

**NEW MEXICO INDEPENDENT COMMUNITY COLLEGES**  
**2010 Regular and Special Legislative Sessions**  
**Final Summary of Bills Enacted that Impact Community Colleges**  
**(Including links to final chaptered legislation)**

*Report Date: March 25, 2010*

**Bills Enacted During Special Session**

**HB-2**

**GENERAL APPROPRIATION ACT OF 2010**

**Sponsor: Rep. Saavedra**

House Bill 2 contains the FY 11 operating budget appropriations for state agencies, public schools and higher education. The total general fund appropriation for all sectors of state government is approximately \$5.36 billion. This total includes a provision in Section 10 of the bill which imposes a 0.544% “sanding” of all appropriations made in Section 4. Section 14 of this bill provides the Governor with the authority to reduce all appropriations on a pro rata basis in the event that revenues are inadequate to support the appropriated expenditure level. This is a new provision in the state budget bill which may become important in light of the Governor’s veto of some elements of tax increase legislation.

The total general fund appropriation made in HB-2 for higher education institutions and programs is \$788 million, a reduction of approximately 3.5% from the previously-reduced appropriations for FY10. The basic assumptions incorporated in the I&G appropriations include full formula workload funding, an increase in the tuition revenue credit of five percent for four-year institutions and nine percent for community colleges, and an across-the-board I&G “sanding” of 3.475%. The Governor vetoed language in the higher education section of the bill which would have required that institutions document that the proportion of I&G expenditures budgeted for instruction has not been reduced in FY11 budgets. He also vetoed a paragraph directing that the procedure for calculating community college mil levy revenue credits be reevaluated during this interim.

**Signed with partial veto: Laws 2010, 2<sup>nd</sup> Special Session, Chapter 6**

**Link to final bill:** <http://www.sos.state.nm.us/2010Bills/HB2-SS.pdf>.

**HB-5**

**SEVERANCE TAX BOND PROJECTS**

**Sponsor: Rep. Jim Trujillo**

This bill contains a number of capital outlay projects to be funded through the issuance of \$41.8 million in new Severance Tax Bonds, including projects for Eastern New Mexico University and New Mexico Junior College. The bill also reauthorizes funding from previously-issued STB’s to be used for other purposes, including some projects at higher education institutions.

**Signed with partial veto: Laws 2010, 2<sup>nd</sup> Special Session, Chapter 4**

**Link to final bill:** <http://www.sos.state.nm.us/2010Bills/HB5-SS.pdf>.

**Link to list of projects:** <http://www.nmlegis.gov/lcs/fileExists/capital/House%20Bill%205.PDF>

**SB-1****2010 CAPITAL PROJECTS GO BOND ACT****Sponsor: Sen. Cisneros**

This bill contains a number of capital outlay projects to be funded, subject to voter approval in November 2010, through the sale of General Obligation Bonds. Among the projects to be funded through this process are senior citizen centers (\$7.7 million), public & academic libraries (\$7.0 million), public school pre-K classrooms, instructional materials and school buses (\$5 million), as well as a number of projects at public post-secondary institutions (\$155.2 million).

**Signed: Laws 2010, 2<sup>nd</sup> Special Session, Chapter 3****Link to final bill:** <http://www.sos.state.nm.us/2010Bills/SB1-SS.pdf>.**Link to list of projects:**<http://www.nmlegis.gov/lcs/fileExists/capital/SFC%20SB1%20after%20concurrence.pdf>.**Bills Enacted During Regular Session****HECS/HB-70/a****EDUCATIONAL DATA SYSTEM****Sponsor: HECS**

This bill provides the statutory framework for creation of a P-20 educational accountability data system that would collect, integrate and report student and educator data required to implement federal- or state- required education performance accountability measures. Partners in the data system would be the PED and HED. They would convene a Data System Council composed of the secretaries of various state departments and representatives of educational entities (including two university and two community college representatives.) The council is directed to meet at least four times a year to create a system management plan and a strategic plan for the proposed accountability system. An annual report would be submitted to the legislature and to the governor. No general fund appropriation is made for implementation of the system.

**Signed: Laws 2010, Chapter 112****Link to final bill:** <http://www.sos.state.nm.us/2010Bills/HB70.pdf>**HB-90****NATIVE AMERICAN SCHOOLS DUAL CREDIT PROGRAM****Sponsor: Rep. Begay**

This bill amends state statutes to include federal Bureau of Indian Education high schools and tribal colleges in the state dual credit programs.

