



## **2007 State Legislative Session Wrap-up**

The University of New Mexico Government Relations team has wrapped up its work for the 48<sup>th</sup> Legislature, First Session. The Governor had until April 6<sup>th</sup> to sign, veto or pocket veto legislation that was passed and sent to him after March 13<sup>th</sup>. I would like to thank the members of the University community, under the leadership of President David Harris, for their hard work before and during the legislative session. The time that was spent working with legislators and legislative staff during the summer and fall of 2006 made a difference going into the 2007 legislative session. This year proved to be a positive year for higher education and The University of New Mexico was fortunate to garner legislative and executive support through the budget, supplemental spending and the capital outlay processes.

UNM received in recurring support for the base budgets of the Main, HSC and Branch campuses a total of \$297.8 million, an increase of \$14.9 million; in new and expanded special projects an additional \$5.3 million; and in compensation and inflationary factors an additional \$25.8 million. In capital outlay support UNM received \$30.2 million in direct appropriations; the ability to apply for almost \$7.0 million from other state funds; authorization to impose a surcharge on athletic events that could yield a bond worth \$5.0 - \$20 million and the City of Rio Rancho received authorization to impose up to a 0.25 % gross receipts tax to help construct a higher education facility in Rio Rancho that could yield approximately \$30 million.

The University Regents adopted the 2007 Legislative Priorities during the August 2006 meeting and those priorities were the focus of our efforts in Santa Fe this year. Attached is a report card on those priorities. We also focused on issues that were of significance to UNM and higher education. There were also bills that we viewed as adverse to the University and we worked together with the bills sponsors to protect the interests of the University. Contained within this report is detailed accounting of the funding provided to UNM during the legislative session and a summary of substantive legislative that passed the legislature and was signed into law by the Governor.

**Overview of UNM Funding**

<b>Compensation &amp; other inflationary factors</b>		
	<b>New Money</b>	<b>%Δ</b>
Faculty	\$ 7.08 million	5.0 %
Staff	\$ 9.43 million	5.0 %
ERB	\$ 2.48 million	0.75 %
Health Ins.	\$ 1.29 million	7.4 %
Risk Ins.	\$ 208,834	6.2 %
Library	\$ 149,106	6.2 %
Utilities	\$ 513,276	3.1 %
BR & R	\$ 4.62 million	30 %

<b>Research &amp; Public Service Projects New Money</b>	
HB 2 (Main) Section 4	\$ 1,239,800
HB 2 (HSC) Section 4	\$ 1,419,900
HB 2 (non-recurring) Section 5	\$ 389,000
SB 611	\$ 5,279,800
<b>TOTAL</b>	<b>\$ 8,328,500</b>

<b>Capital Outlay Funding</b>	
Main Campus	\$ 19.2 million
Branches	\$ 1.5 million
HSC	\$ 9.5 million
<b>TOTAL</b>	<b>\$ 30.2 million</b>

**Overview of Substantive Legislation**

**Rio Rancho Gross Receipts Tax for Higher Education Facilities - HB 374 (Swisstack)**

This legislation gives Rio Rancho City Council the authority to put a question in front of the voters to support up to a 0.25% gross receipts tax. This could yield up to \$30 million for the construction of higher education facilities in Rio Rancho.

**Broaden Research Park Act - SB 773 (Papen,) Session Laws, Chapter 247**

This legislation expands the definition of research park is expanded to include buildings and projects for the development of real property; and the definition of research park inclusion of rights and franchises is expanded to include facilities in which activities may or may not be directly related to research.

**University Athletic Facility Funding Act - SB 717 (Taylor), Session Laws, Chapter 117**

This legislation gives the Boards of Regents of UNM and NMSU the authority to impose an athletic facility surcharge of not more than 25 percent on the revenues of all vendors that provide products and services sold at or related to a university athletic facility.

**Faculty Endowment - HB 983 (Saavedra), Session Laws, Chapter 364**

This legislation allocates \$2.0 to the UNM Main Campus and \$1.5 million the UNM School of Medicine for a 50% match to private donations for endowed chairs, lectureships, professorships, scholarships, graduate assistantships, faculty development programs and other purposes to enhance the quality of New Mexico higher education. Furthermore, UNM Branches are eligible to apply for matching funds through the Higher Education Department at a 70% match.

