

1 HOUSE BILL 3
2 **49th LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**
3 INTRODUCED BY
4 **Rick Miera**
5
6
7
8
9

10 AN ACT
11 RELATING TO EDUCATION; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.
12

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

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

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

16 A. "federal funds" means any payments by the United States government to state
17 government or state agencies for specific purposes or in lieu of taxes, including grants,
18 reimbursements and payments made in accordance with contracts or cooperative agreements, and
19 shared revenue except those payments made in accordance with the federal Mineral Lands Leasing
20 Act (30 USCA 181, et seq.) and the State and Local Fiscal Assistance Act of 1972 (31 USCA
21 1221-1264), as amended;

22 B. "general fund" means that fund created by Section 6-4-2 NMSA 1978 and includes
23 federal Mineral Lands Leasing Act receipts; and

24 C. "other state funds" means:

25 (1) unencumbered nonreverting balances in state agency accounts, other than in

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total
------	-----------------	-------------------------	--	------------------	-------

1 internal service funds accounts, appropriated by the Education Appropriation Act;

2 (2) all revenue available to state agencies from sources other than the general
3 fund, internal service funds, interagency transfers and federal funds; and

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

5 Section 3. FORMAT.--The general format of the appropriations set forth in the Education
6 Appropriation Act with respect to symbols used, column headings and amounts stated are those used
7 in the General Appropriation Act of 2009.

8 Section 4. APPROPRIATIONS.--
9 PUBLIC SCHOOL SUPPORT:

10 Except as otherwise provided, unexpended balances of appropriations made in this subsection
11 shall not revert at the end of fiscal year 2010.

12 (1) State equalization guarantee: 2,388,508.9 850.0 2,389,358.9

13 The purpose of public school support is to carry out the mandate to establish and maintain a
14 uniform system of free public schools sufficient for the education of, and open to, all of the
15 children of school age in the state.

16 The rate of distribution of the state equalization guarantee distribution shall be based on
17 a program unit value determined by the secretary of public education. The secretary shall
18 establish a preliminary unit value to establish budgets for the 2009-2010 school year and, upon
19 verification of the number of units statewide for fiscal year 2010 but no later than January 31,
20 2010, the secretary of public education may adjust the program unit value.

21 The secretary of public education, in collaboration with the office of education
22 accountability of the department of finance and administration, shall ensure that all teachers
23 have been evaluated under the tiered licensure evaluation system and have the professional
24 competencies of the appropriate level. The secretary of public education shall withhold from the
25 public school distribution funding for the minimum salary of any teacher who has not been

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
------	--------------	-------------------	-------------------------------------	---------------	-------

1 evaluated.

2 The general fund appropriation to the state equalization guarantee distribution includes
3 sufficient funds to increase the minimum annual salary for educational assistants to thirteen
4 thousand dollars (\$13,000), contingent on the enactment of enabling legislation of the first
5 session of the forty-ninth legislature.

6 The general fund appropriation to the state equalization guarantee distribution contains
7 sufficient funding to provide a three-fourths percent increase in the employer contribution to
8 the educational retirement fund.

9 The general fund appropriation to the state equalization guarantee distribution contains
10 four million five hundred thousand dollars (\$4,500,000) for the third-year implementation of
11 elementary physical education for students in kindergarten through sixth grade. After
12 considering those elementary physical education programs eligible for state financial support and
13 the amount of state funding available for elementary physical education, the secretary of public
14 education shall determine the programs and the consequent number of students in elementary
15 physical education that will be used to calculate the number of elementary physical education
16 program units.

17 For the 2009-2010 school year, the state equalization guarantee distribution contains
18 sufficient funding for school districts and charter schools to implement a formula-based program
19 for the first time. Those districts and charter schools shall use current year membership in the
20 calculation of program units for the new formula-based program.

21 The general fund appropriation to the state equalization guarantee distribution reflects the
22 deduction of federal revenue pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA
23 1978 that includes payments commonly known as "impact aid funds" pursuant to 20 USCA 7701, et
24 seq., and formerly known as "PL 874 funds".

25 The general fund appropriation to the public school fund shall be reduced by the amounts

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
transferred to the public school fund from the current school fund and from the federal Mineral Lands Leasing Act receipts otherwise unappropriated.					
Any unexpended balances in the authorized distributions remaining at the end of fiscal year 2010 from appropriations made from the general fund shall revert to the general fund.					
(2) Transportation distributions:					
Appropriations:	105,455.9			105,455.9	
The general fund appropriation for the transportation distribution includes sufficient funding to provide a three-fourths percent increase in the employer contribution to the educational retirement fund.					
(3) Supplemental distributions:					
(a) Out-of-state tuition	370.0			370.0	
(b) Emergency supplemental	2,000.0			2,000.0	
Subtotal	2,370.0			2,370.0	
Any unexpended or unencumbered balance in the supplemental distributions to the public education department remaining at the end of fiscal year 2010 from appropriations made from the general fund shall revert to the general fund.					
INSTRUCTIONAL MATERIAL FUND:	16,750.0			16,750.0	
The appropriation to the instructional material fund is made from the federal Mineral Lands Leasing Act (30 USCA 181, et seq.) receipts.					
DUAL CREDIT TEXTBOOK FUND	1,500.0			1,500.0	
The general fund appropriation to the public education department for the dual credit textbook fund is contingent on the enactment of legislation of the first session of the forty-ninth legislature creating the dual credit textbook fund.					
EDUCATIONAL TECHNOLOGY FUND:	2,400.0			2,400.0	
SCHOOLS IN NEED OF IMPROVEMENT FUND:	2,500.0			2,500.0	