**Signed: Laws 2010, Chapter 36****Link to final bill:** <http://www.sos.state.nm.us/2010Bills/HB90.pdf>

**HB-150****HISPANIC EDUCATION ACT****Sponsor: Rep. Miera**

House Bill 150 and Senate Bill 132 became duplicate measures which create a Hispanic Education Liaison within the Public Education Department to focus on issues related to Hispanic education. The act authorizes the Secretary of Education to appoint a Hispanic Education Advisory Council of up to 23 members. The act also requires reporting on Hispanic student enrollment, retention and completion rates at the state higher education institutions.

**Signed: Laws 2010, Chapter 114****Link to final bill:** <http://www.sos.state.nm.us/2010Bills/HB150.pdf>**HB-237/a****GOVERNMENT RESTRUCTURING TASK FORCE****Sponsor: Rep. Varela**

This bill proposes the creation of a 17-member Government Restructuring Task Force consisting of five members of the House, five members of the Senate, three public members appointed by the Speaker, three public members appointed by the President Pro Tem, and the Secretary of Finance and Administration. Findings of the task force and any proposed legislation are to be presented to the Governor and Legislature by December 31, 2010. The HAFC amendment removed a \$100,000 appropriation for expenses associated with the task force.

**Signed: Laws 2010, Chapter 101****Link to final bill:** <http://www.sos.state.nm.us/2010Bills/HB237.pdf>**SB-91****DELAY EDUCATIONAL RETIREMENT CONTRIBUTIONS****Sponsor: Sen. Smith**

This bill deferred the effective date of scheduled increases in public employer contributions to the Educational Retirement Fund from July 1, 2010 to July 1, 2011.

**Signed: Laws 2010, Chapter 67****Link to final bill:** <http://www.sos.state.nm.us/2010Bills/SB91.pdf>**SB-132****HISPANIC EDUCATION ACT****Sponsor: Sen. B. Sanchez**

Senate Bill 132 and House Bill 150 became duplicate measures which create a Hispanic Education Liaison within the Public Education Department to focus on issues related to Hispanic education. The act authorizes the Secretary of Education to appoint a Hispanic Education Advisory Council of up to 23 members. The act also requires reporting on Hispanic student enrollment, retention and completion rates at the state higher education institutions.

**Signed: Laws 2010, Chapter 108****Link to final bill:** <http://www.sos.state.nm.us/2010Bills/SB132.pdf>

**SB-134****MILITARY VETERAN LOTTERY SCHOLARSHIPS****Sponsor: Sen. Payne**

This bill proposes an amendment to the Legislative Lottery Scholarship Act to lengthen the period of time within which honorably or medically discharged veterans must begin attending state educational institutions after completion of their military service from 120 days to one year.

**Signed: Laws 2010, Chapter 109****Link to final bill:** <http://www.sos.state.nm.us/2010Bills/SB134.pdf>**SB-152****COLLEGE STUDENT LISTS TO CREDIT COMPANIES****Sponsor: Sen. M. Sanchez**

This bill would prohibit post-secondary institutions and their alumni associations from providing student information to credit card companies.

**Signed: Laws 2010, Chapter 71****Link to final bill:** <http://www.sos.state.nm.us/2010Bills/SB152.pdf>**SFCS/SB-182****CAPITAL OUTLAY REVERSIONS FOR SOLVENCY****Sponsor: Sen. Cisneros**

The SFC substitute for SB-1820 de-authorizes 2,067 capital projects supported by state general fund appropriations totaling \$132.2 million and 532 projects funded with severance tax bonds in the amount of approximately \$89.2 million. The bill authorizes the use of \$23.6 million of the freed-up severance tax capacity to support 17 of the general fund projects that are currently in progress. This bill is one of the major pieces of solvency legislation.

**Signed with partial veto: Laws 2010, Chapter 105****Link to final bill:** <http://www.sos.state.nm.us/2010Bills/SB182.pdf>**Recent Action:** Passed House as amended 43-25, Senate concurred**Location:** Governor**HJM-1****STUDY UNIFORM MILITARY CREDIT AT NM COLLEGES****Sponsor: Rep. Cote**

This joint memorial requests that HED study the development of uniform standards for accepting military credits among all higher educational institutions in the state. The findings of this study are to be presented to an appropriate interim legislative committee by November, 2010.