**Funding Bills:**General Appropriations Act – CS/2,3,4,5,6 and 9 /aHFL#1/aSFC/aCC**Section 4 FY 2008 Appropriations**

<b>University of New Mexico</b>	<b>FY 07</b>	<b>Final FY 08</b>	<b>Δ Funding</b>
UNM Main Campus Instruction & General	169,961.8	177,371.0	7,409.2
Athletics	2,745.2	2,745.1	-0.1
Educational Television	1,330.3	1,330.4	0.1
Gallup Branch Instruction & General	9,098.6	9,333.2	234.6
Gallup Nurse Expansion	35.8	35.8	0.0
Los Alamos Branch Instruction & General	2,413.9	2,182.0	-231.9
Valencia Branch Instruction & General	4,692.1	4,796.3	104.2
Taos Branch Instruction & Genera;	2,058.8	2,324.7	265.9
<b>UNM Research and Public Service</b>			
Judicial Selection	77.1	77.1	0.0
Judicial Education Center	163.3	363.3	200.0
Spanish Resource Center	108.6	108.6	0.0
Southwest Research Center	1,559.2	1,834.2	275.0
Substance Abuse Center	154.5	154.5	0.0
Native American Intervention	196.2	196.2	0.0
Resource Geographic Information Center	133.3	133.3	0.0
Natural Heritage Program	79.7	79.7	0.0
Southwest Indian Law Clinic	207.4	207.4	0.0
BBER Census and Population Research	252.7	402.7	150.0
New Mexico Historical Review	84.3	84.3	0.0
Ibero-American Education Consortium	173.9	173.9	0.0
Youth Education Recreation Program	147.8	147.8	0.0
Advanced materials research	68.1	68.1	0.0
Manufacturing Engineering Program	641.7	641.7	0.0
Hispanic Student Center	127.8	127.8	0.0
Wildlife Law Education	74.4	149.4	75.0
Science and Engineering Women's Careers Dev	23.4	23.4	0.0
Youth Leadership Development	76.0	76.0	0.0
Morrissey Hall Research	57.1	57.1	0.0
Disabled Student Services	233.9	233.9	0.0
Minority Graduate Recruitment and Retention	167.5	167.5	0.0
Graduate Research Development Fund	86.4	86.4	0.0
Community Based Education	843.5	843.5	0.0

<b>University of New Mexico - con't</b>	<b>FY 07</b>	<b>Final FY 08</b>	<b>Δ Funding</b>
Corrine Wolfe Children's' Law Center	68.4	168.4	100.0
Mock Trials Program	82.7	82.7	0.0
ENLACE	94.9	94.9	0.0
Pre-College Minority Student Math/Science	170.8	170.8	0.0
Special Projects Expansion	1,468.4	1,358.2	-110.2
Latin American Student Recruitment	247.0	247.0	0.0
Saturday Science and Math Academy	70.0	70.0	0.0
Utton (Ombudsman/Stell) Transboundary Resources Center	140.0	140.0	0.0
Law College Prep Mentoring Program	125.0	125.0	0.0
Navajo Language Research and Teaching		100.0	100.0
Biomedical Engineering		200.0	200.0
Student Athlete Retention		250.0	250.0

