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HOUSE BILL 123

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Roberto "Bobby" J. Gonzales

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOL TRANSPORTATION; CHANGING THE
TRANSPORTATION FUNDING FORMULA; CREATING AN EMERGENCY FUND;
AMENDING AND REPEALING SECTIONS OF THE NMSA 1978; MAKING
APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Section 1. Section 22-8-26 NMSA 1978 (being Laws 1967,
Chapter 16, Section 76, as amended) is amended to read:

"22-8-26. TRANSPORTATION DISTRIBUTION. --

A. Money in the transportation distribution of the
public school fund shall be used only for the purpose of
making payments to each school district for the to-and-from
school transportation costs of students in grades kindergarten
through twelve attending public school within the school
district and of three- and four-year-old children who meet the

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1 state board approved criteria and definition of
2 developmentally disabled and for transportation of students to
3 and from their regular attendance centers and the place where
4 vocational education programs are being offered.

5 B. In the event a school district's transportation
6 allocation exceeds the amount required to meet obligations to
7 provide to-and-from transportation, three- and four-year-old
8 developmentally disabled transportation and [~~vocation~~
9 vocational education transportation, [~~the district shall~~
10 ~~revert remaining transportation funds to the transportation~~
11 ~~distribution in the department~~] fifty percent of the remaining
12 balance shall be deposited in the transportation emergency
13 fund.

14 C. Of the excess amount retained by the district,
15 at least twenty-five percent shall be used for to-and-from
16 transportation-related services, excluding salaries and
17 benefits, and up to twenty-five percent may be used for other
18 transportation-related services, excluding salaries and
19 benefits as defined by rule of the department.

20 [~~C.~~] D. In the event the sum of the proposed
21 transportation allocations to each school district exceeds the
22 amounts in the transportation distribution, the allocation to
23 each school district shall be reduced in the proportion that
24 the local school district allocation bears to the total
25 statewide transportation distribution.

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1 ~~[D-]~~ E. Local school boards, with the approval of
2 the state transportation director, may provide additional
3 transportation services pursuant to Section [~~22-16-2~~] 22-16-4
4 NMSA 1978 to meet established program needs. "

5 Section 2. Section 22-8-29 NMSA 1978 (being Laws 1967,
6 Chapter 16, Section 78, as amended) is amended to read:

7 "22-8-29. TRANSPORTATION DISTRIBUTIONS--REPORTS--
8 PAYMENTS.--

9 A. Prior to November 15 of each year, each local
10 school board of a school district shall report to the state
11 transportation director, upon forms furnished by the state
12 transportation director, the following information concerning
13 the district's operation on the fortieth day of school:

14 (1) the number and designation of school bus
15 routes in operation in the school district;

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

19 (3) the number of students transported on the
20 fortieth day of school and adjusted for special education
21 students on December 1;

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

24 ~~[(5) the percentage of unpaved or unimproved~~
25 ~~roads utilized by school buses in the school district; and~~

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~~(6)~~ (5) the seating capacity, age and mileage of each bus [~~utilized~~] used in the district for student transportation; and

(6) the number of total miles traveled for each school district's per capita feeder routes.

B. Each local school board of a school district maintaining a school bus route shall make further reports to the state transportation director at other times specified by the state transportation director.

C. The state transportation director shall certify to the state superintendent that the allocations from the transportation distributions to each school district are based upon the transportation distribution formula established in the Public School Code. The allocations for the first six months of a school year shall be based upon the tentative transportation budget of the school district for the current fiscal year. Allocations to a school district for the remainder of the school year shall adjust the amount received by the school district so that it equals the amount the school district is entitled to receive for the entire school year based upon the November 15 report and subject to audit and verification.

D. The department shall make periodic installment payments to school districts during the school year from the transportation distributions, based upon the allocations

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1 certified by the state transportation director. "

2 Section 3. Section 22-8-29.1 NMSA 1978 (being Laws 1995,
3 Chapter 208, Section 10, as amended) is amended to read:

4 "22-8-29.1. CALCULATION OF TRANSPORTATION ALLOCATION. --

5 A. As used in this section:

6 (1) "annual variables" means the coefficients
7 calculated by regressing the total operational expenditures
8 from two years prior to the current school year for each
9 school district using the number of students transported and
10 the numerical value of site characteristics;

11 (2) "base amount" means the fixed amount that
12 is the same for all school districts;

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

17 (4) "variable amount" means the sum of the
18 product of the annual variables multiplied by each school
19 district's numerical value of the school district's site
20 characteristics multiplied by the number of days of operation
21 for each school district.

