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SENATE BILL 13

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

INTRODUCED BY

Linda M Lopez

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 AN
APPROPRIATION; DECLARING AN EMERGENCY.**

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

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

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

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

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

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

6 (3) the number of students transported on the
7 fortieth day of school and adjusted for special education
8 students on December 1;

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

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

13 ~~(6)] (5) the seating capacity, age and~~
14 mileage of each bus [~~utilized~~] used in the district for
15 student transportation; and

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

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

22 C. The state transportation director shall certify
23 to the state superintendent that the allocations from the
24 transportation distributions to each school district are based
25 upon the transportation distribution formula established in

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1 the Public School Code. The allocations for the first six
2 months of a school year shall be based upon the tentative
3 transportation budget of the school district for the current
4 fiscal year. Allocations to a school district for the
5 remainder of the school year shall adjust the amount received
6 by the school district so that it equals the amount the school
7 district is entitled to receive for the entire school year
8 based upon the November 15 report and subject to audit and
9 verification.

10 D. The department shall make periodic installment
11 payments to school districts during the school year from the
12 transportation distributions, based upon the allocations
13 certified by the state transportation director. "

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

16 "22-8-29.1. CALCULATION OF TRANSPORTATION ALLOCATION. --

17 A. As used in this section:

18 (1) "annual variables" means the coefficients
19 calculated by regressing the total operational expenditures
20 from two years prior to the current school year for each
21 school district using the number of students transported and
22 the numerical value of site characteristics;

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

25 (3) "total operational expenditures" means

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1 the sum of all to-and-from school transportation expenditures,
2 excluding expenditures incurred in accordance with the
3 provisions of Section 22-8-27 NMSA 1978; and

4 (4) "variable amount" means the sum of the
5 product of the annual variables multiplied by each school
6 district's numerical value of the school district's site
7 characteristics multiplied by the number of days of operation
8 for each school district.

9 ~~[A.]~~ B. The department ~~[of education]~~ shall
10 calculate the transportation allocation for each school
11 district. ~~[in the following manner:]~~

12 ~~(1) group local school districts on the basis~~
13 ~~of the average square miles served per student transported in~~
14 ~~the prior year;~~

15 ~~(2) in each group, calculate the prior year's~~
16 ~~average operational expenditure per student transported in~~
17 ~~each district;~~

18 ~~(3) calculate the average for the group by~~
19 ~~taking the total prior year's expenditure for the group and~~
20 ~~dividing it by the number of students in the group;~~

21 ~~(4) multiply the group average operational~~
22 ~~expenditure per student by the number of students transported~~
23 ~~on the fortieth day of the current year. Designate the~~
24 ~~product "A";~~

25 ~~(5) add "A" to the mileage supplement. The~~

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1 ~~sum of "A" and the mileage supplement is "B";~~

2 ~~(6) for the 1995-96 and the 1996-97 school~~
3 ~~years, "B" shall not be less than ninety-five percent or more~~
4 ~~than one hundred fifteen percent of the district's previous~~
5 ~~year's operational allocation, provided that if "B" is less~~
6 ~~than ninety-five percent, "B" is deemed to equal ninety-five~~
7 ~~percent and if "B" is greater than one hundred fifteen~~
8 ~~percent, "B" is deemed equal to one hundred fifteen percent.~~

9 Calculate "B" accordingly; and

10 ~~(7) multiply "B" by the transportation~~
11 ~~distribution adjustment factor.]~~

12 C. The base amount is designated as product A.
13 Product A is the constant calculated by regressing the total
14 operations expenditures from the two years prior to the
15 current school year for school district operations using the
16 numerical value of site characteristics approved by the state
17 board. The legislative education study committee and the
18 legislative finance committee may review the site
19 characteristics developed by the state transportation director
20 prior to approval by the state board.

21 D. The variable amount is designated as product B.
22 Product B is the predicted additional expenditures for each
23 school district based on the regression analysis using the
24 site characteristics as predictor variables multiplied by the
25 number of days.

