0			85, 194. 0
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18 (3) Supplemental distributions:

(a) Out-of-state tuition	380. 0			380. 0
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(b) Emergency	800. 0			800. 0
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(c) Emergency capital outlay	950. 0			950. 0
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Subtotal	2, 130. 0			2, 130. 0
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23 The rate of distribution of the state equalization guarantee distribution shall be based
24 on a program unit value determined by the superintendent of public instruction. The
25 superintendent of public instruction shall establish a unit value twice; first, a preliminary

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total
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unit value that shall be used to establish tentative budgets for the 1998-99 school year; and second, upon completion of final budgets or verification of the number of units statewide for fiscal year 1999, but no later than January 31 the superintendent of public instruction may adjust the program unit value.

The general fund appropriation in Item (1) reflects the deduction of federal revenues pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA 1978 that includes payments commonly known as "impact aid funds" pursuant to 20 USCA 7701 et seq., formerly known as "PL874 funds".

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

Unexpended or unencumbered balances in the distributions authorized remaining at the end of fiscal year 1999 from appropriations made from the general fund shall revert to the general fund.

INSTRUCTIONAL MATERIAL FUND:	27,224.6	1,225.0		28,449.6
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The appropriation to the instructional material fund is made from the federal Mineral Lands Leasing Act (30 USCA 181, et seq.) receipts.

EDUCATIONAL TECHNOLOGY FUND:	6,882.5			6,882.5
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TOTAL PUBLIC SCHOOL SUPPORT:	1,477,442.1	2,225.0		1,479,667.1
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ADULT BASIC EDUCATION FUND:	4,700.0		2,196.3	6,896.3
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STATE DEPARTMENT OF PUBLIC EDUCATION:

(1) Administration:

(a) Personal services	5,292.9	96.0	5.0	2,858.3	8,252.2
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(b) Employee benefits	1,430.9	23.9		783.6	2,238.4
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(c) In-state travel	282.2	2.3	5.0	168.2	457.7
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
(d) Maintenance and repairs	68.8	72.9		5.2	146.9
(e) Supplies and materials	76.2	54.8	29.8	126.3	287.1
(f) Contractual services	331.8	15.8		800.0	1,147.6
(g) Operating costs	354.7	26.5		645.3	1,026.5
(h) Other costs	0.1			155.3	155.4
(i) Capital outlay		93.3		97.3	190.6
(j) Out-of-state travel	15.0	0.7		55.7	71.4
(k) Other financing uses	2.4	0.3		152.0	154.7
Authorized FTE: 165.0 Permanent; 63.0 Term; .2 Temporary					
Subtotal	7,855.0	386.5	39.8	5,847.2	14,128.5

The appropriation to the state department of public education includes two hundred sixty thousand seven hundred dollars (\$260,700) from federal Mineral Lands Leasing Act (30 USCA 181, et seq.) receipts.

Unexpended or unencumbered balances in the state department of public education remaining at the end of fiscal year 1999 from appropriations made from the general fund shall not revert.

(2) Apprenticeship assistance:	600.0				600.0
(3) Regional education cooperatives:					
(a) Region 9		140.0		2,137.7	2,277.7
(b) High Plains		1,500.0		2,776.9	4,276.9
(c) Central		1,379.6		1,313.2	2,692.8

SPECIAL APPROPRIATIONS:

The following special appropriations are made from the general fund to the state department of public education in fiscal year 1999:

(1) GRADS	500.0				500.0
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Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
(2) World-Class Teachers	300.0				300.0
(3) School-to-work	100.0				100.0

Section 5. EMPLOYEES. --

(1) The appropriation for the state equalization guarantee distribution is contingent upon certification by the state department of public education to the state board of finance that each school district, except for those exempted in Paragraph (3) of this section, has budgeted a ten percent salary increase for instructional staff, as defined in Paragraph (1) of Subsection A of Section 22-8-24 NMSA 1978, and a five percent salary increase for non-instructional staff. The appropriation for the state equalization guarantee distribution contains a sufficient amount for the salary increases.

(2) The appropriation for the transportation distributions is contingent upon certification by the state department of public education to the state board of finance that each school district, except for those exempted in Paragraph (3) of this section, has budgeted a five percent salary increase for all public school transportation employees. The appropriation for the transportation distributions contains a sufficient amount for the salary increases.

(3) The state department of public education shall develop hardship criteria and an appeal process for school districts that cannot provide the salary increases pursuant to Paragraphs (1) and (2) of this section.

Section 6. SEVERABILITY. -- If any part or application of this act is held invalid, the remainder or its application to other situations or persons shall not be affected.

Section 7. EMERGENCY. -- It is necessary for the public peace, health and safety that this act take effect immediately.

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

January 27, 1998

Mr. President:

Your COMMITTEES' COMMITTEE, to whom has been referred

SENATE BILL 110

has had it under consideration and finds same to be GERMANE, in accordance with constitutional provisions, and thence referred to the EDUCATION COMMITTEE.

Respectfully submitted,

Manny M. Aragon, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

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