**Signed****HJM-7****UNM-LOS ALAMOS ENVIRONMENTAL EDUCATION****Sponsor: Rep. Wallace**

This joint memorial requests that the New Mexico congressional delegation support UNM-LA's

environmental education initiative and seek funding for its implementation.

**Signed Recent Action:** Passed Senate 35-0

**Location:** Complete

#### **HM-50**

#### **DEVELOP STATEWIDE NURSING EDUCATION PLAN**

**Sponsor:** Rep. Chavez

This memorial requests that the New Mexico Center for Nursing Excellence and the State Board of Nursing convene a taskforce to develop a nursing education plan for New Mexico.

**Recent Action:** Passed House 66-0

**Signed Location:** Complete

### ***Bills that Failed to Pass – Regular Session***

#### **HAFCS/HB-2,3,4,5 & 6/aSFC**

#### **GENERAL APPROPRIATION ACT OF 2010**

**Sponsor:** Rep. Saavedra

The Senate Finance Committee amendments to HB-2 insert the Senate's proposed FY 11 operating budget appropriations for state agencies, public schools and higher education. The total general fund appropriation for all sectors of state government in Section 4 of the bill is approximately \$5.35 billion. However, provisions in Section 10 of the bill impose a 1.43% "sanding" of compensation and other cost reduction measures. A total general fund appropriation of \$791.3 million is made for higher education institutions and programs. The 1.43% sanding of higher education compensation would reduce the total by approximately \$12.9 million. The basic assumptions incorporated in the I&G appropriations include full formula workload funding, an increase in the tuition revenue credit of four percent for four-year institutions and nine percent for community colleges, and an across-the-board appropriation "sanding" of approximately 3.475%.

**Recent Action:** Passed Senate as amended 25-17

**Location:** Died on Adjournment

#### **HB-9**

#### **INCOME TAX SURCHARGE**

**Sponsor:** Rep. Sandoval

This bill, as amended, would increase NM personal income tax rates on taxable income in excess of \$200,000 (married joint and head of household filers), \$133,000 (single) and \$100,000 (married separate) by 1.5 percent. The increase would apply only in tax years 2010 through 2012.

**Recent Action:** Passed House 36-32

**Location:** SCORC

#### **HB-19**

#### **HISPANIC EDUCATION ACT**

**Sponsor:** Rep. MH Garcia

This bill proposes the creation of a Hispanic Education Division within the Public Education Department. The division would advise on the development of education policy and a five-year strategic plan for education programs to serve Hispanic students. A Hispanic Education Advisory Council is created. An annual status report on the progress of Hispanics in the state's public schools is required by November 15 of each year. This bill is similar to SB-132 which is also entitled the "Hispanic Education Act."

**Location:** HRC

#### **HB-54**

#### **NMSU DONA ANA REGIONAL EDUCATION INITIATIVE**

**Sponsor:** Rep. Nunez

This bill appropriates \$100,000 to the NMSU Board of Regents for Dona Ana Community College to implement the Dona Ana County Regional Educational Initiative.

**Recent Action:** Do Pass from HEC

**Location:** HAFC

#### **HB-102**

#### **LOTTERY SCHOLARSHIPS FOR TRIBAL COLLEGES**

**Sponsor:** Rep. Alcon

This bill would authorize full-time undergraduate students attending accredited tribal colleges in New Mexico to receive lottery tuition scholarships.

**Recent Action:** Do Pass from SIAC

**Location:** SRC

**HTRCS/HB-119**

**TEMPORARY GROSS RECEIPTS INCREASE**

**Sponsor: Rep. B. Lujan**

The substitute bill would increase the state gross receipts tax by one-half percent for FY11. This increase would be phased-out over the three following fiscal years, returning the state rate to 5.0% in FY15.

**Recent Action:** Passed House 34-32

**Location:** SFC

**HB-226**

**GO BOND PROJECTS**

**Sponsor: Rep. J. Trujillo**

This bill contains a number of proposed capital outlay projects to be funded, subject to voter approval in November 2010, through the sale of General Obligation Bonds. Among the projects to be funded through this process are senior citizen centers, public libraries, public school pre-K classrooms and school buses, as well as a number of projects at public post-secondary institutions.