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<b>UNM Main, Branches, RPSF's Sub Total</b>	<b>200,541.5</b>	<b>209,563.3</b>	<b>9,021.8</b>
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<b>Health Science Center</b>	<b>FY 07</b>	<b>Final FY 08</b>	<b>FY08 - 07</b>
Medical School Instruction and General	50,603.2	55,087.8	4,484.6
Office of Medical Investigator	3,526.1	3,901.1	375.0
Emergency Medical Services Academy	850.2	850.1	-0.1
Children's Psychiatric Hospital	6,436.5	6,436.5	0.0
Hemophilia Program	556.5	556.6	0.1
Carrie Tingley Hospital	4,699.8	4,699.8	0.0
Out of County Indigent Fund	1,241.1	1,241.1	0.0
Specialized Perinatal Care	574.1	574.1	0.0
Newborn Intensive Care	3,356.6	3,356.5	-0.1
Pediatric Oncology	417.7	417.7	0.0
Young Children's Health Center	417.6	417.6	0.0
Pediatric Pulmonary Center	193.0	193.0	0.0
Area Health Education Centers	178.2	178.2	0.0
Grief Intervention Program	172.0	172.1	0.1
Pediatric Dysmorphology	149.7	149.7	0.0
Locum Tenens	653.0	653.0	0.0
Disaster Medicine Program	107.2	107.1	-0.1
Poison Control Center	1,077.2	1,077.3	0.1
Fetal Alcohol Study	174.0	174.0	0.0
Telemedicine	307.0	507.0	200.0
Nurse Mid-wifery Program	393.1	393.1	0.0
Cancer Center	2,828.9	2,828.9	0.0
Children's Cancer Camp	107.3	107.3	0.0

<b>University of New Mexico - con't</b>	<b>FY 07</b>	<b>Final FY 08</b>	<b>Δ Funding</b>
Oncology	99.9	99.9	0.0
Genomics, Biocomputing and Enviro Health Res	126.1	126.1	0.0
Los Pasos Program	4.9	4.9	0.0
Trauma Specialty Education	29.8	29.8	0.0
Pediatric Specialty Education	29.0	29.0	0.0
Native American Health Center	311.4	311.4	0.0
Donated Dental Services	25.0	25.0	0.0
Rural Physicians Residences	299.7	299.7	0.0
Hepatitis C Community Health	150.0	550.0	400.0
Dental Residencies		100.0	100.0
Nurse Expansion	1,490.7	1,490.7	0.0
Special Projects Expansion	735.0	679.9	-55.1
Cooperative Pharmacy Program		400.0	400.0
<b>HSC Sub Total</b>	<b>82,321.5</b>	<b>88,226.0</b>	<b>5,904.5</b>
<b>Total UNM Main - Branches - RPSP's - HSC</b>	<b>282,863.0</b>	<b>297,789.3</b>	<b>14,926.3</b>

<b>Section 5 Special Appropriations</b>	<b>FY 07</b>	<b>Final FY 08</b>	<b>Δ Funding</b>
<b>(non recurring)</b>			
ENLACE		200.0	200.0
Deferred Maintenance		41,000.0	41,000.0
Hold Harmless		2,668.4	2,668.4
HED for Technology Research Collaborative		500.0	500.0
College Affordability Act		48,000.0	48,000.0
UNM Film & Digital Media		230.0	230.0
UNM Lovelace Respiratory Research Institute		1,000.0	1,000.0
UNM Alliance for Transportation Institute		30.0	30.0
UNM Natural High		20.0	20.0
UNM Nursing Education at Gallup		118.0	118.0
UNM HSC Cancer Research Equipment		2,200.0	2,200.0
NMSU CES Chile Harvesting Research		500.0	500.0
NMSU for Renewal Energy Development		30.0	30.0
NMSU Hand Held Devices for Ag Inspectors		280.7	280.7
NMSU Regents for Acequia and Ditch Fund Admin		500.0	500.0
NMSU Phreatophyte Removal		500.0	500.0
New Mexico Tech PRRC		400.0	400.0
Northern NM College Teacher Prep Programs		1,000.0	1,000.0
<b>Total Special Appropriations</b>		<b>95,977.1</b>	<b>95,977.1</b>

Supplemental Agency Funding Bill - SB 611 (Jennings)