22 ~~[A.]~~ B. The department ~~[of education]~~ shall
23 calculate the transportation allocation for each school
24 district. ~~[in the following manner:-~~

25 ~~(1) group local school districts on the basis~~

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1 of the average square miles served per student transported in
2 the prior year;

3 (2) in each group, calculate the prior year's
4 average operational expenditure per student transported in
5 each district;

6 (3) calculate the average for the group by
7 taking the total prior year's expenditure for the group and
8 dividing it by the number of students in the group;

9 (4) multiply the group average operational
10 expenditure per student by the number of students transported
11 on the fortieth day of the current year. Designate the
12 product "A";

13 (5) add "A" to the mileage supplement. The
14 sum of "A" and the mileage supplement is "B";

15 (6) for the 1995-96 and the 1996-97 school
16 years, "B" shall not be less than ninety-five percent or more
17 than one hundred fifteen percent of the district's previous
18 year's operational allocation, provided that if "B" is less
19 than ninety-five percent, "B" is deemed to equal ninety-five
20 percent and if "B" is greater than one hundred fifteen
21 percent, "B" is deemed equal to one hundred fifteen percent.
22 Calculate "B" accordingly; and

23 (7) multiply "B" by the transportation
24 distribution adjustment factor.

25 B.] C. The base amount is designated as product A.

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1 Product A is the constant calculated by regressing the total
2 operational expenditures from the two years prior to the
3 current school year for school district operations using the
4 numerical value of site characteristics approved by the state
5 board. The legislative education study committee and the
6 legislative finance committee may review the site
7 characteristics developed by the state transportation director
8 prior to approval by the state board.

9 D. The variable amount is designated as product B.
10 Product B is the predicted additional expenditures for each
11 school district based on the regression analysis using the
12 site characteristics as predictor variables multiplied by the
13 number of days.

14 E. The allocation to each school district shall be
15 equal to product A plus product B.

16 F. For the [1997-98, 1998-99 and] 1999-2000, 2000-
17 2001 and 2001-2002 school years, the transportation allocation
18 for each school district shall not be less than [ninety-five]
19 one hundred percent or more than one hundred fifteen percent
20 of the [1996-97] 1998-1999 school year's transportation
21 [allocation]

22 ~~C. For districts transporting less than~~
23 ~~seventy-five students, the department of education may utilize~~
24 ~~alternative calculation methods to determine the~~
25 ~~transportation allocation pursuant to regulation of the state~~

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1 ~~board]~~ expenditure.

2 G. The adjustment factor shall be applied to the
3 allocation amount determined pursuant to Subsections E and F
4 of this section. "

5 Section 4. Section 22-8-29.4 NMSA 1978 (being Laws 1995,
6 Chapter 208, Section 13) is amended to read:

7 "22-8-29.4. TRANSPORTATION DISTRIBUTION ADJUSTMENT
8 FACTOR. --

9 A. The state superintendent shall establish a
10 transportation distribution adjustment factor. The adjustment
11 factor shall be calculated as follows:

12 (1) calculate the unadjusted transportation
13 allocation for each school district, previously designated as
14 product A plus product B;

15 (2) the sum total of product A plus product B
16 in all school districts added together equals product C; and

17 (3) subtract product C from the total
18 operational transportation distribution for the current year
19 and divide the result by product C and then add 1 in the
20 following manner: "[(total operational transportation
21 distribution - C) ÷ C] + 1". The result is the transportation
22 distribution adjustment factor.

23 B. As used in this section, "total operational
24 transportation distribution" means the total legislative
25 appropriation for the transportation distribution minus

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1 amounts included for capital outlay expenses. "

2 Section 5. Section 22-8-29.6 NMSA 1978 (being Laws 1995,
3 Chapter 208, Section 15) is amended to read:

4 "22-8-29.6. TRANSPORTATION [~~RESERVE~~] EMERGENCY FUND. --

5 A. The "transportation [~~reserve~~] emergency fund"
6 is created in the state treasury. Money in the fund shall not
7 revert to the general fund at the end of any fiscal year.
8 Money in the fund is appropriated to the department for the
9 purpose of [~~supplementing disbursements from the~~] funding
10 transportation [~~distribution in order to ensure, to the extent~~
11 ~~of the amount undistributed in the fund, that the maximum~~
12 ~~figures for such distribution shall not be reduced.~~

13 B. ~~At least thirty days before the money is~~
14 ~~needed~~] emergencies. The state superintendent shall make
15 distributions only to ensure the safety of students receiving
16 to-and-from transportation services.