**Recent Action:** Senate failed to concur with House Amendments

**Location:**

**HB-243**

**TRANSFER HIGHER EDUCATION DEPT. TO DFA**

**Sponsor: Rep. Park**

This bill proposes that the state Higher Education Department be abolished and selected financial functions be transferred to the Department of Finance & Administration.

**Recent Action:**

**Location:** HRC

**HJM-13**

**TRACK NURSING EDUCATION FUNDING**

**Sponsor: Rep. Chavez**

This joint memorial requests that the Higher Education Department track funding for nursing education provided to the state post-secondary institutions through the Nursing Program Enhancement Fund, the state funding formula and other sources.

**Recent Action:**

**Location:** HEC

**SB-16**

**EXPAND LESC AUTHORITY TO HIGHER EDUCATION**

**Sponsor: Sen. Keller**

This bill proposes to extend the authority of the Legislative Education Study Committee to study higher education as a part of the entirety of education in New Mexico.

**Location:** SCC

**SB-21**

**GRADUATE STUDENT LOTTERY TUITION**

**Sponsor: Sen. Keller**

This bill creates the Graduate Student Lottery Tuition Loan Fund into which five percent of the annual proceeds of the Lottery Tuition Fund would be transferred to provide tuition assistance for New Mexico students to pursue graduate programs. A new loan-for-service program is created for this purpose.

**Location:** SCC

**SB-52**

**EDUCATIONAL EMPLOYEES AS LEGISLATORS**

**Sponsor: Sen. E. Griego**

This bill provides an exception in state statutes that would enable employees of constitutionally-established state educational institutions to serve as members of the legislature.

**Location:** SCC

**SB-73**

**INTERIM HIGHER EDUCATION COMMITTEE**

**Sponsor: Sen. Keller**

This bill proposes the creation of an eight member joint interim Higher Education Study Committee composed of four representatives and four senators to be appointed by the Legislative Council. The committee is charged to undertake a study addressing a number of issues outlined in the bill and to report its finding prior to the 2011 legislative session. An appropriation of \$15,000 is proposed to cover per diem and mileage expenses of the committee, which would be staffed by the Legislative Council Service.

**Location:** SCC

**SB-79**

**CAPITAL OUTLAY PLANNING & MONITORING**

**Sponsor: Sen. Campos**

This bill proposes the creation of a permanent Capital Outlay Review Committee composed of 18 members. The bill

also establishes the Capital Outlay Planning and Monitoring Act.

The Capital Outlay Review Committee's duties include overseeing capital outlay planning functions and processes, adopting standards and guidelines for evaluating capital outlay requests, prioritizing requests, requiring periodic reports from state agencies and political subdivisions on capital outlay projects and conducting reviews of state and local capital infrastructure plans.

**Location:** SCC

**SFCS/SB-112**

**SEVERANCE TAX BOND PROJECTS**

**Sponsor:** Sen. Cisneros

This bill contains a number of proposed capital outlay projects to be funded through the issuance of Severance Tax Bonds. No higher education projects are contained in the substitute bill.

**Recent Action:** Passed House as amended 37-31, Senate failed to concur

**Location:**

**SFCS/SB-113**

**GO BOND PROJECTS**

**Sponsor:** Sen. Cisneros

This bill contains a number of proposed capital outlay projects to be funded, subject to voter approval in November 2010, through the sale of General Obligation Bonds. Among the projects to be funded through this process are senior citizen centers, public libraries, public school pre-K classrooms and school buses, as well as a number of projects at public post-secondary institutions. The Senate Floor substitute includes a total of \$175.54 million in projects, of which \$155.57 is for higher education projects. The Senate Floor substitute groups the projects into four ballot issues rather than six as proposed in the SFC sub.

**Recent Action:** Passed House as amended 54-14, Senate failed to concur

**Location:**

**SB-114**

**DUAL CREDIT TEXT BOOK FUND**

**Sponsor:** Sen. Nava

This bill creates a Dual Credit Textbook Fund to be administered by the Instructional Materials Bureau of PED. Appropriations to the fund would be distributed to school districts, charter schools and other state supported schools to provide textbooks and supplies to students participating in dual credit programs.