<b>Section 37 - University of New Mexico</b>	<b>Final FY 08</b>	<b>Δ Funding</b>
<i>uncertain at this point whether recurring or non-recurring</i>		
Native American Studies Program	207.0	207.0
Research Navajo Language	75.0	75.0
Chicano, Hispano, and Mexicano Studies Program	75.0	75.0
African American Student Services	85.0	85.0
Sustainability Studies Program	290.0	290.0
Media Arts & Entertainment	357.0	357.0
Indigenous Library Program	75.0	75.0
Media Arts Youth Program	70.0	70.0
International Education Initiatives	280.0	280.0
Biomedical Engineering	372.0	372.0
ROTC Room & Board Scholarships	157.0	157.0
Student Athlete Retention	275.0	275.0
College Mentoring Program	40.0	40.0
Summer M&S Prog for Minority Students	145.0	145.0
BBER Census and Population Research	45.0	45.0
Spanish Resource Center Raza Planning	30.0	30.0
Institute of Aerospace Engineering	100.0	100.0
Center for Regional Studies	150.0	150.0
UNM Intercultural Studies Ctr Alfonso Ortiz	40.0	40.0
Julian Samosa Legacy	100.0	100.0
Research Learning Service Program	50.0	50.0
Theatre Company in Residence	50.0	50.0
Second Chance program at BernCo	267.8	267.8
Anderson Sch & Northern NM College Entrepreneurship	45.0	45.0
Licensed Alcohol and Drug Counselors Internship	20.0	20.0
UNM Student Use of Mass Transit	35.0	35.0
African American Studies Bridge Program	30.0	30.0
Center for Latin American Resources & Outreach	25.0	25.0
Anderson Sch & UNM Gallup Entrepreneurship Program	30.0	30.0
Gallup Branch Library	35.0	35.0
UNM Taos Manpower Development	200.0	200.0
UNM Mentoring Program	92.0	92.0
<b>Health Sciences Center</b>		
Integrative Medical	312.0	312.0
Nurse Advice Line	35.0	35.0
Research involving outpatient medicine (RIOs)	57.0	57.0

Pediatric Tele-Health Obesity Program	10.0	10.0
Poison Control Center	225.0	225.0
Young Children's Health Center	150.0	150.0
Autism Evaluation Services	50.0	50.0
Cooperative Pharmacy Program	57.0	57.0

**Law School**

Corrine Wolfe Children's Law Center	145.0	145.0
Utton (Ombudsman/Stell) Transboundry Resources Ctr	291.0	291.0
College Preparatory Mentoring APS (Los Compañeros)	75.0	75.0
UNM Latino and Latina Law Conference	25.0	25.0

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**TOTAL** **5,279.8**

Capital Outlay Expenditures

African American Dept Distance Learning Equip	\$75,000
Alliance for Transportation Institute Projects	\$75,000
Alumni Center Construct	\$160,000
Barelas Neighborhood Plan/Design	\$100,000
Biology Building Renovate/Expand	\$2,789,000
Biology Dept. Mammal Div Equip/Fence	\$87,000
Biomedical Engineering Program Equip	\$400,000
Buses Purchase	\$200,000
Cancer Rsrch & Trtmnt Ctr Construct	\$7,000,000
Carlisle Gym Equip	\$80,000
Centennial Engineering Bldg Equip & Furnish	\$200,000
Community Trtmnt Ctrs Dental Equip	\$50,000
Ctr for Latin Amer Resources/Outreach Equip	\$25,000
E-Mercado Info Tech	\$100,000
Fire Suppression/Detection System	\$10,000
Golf Course Clubhouse	\$604,285
Golf Course Golf Hitting Bays	\$143,900
Graduate Studies Photography Equip	\$200,000
Harwood Museum of Art Renovate-Taos	\$615,000
Health Education Bldg	\$50,000
Health Sciences Ctr Equip	\$50,000
Hodgin Hall Renovate & Repair	\$1,177,497
Hospital Telemedicine Equip	\$100,000
Indoor Football Practice Field	\$450,000
Indoor Golf Course	\$200,000
Indoor Soccer Facility Construct	\$750,000
Info Tech	\$10,000