17 B. The state superintendent shall [~~notify the~~
18 ~~state treasurer in writing of the amount that will be needed~~
19 ~~for distribution.~~

20 C. ~~Distribution from the fund shall be in same~~
21 ~~manner and on the same basis as the transportation~~
22 ~~distribution~~] account for all transportation emergency
23 distributions and shall make full reports to the governor, the
24 legislative education study committee and the legislative
25 finance committee of payments made. "

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1 Section 6. TEMPORARY PROVISION-- SCHOOL BUS EQUIPMENT
2 APPROPRIATION. --Any unexpended or unencumbered balance
3 remaining at the end of fiscal year 1999 from the general fund
4 appropriation to the transportation distribution of public
5 school support in Laws 1998, Chapter 116 may be expended by
6 the state department of public education to develop and
7 implement a transportation management information system.

8 Section 7. APPROPRIATIONS. --

9 A. Two million three hundred thirteen thousand one
10 hundred dollars (\$2, 313, 100) is appropriated from the general
11 fund to the state department of public education for
12 expenditure in fiscal years 1999 and 2000 to develop and
13 implement a transportation management information system. Any
14 unexpended or unencumbered balance remaining at the end of
15 fiscal year 2000 shall revert to the general fund.

16 B. One hundred forty-eight thousand four hundred
17 dollars (\$148, 400) is appropriated from the general fund to
18 the state department of public education for expenditure in
19 fiscal years 1999 and 2000 to develop and refine the
20 transportation funding formula. Any unexpended or
21 unencumbered balance remaining at the end of fiscal year 2000
22 shall revert to the general fund.

23 Section 8. REPEAL. --Sections 22-8-29. 2, 22-8-29. 3 and
24 22-8-29. 5 NMSA 1978 (being Laws 1995, Chapter 208, Sections
25 11, 12 and 14) are repealed.

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Section 9. DELAYED REPEAL. --Section 22-8-29 NMSA 1978
(being Laws 1967, Chapter 16, Section 78, as amended) is
repealed effective July 1, 2001.

Section 10. EMERGENCY.--It is necessary for the public
peace, health and safety that this act take effect
immediately.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

6 February 17, 1999

8 Mr. Speaker:

10 Your EDUCATION COMMITTEE, to whom has been referred

12 HOUSE BILL 123

14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

16 1. On page 10, between lines 22 and 23, insert the
17 following new subsection:

19 "C. Seventy-five thousand dollars (\$75,000) is
20 appropriated from the general fund to the state department
21 of public education for expenditure in fiscal year 2000 to
22 conduct training for school bus contractors on safety
23 issues, administrative procedures and methods for improving
24 efficiency. Any unexpended or unencumbered balance
25 remaining at the end of fiscal year 2000 shall revert to the
general fund.".,

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HEC/HB 123

Page 13

and thence referred to the APPROPRIATIONS AND FINANCE
COMMITTEE.

Respectfully submitted,

Rick Mi era, Chai rman

Adopted _____

Not Adopted _____

(Chi ef Clerk)

(Chi ef Clerk)

Date _____

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HEC/HB 123

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4 The roll call vote was 12 For 0 Against

5 Yes: 12

6 Excused: Blanton, Hamilton, Knauer, Marquardt

7 Absent: None

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11 J:\99Bill\SWP\H0123

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999
3

4 February 25, 1999
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6
7 Mr. Speaker:
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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 123, as amended
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13 has had it under consideration and reports same with
14 recommendation that it DO PASS, amended as follows:
15

- 16 1. Strike House Education Committee Amendment 1.
- 17 2. On page 1, lines 13 and 14, strike "MAKING
18 APPROPRIATIONS;".
- 19 3. On pages 1, 2 and 3, strike Section 1 in its entirety.
- 20 4. Renumber the succeeding sections accordingly.
- 21 5. On page 10, strike Sections 6 and 7 in their entirety.
- 22 6. Renumber the succeeding sections accordingly.

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HAF/ HB 123/aa

Page 16

7 Respectfully submitted,

11 _____
12 Max Coll, Chairman

15 Adopted _____

Not Adopted _____

17 (Chief Clerk)

(Chief Clerk)

18 Date _____

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HARC/HB 123/aa

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4 The roll call vote was 11 For 0 Against

5 Yes: 11

6 Excused: Heaton, Larrañaga, Pearce, Picraux, Salazar, Varela

7 Absent: None

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10 128277.1

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

1 HARC/HB 123/aa

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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March 14, 1999

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Mr. President:

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Your EDUCATION COMMITTEE, to whom has been referred

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HOUSE BILL 123, as amended

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

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Respectfully submitted,

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Cynthia Nava, Chairman

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

1 HARC/HB 123/aa

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Adopted _____ Not

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Adopted _____

4

(Chief Clerk)

(Chief Clerk)

5

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7

Date _____

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9

The roll call vote was 7 For 1 Against

10

Yes: 7

11

No: Nava

12

Excused: Garcia, Lopez

13

Absent: None

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