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1 E. The allocation to each school district shall be
2 equal to product A plus product B.

3 ~~[B.]~~ F. For the ~~[1997-98, 1998-99 and]~~ 1999-2000,
4 2000-2001 and 2001-2002 school years, the transportation
5 allocation for each school district shall not be less than
6 ~~[ninety-five]~~ one hundred percent or more than one hundred
7 fifteen percent of the ~~[1996-97]~~ 1998-1999 school year's
8 transportation ~~[allocation.]~~

9 ~~C. For districts transporting less than~~
10 ~~seventy-five students, the department of education may utilize~~
11 ~~alternative calculation methods to determine the~~
12 ~~transportation allocation pursuant to regulation of the state~~
13 ~~board]~~ expenditure.

14 G. The adjustment factor shall be applied to the
15 allocation amount determined pursuant to Subsections E and F
16 of this section. "

17 Section 3. Section 22-8-29.4 NMSA 1978 (being Laws 1995,
18 Chapter 208, Section 13) is amended to read:

19 "22-8-29.4. TRANSPORTATION DISTRIBUTION ADJUSTMENT
20 FACTOR. --

21 A. The state superintendent shall establish a
22 transportation distribution adjustment factor. The adjustment
23 factor shall be calculated as follows:

24 (1) calculate the unadjusted transportation
25 allocation for each school district, previously designated as

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1 product A plus product B;

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

4 (3) subtract product C from the total
5 operational transportation distribution for the current year
6 and divide the result by product C and then add 1 in the
7 following manner:

8 "[total operational transportation distribution - C] ÷ C] +
9 1". The result is the transportation distribution adjustment
10 factor.

11 B. As used in this section, "total operational
12 transportation distribution" means the total legislative
13 appropriation for the transportation distribution minus
14 amounts included for capital outlay expenses. "

15 Section 4. Section 22-8-29.6 NMSA 1978 (being Laws 1995,
16 Chapter 208, Section 15) is amended to read:

17 "22-8-29.6. TRANSPORTATION [RESERVE] EMERGENCY FUND. --

18 A. The "transportation [reserve] emergency fund"
19 is created in the state treasury. Money in the fund shall not
20 revert to the general fund at the end of any fiscal year.
21 Money in the fund is appropriated to the department for the
22 purpose of [supplementing disbursements from the] funding
23 transportation [distribution in order to ensure, to the extent
24 of the amount undistributed in the fund, that the maximum
25 figures for such distribution shall not be reduced.]

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

5 B. The state superintendent shall [~~notify the~~
6 ~~state treasurer in writing of the amount that will be needed~~
7 ~~for distribution.~~

8 ~~C. Distribution from the fund shall be in same~~
9 ~~manner and on the same basis as the transportation~~
10 ~~distribution]~~ account for all transportation emergency
11 distributions and shall make full reports to the governor, the
12 legislative education study committee and the legislative
13 finance committee of payments made. "

14 Section 5. APPROPRIATIONS. --

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

22 B. One hundred forty-eight thousand four hundred
23 dollars (\$148,400) is appropriated from the general fund to
24 the state department of public education for expenditure in
25 fiscal years 1999 and 2000 to develop and refine the

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1 transportation funding formula. Any unexpended or
2 unencumbered balance at the end of fiscal year 2000 shall
3 revert to the general fund.

4 Section 6. REPEAL. -- Sections 22-8-29.2, 22-8-29.3 and
5 22-8-29.5 NMSA 1978 (being Laws 1995, Chapter 208, Sections
6 11, 12 and 14) are repealed.

7 Section 7. DELAYED REPEAL. -- Section 22-8-29 NMSA 1978
8 (being Laws 1967, Chapter 16, Section 78, as amended) is
9 repealed effective July 1, 2001.

10 Section 8. EMERGENCY. -- It is necessary for the public
11 peace, health and safety that this act take effect
12 immediately.