International Center	\$10,000
Johnson Field Lighting	\$260,000
KUNM Radio Station Construct	\$370,000
Law Library Ed Tech & Acquisitions	\$50,000
Library System Shelving	\$131,697
Manufacturing Train & Tech Ctr Clean Room	\$310,000
MTTC Clean Rm Equip	\$210,000
Native Amer Learning Ctr Plan	\$55,000
Pit	\$4,000,000
Popejoy Hall Seating	\$50,000
Prevention & Wellness Ctr	\$150,000
Learning Center	\$4,000,000
Sevilleta Research Facility Expand & Info Tech	\$227,394
Soccer Complex Team Room	\$100,697
Softball Complez Improve	\$585,000
Surgical Multispecialty Clinic Furnish	\$100,000
Tamarind Institute Equip	\$150,000
Tamarind Institute Facility	\$780,100
Tow Diehm Trainers' Room Equip	\$75,000
Tow Diehm Weight Room Equip	\$30,000
Women's Basketball Prgm Equip	\$150,000
Black Panther Party Archives	\$125,000
Gallup Info Tech/Digital Media Tech	\$100,000
Gallup Intertribal Collection Facility	\$50,000
Gallup Mechanical & Industrial Prog Equip	\$50,000
Gallup Tech Center & Classroom Bldg	\$160,000
Lambda Rail Project	\$1,000,000
Taos Sewer/Roads/Fire/Utility/Security Improve	\$1,100,000
West Building Construct	\$100,000
<b>TOTAL</b>	<b>\$30,181,570</b>

**Substantive Bills:**

Rio Rancho Gross Receipts Tax for Higher Education Facilities - HB 374 (Swisstack), Session Laws, Chapter 148

House Bill 374 creates the municipal higher education facilities gross receipts tax and allows a municipality in a Class B county that has a municipal population over 50 thousand to impose it. The new tax may be imposed in 1/16 percent increments up to ¼ percent. Revenues collected due to the tax may be used only for acquisition, construction, renovation or improvement of facilities of a four-year post secondary public education facility located in the municipality or to repay municipal higher education facilities gross receipts tax revenue bonds.



### Broaden Research Park Act - SB 773 (Papen) Session Laws, Chapter 247

House Bill 900 amends existing statute to broaden the scope of the University Research Park Act to include “economic development”. The ability to form a research park corporation is extended to economic development initiatives that support the teaching, research or service mission of the university, including creating learning opportunities for students. Among its provisions, the legislation would:

- The definition of research park is expanded to include buildings and projects for the development of real property;
- The definition of research park inclusion of rights and franchises is expanded to include facilities in which activities may or may not be directly related to research;
- An area vocational school can no longer participate in a university research park;
- Extend the ability to manage and develop property;
- Extend the ability to lease assets and property;

### Faculty Endowment - HB 983 (Saavedra), Session Laws, Chapter 364

The faculty endowment program provides non-recurring endowment funding for endowed chairs, lectureships, professorships, scholarships, graduate assistantships, faculty development programs and other purposes to enhance the quality of New Mexico higher education. The HED is authorized to promulgate rules to establish procedures to disburse funds from the faculty endowment fund. Funds would be available through June 30, 2010 as follows:

- \$2 million each to University of New Mexico, New Mexico State University and New Mexico Institute of Mining and Technology, with 50 percent matching funds;
- \$1.5 million to the University of New Mexico School of Medicine, with 50 percent matching funds;
- \$500 thousand each to New Mexico Highlands University, Eastern New Mexico University, Western New Mexico University and Northern New Mexico State School, with 40 percent matching funds;
- a total amount of endowments of \$2.5 million for New Mexico Military Institute, community colleges, branch community colleges and technical and vocational institutions, with a 30 percent matching fund requirement. This amount is to be distributed according to rules developed by HED. These rules must ensure each eligible institution an opportunity to receive an equitable share of the funds.
- Eligible uses of endowment funds are expanded to lectureships, scholarships, graduate assistantships, faculty and development programs

By July 1 of 2008, 2009 and 2010, HED would report to the legislative finance committee on amounts disbursed to each institution, the amount of matching funds and their source and the purpose of the endowments. On July 1, 2010, any funds remaining in the faculty endowment fund may be matched by any public, post-secondary institution consistent with HED rules.