**Recent Action:** Do Pass as amended from SEC

**Location:** SFC

**SB-116**

**GENERAL APPROPRIATION ACT OF 2010**

**Sponsor:** Sen. Smith

This bill appears to be identical to HB-2 and contains the budget recommendations of the Executive branch. A total general fund appropriation of \$837.7 million is proposed for higher education institutions and programs.

**Location:** SCORC

**SB-185**

**SELL BONDS TO AVOID SALARY REDUCTIONS**

**Sponsor:** Sen. M. Sanchez

This bill authorizes the State Board of Finance to issue and sell short-term Severance Tax Bonds in an amount not to exceed \$76.3 million. Proceeds from the sale of these bonds would be used to offset any salary reductions imposed through the General Appropriation Act of 2010. Some \$18.1 million of the bond proceeds would be devoted to offset reductions in salaries at higher education institutions.

**Recent Action:** Do Pass from SPAC

**Location:** SFC

**SB-228**

**GENERAL APPROPRIATION ACT 2010**

**Sponsor:** Sen. Smith

This bill appears to contain the Legislative Finance Committee's proposed FY 11 operating budget appropriations for state agencies, public schools and higher education. A total general fund appropriation of \$788.4 million is proposed for higher education institutions and programs. HB-7 and SB-228 appear to be duplicate measures.

**Location:** SFC

**SFCS/SB-246**

**PUBLIC EMPLOYEE PENSION CONTRIBUTION INCREASE**

**Sponsor:** Sen. Ingle

The Senate Finance Committee Substitute for SB-246 would shift an additional one percent from the employer contribution to the employee contribution for the New Mexico public retirement systems. This shift would be effective through June 30, 2011.

**Recent Action:** Withdrawn from Senate floor & re-referred to SFC

**Location:** SFC

**SJM-4**

**GOOD FISCAL JUDGEMENT FOR UNM SALARIES**

**Sponsor: Sen. E. Griego**

This joint memorial requests the UNM Board of Regents to immediately reduce the number of and compensation paid to top administrators at the university.

**Recent Action:** Do Pass as Amended by SRC

**Location:** SEC

**SJM-14**

**DEVELOP ACCELERATED LEARNING MASTER PLAN**

**Sponsor: Sen. MJ Garcia**

This joint memorial requests the Higher Education Department and the Public Education Department, in cooperation with other professionals and stakeholders, to develop a master plan that offers high school students options for study at the post-secondary level. A report containing recommendations is to be made to the LESC by November 1, 2010.

**Recent Action:** Passed Senate 34-0

**Location:** HEC

**SJM-21**

**STUDY CAPITAL OUTLAY REVIEW & PRIORITIZATION**

**Sponsor: Sen. Campos**

This joint memorial requests the Legislative Finance Committee, the Department of Finance and Administration and the Legislative Council Service to establish a committee to devise a process to prioritize, review and monitor capital outlay projects. The committee is to report its recommendations to the appropriate interim legislative committee by January 1, 2011. This memorial is related to SB-79.

**Recent Action:** Do Pass from SRC

**Location:** SFC

**SJR- 4**

**BOARD OF REGENTS CONFIRMATIONS, CA**

**Sponsor: Sen. Keller**

This joint resolution proposes a revision to the state constitution which would require that appointees to the boards of regents of constitutionally-created state educational institutions be confirmed by a two-thirds vote of the Senate.

**Location:** SRC

**SJR- 10**

**CREATE STATE COLLEGE BOARD OF REGENTS, CA**

**Sponsor: Sen. McSorley**

This joint resolution proposes to repeal the existing Article 12, Section 13 of the state constitution and replace it with a new section which would establish a single 13 member board of regents which would govern the seven constitutionally-established colleges and universities (UNM, NMSU, NMIMT, ENMU, NMHU, NNMC and WNMU.)

This board would replace the individual governing boards of these institutions. The board would appoint a president of the New Mexico university system who, in turn, would appoint a chancellor for each institution. Separate five-member boards of regents would continue to exist for NMMI, NMSBVI, and NMSD

**Location:** SRC

**SR- 3**

**NOMINATION OF REGENT REQUIREMENTS**

**Sponsor: Sen. Ortiz y Pino**

This Senate resolution proposes a revision to its rules which would require the Rules Committee to receive testimony of student and faculty representatives prior to making its recommendation on the confirmation of a nominee to a board of regents of a state educational institution.

**Location:** SRC