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 INDIAN EDUCATION FUND:	2,000.0				2,000.0
2 The general fund appropriation to the public education department for the Indian Education					
3 Act includes five hundred thousand dollars (\$500,000) to provide a rural literacy initiative to					
4 support after-school and summer literacy block programs for students in kindergarten through					
5 eighth grade in schools with a high proportion of Native American students, contingent on two					
6 hundred fifty thousand dollars (\$250,000) in matching funds from other than state sources.					
7 FEDERAL FLOW THROUGH:				462,392.0	462,392.0
8 TOTAL PUBLIC SCHOOL SUPPORT:	2,521,484.8	850.0		462,392.0	2,984,726.8
9 PUBLIC EDUCATION DEPARTMENT:					
10 (1) Administration:					
11 (a) Personal services					
12 and employee benefits	14,646.8	698.5		6,930.2	22,275.5
13 (b) Contractual services	732.1	82.0		19,466.1	20,280.2
14 (c) Other	1,191.6	397.5		3,373.6	4,962.7
15 Subtotal	16,570.5	1,178.0		29,769.9	47,518.4
16 Authorized FTE: 325.8. Permanent 216.2; Term 105.0; Temporary 4.6					
17 (2) Apprenticeship assistance:	650.0				650.0
18 The general fund appropriation to the public education department in the contractual					
19 services category includes two hundred thousand dollars (\$200,000) for the operating budget					
20 management system.					
21 PUBLIC EDUCATION DEPARTMENT SPECIAL APPROPRIATIONS:					
22 (a) Advanced placement	2,000.0				2,000.0
23 (b) After-school enrichment	3,300.0				3,300.0
24 The general fund appropriation to the public education department for after-school					
25 enrichment includes one million eight hundred thousand dollars (\$1,800,000) for twenty-first					

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 century learning centers that in school years 2007-2008 and 2008-2009 were in their final year of					
2 eligibility for federal funding.					
3 (c) Beginning teacher					
4 mentorship	1,500.0				1,500.0
5 (d) Breakfast for					
6 elementary students	3,450.0				3,450.0
7 (e) Family and Youth					
8 Resource Act	1,500.0				1,500.0
9 (f) Kindergarten-three					
10 plus	8,500.0				8,500.0
11 (g) New Mexico cyber					
12 academy	750.0				750.0
13 (h) Pre-kindergarten	8,500.0		2,000.0		10,500.0
14 (i) Regional education					
15 cooperative operations	1,200.0				1,200.0
16 (j) School improvement					
17 framework	3,000.0				3,000.0
18 (k) Summer reading,					
19 math and science					
20 institutes	2,500.0				2,500.0
21 (l) Emergency support					
22 to hold school					
23 districts harmless					
24 from decreased					
25 revenue	5,000.0				5,000.0

.175369.1

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 Subtotal	41,200.0		2,000.0		43,200.0
2 The general fund appropriation to the public education department for the Family and Youth					
3 Resource Act shall fund family and youth services pursuant to the Family and Youth Resource Act.					
4 The internal service funds/interagency transfers appropriations to the public education					
5 department include two million dollars (\$2,000,000) for the pre-kindergarten program from the					
6 temporary assistance for needy families block grant to New Mexico.					
7 The appropriations to the public education department for the pre-kindergarten program shall					
8 be used only for direct instruction, transportation and approved administrative costs.					
9 Any unexpended or unencumbered balance in the authorized distributions remaining at the end					
10 of fiscal year 2010 from appropriations made from the general fund shall revert to the general					
11 fund.					
12 REGIONAL EDUCATION COOPERATIVES:					
13 (1) Northwest 2 (Gallina)	136.8			1,593.0	1,729.8
14 (2) Northeast 4 (Las Vegas)	138.0			2,415.4	2,553.4
15 (3) Lea county 7 (Hobbs)	114.0			3,900.0	4,014.0
16 (4) Pecos valley 8 (Artesia)	134.4	1,321.5		1,371.8	2,827.7
17 (5) Southwest 10 (Truth or	132.0	300.0		4,500.0	4,932.0
18 Consequences)					
19 (6) Central 5 (Albuquerque)	130.8	2,000.0		2,000.0	4,130.8
20 (7) High plains 3 (Raton)	153.6	3,357.5		2,854.8	6,365.9
21 (8) Clovis 6 (Portales)	121.2	335.7		1,700.0	2,156.9
22 (9) Ruidoso 9 (Ruidoso)	139.2	4,000.0		4,800.0	8,939.2
23 Subtotal	1,200.0	11,314.7		25,135.0	37,649.7
24 OTHER SPECIAL APPROPRIATIONS					
25 LEGISLATIVE COUNCIL SERVICE	20.0				20.0

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total
1 To the legislative council service to pay costs associated with a public school					
2 transportation study.					
3 HIGHER EDUCATION DEPARTMENT	200.0				200.0
4 The appropriation to the higher education department for expenditure in fiscal years 2009					
5 and 2010 to establish the school leadership institute and provide for salaries and benefits for					
6 up to three full-time-equivalent positions is contingent on enactment of legislation of the first					
7 session of the forty-ninth legislature creating the school leadership institute.					
8 NEW MEXICO INSTITUTE OF	50.0				50.0
9 MINING AND TECHNOLOGY					

10 To the New Mexico institute of mining and technology for a residential summer science
11 program.

12 Section 5. SEVERABILITY.--If any part or application of this act is held invalid, the
13 remainder or its application to other situations or persons shall not be affected.

14 Section 6. EMERGENCY.--It is necessary for the public peace, health and safety that this
15 act take effect immediately.