### University Athletic Facility Funding Act - SB 717 (Taylor), Session Laws Chapter 117

Senate Bill 717 creates the university athletic facility funding act. This act will allow The University of New Mexico (UNM) and New Mexico State University (NMSU) to impose an athletic facility surcharge of not more than 25 percent on the revenues of all vendors that provide products and services sold at or related to a university athletic facility. The surcharge will be collected by vendors and due to the university by the 10<sup>th</sup> day of the month following the taxable event. The act will also allow those universities to issue tax exempt athletic facility revenue bonds upon approval by the board of regents, the State Board of Finance, and the Department of Higher Education. These revenue bonds may be used to pay for designing, purchasing, constructing, equipping or furnishing a university athletic facility that seats at least 12,000. The bill also provides that vendor payments of the surcharge will be audited and that vendors who do not pay the surcharge will pay interest at an annual rate of 12 percent of past due amounts, as well as attorney fees. The bill also creates exemptions from the gross receipts and governmental gross receipts taxes for receipts of a university from an athletic facility surcharge imposed pursuant to the university athletic facility funding act. Because the bill has an emergency clause, its provisions will take effect immediately upon signature by the governor.

### Establish Higher Education Department Divisions – SB 248 (Nava), Session Laws Chapter 22

Senate Bill 248 creates the following divisions within the Higher Education Department:

- Administrative services division
- Planning and research division
- Financial aid division
- Public information and communications division
- Adult basic education division
- Information technology division
- Private and proprietary schools division
- Public schools liaison division

SB 248 also authorizes the Secretary to reorganize the department and its divisions and to transfer or merge functions between divisions and bureaus to focus on efficiency and economy. Finally, the bill deletes existing statutory language that requires HED to submit a propose plan for the statutory organization of the department during the second session of the 47<sup>th</sup> legislature.

### Lottery Scholarships for Disabled Students – SB 689 (Nava), Session Laws Chapter 73

Senate Bill 689 amends Sections 21-1-4 3 NMSA 1978 (Laws 1996, Chapter 71, Section 3), Section 21-13-10 NMSA 1978 (Laws 1963, Chapter 17, Section 9) and Section 21-16-10.1 NMSA 1978 (Laws 1996, Chapter 71, Section 6) to establish a lengthened period of eligibility for the Lottery Success Scholarship program to students with disabilities requiring special accommodations. The bill prescribes policies and procedures for administration of provisions of the act and establishes a longer period of eligibility for scholarship award recipients. Subject to appropriations by the Legislature, the Higher Education department would direct disbursements from the Lottery Scholarship fund to disabled student award recipients for up to 14 consecutive semesters, provided the students maintain at minimum 6 credit hours. Circumstances regarding the necessity of a lengthened eligibility period would be determined at each institution's disabled student liaison or office on a case-by-case basis; with each office or student liaison determining the individual student's "full-time" load and the maximum allowable semesters of awards eligibility for that student. Finally, as written, the act amends several clauses within these sections to make the law parallel with current agency names and incorporate current terminology.

Action on the Senate Floor amends Senate Bill 689 such that all references within Sections 21-1-4 3 NMSA 1978 (Laws 1996, Chapter 71, Section 3), Section 21-13-10 NMSA 1978 (Laws 1963, Chapter 17, Section 9) and Section 21-16-10.1 NMSA 1978 (Laws 1996, Chapter 71, Section 6) will now refer to the lottery program as the “Legislative Lottery Scholarship Program.”

Lottery Scholarships for Military Dependents – CS/SB 687 (Nava), Session Laws Chapter 74

Senate Education Committee Substitute for Senate Bill 687 carries no appropriation. Senate Bill 687/SECS would create a mechanism whereby certain dependants of U.S. service members could obtain a New Mexico high school diploma. These diplomas would be available to dependants existing in the State and attending out-of-state schools, provided they maintained regular enrollment in a State school, provided advance notification of the transfer, immediately enrolled in the out-of-state school, and receive no other degree or GEDC. Senate Bill 687/SECS in effect extend eligibility for the New Mexico Lottery Success Scholarship program such that eligibility for scholarship program would be available for all dependents of New Mexico resident U.S. service members, stationed outside the State, provided they maintain state residency.

Students with Disabilities Scholarship Act – SB 537 (Nava), Session Laws Chapter 76

Senate Bill 537 creates a new section of statute to establish the Students with Disability Scholarship Act. The bill prescribes policies and procedures for administration of provisions of the act and establishes eligibility for scholarship award recipients. SB537 creates the nonreverting Students with Disability Scholarship Fund. The fund would consist of appropriations, gifts, grants and donations, and any interest the account would accrue. Subject to appropriations by the Legislature, the Higher Education department would direct disbursements from the fund for scholarships of not more than \$1000 per semester to disabled student award recipients. Finally, as written, the act mandates individual post-secondary institutions to provide annual reporting on program activity to the Higher Education department, including cooperative efforts in data collection and sharing to administer the program.

Senate Education Committee amendments make a significant change to the proposed legislation, thereby removing language that specified non-eligibility for disabled student scholarships from that fund; for either prior-recipients, or those that had been eligible for services from the Vocational Rehabilitation division at PED. The intent of the changes are such that students who were eligible or had received funding for rehabilitation through PED’s existing program for disabling conditions can receive scholarships if Senate Bill 537/aSEC/aSFC is enacted. In this version, the term “students with disabilities” is defined *solely* as a student with record of a disability that is recognized by the Higher Education department; to include conditions that limit one or more major life activities. [Louisiana State University Law Center; “Many of the federal courts do not like the broad reach of the ADA and have attempted to limit it by a restricted reading of what constitutes a major life activity. The regulations to the Rehabilitation Act, which also govern this aspect of the ADA, are ambiguous: “Major life activities” means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Some courts take this literally, finding that activities that are not on the list, such as reproduction, are not major life activities.”] The original version contained this definition, and added limiting language specific to the rehabilitation program participants and those eligible. The amendments greatly clarify the intended program recipients.

### Lottery Fund Distribution – SB 364 (Sanchez, M.), Session Laws Chapter 71

Senate Bill 364 amends the New Mexico Lottery Act in the following ways:

- Requires the New Mexico Lottery Authority (NMLA) to obtain board approval for procurements greater than \$75 thousand.
- Places NMLA under the state procurement code
- Phases-in the minimum distribution to the scholarship fund to 27 percent until December 31, 2008 and then 30 percent thereafter.
- treasurer for deposit into the Lottery Scholarship Fund (“Fund”) Eliminates the reserve fund
- Requires that a copy of the annual audit be delivered to the legislative council service library
- Changes the title to include “NAMING THE TUITION SCHOLARSHIP THE “LEGISLATIVE LOTTERY SCHOLARSHIP.”
- Changes the political party membership of the board to no more than five can be from the same political party.
- Adds a new responsibility of the NM Lottery board to support problem gambling and provide information to players.
- Changes the date for distributing revenue to the last day of the month following the receipt of revenues to the scholarship fund.

### UNM Inflammatory Breast Cancer Research – SB 532 (Jennings), Session Laws Chapter 26

Senate Bill 532 appropriates \$3,215,340 from the general fund to the Board of Regents of the University of New Mexico to develop and conduct inflammatory breast cancer research in conjunction with the inflammatory breast cancer clinic and research program at M.D. Anderson Cancer Center of the University of Texas, the University of Washington School of Medicine and other medical research universities or institutions that will also work on the proposed inflammatory breast cancer research.

### Community College Board Member Elections – SB 984 (Jennings), Session Laws Chapter 27

Senate Bill 984 authorizes the board of a two-year branch campus to establish a new board. The board would have five members who would be elected to staggered terms from single-member districts within the branch community college districts. These districts must be compact and contiguous and composed of relatively equal populations. The board may adopt a resolution for the districts to coincide with the county commission districts if the county commission has five districts and the boundaries of the county and branch community college district are identical. Board members must reside in the districts from which they are elected. The board may redistrict one time after each federal decennial census.

### Charter School Funding - Senate Bill 634 (Nava), Session Laws, Chapter 214

Senate Bill 634 provides procedures to the charter school capital outlay fund for the purpose of funding the local share of a PSCOC project to charter schools. Money available in the fund, in the following order, may be used for:

- making grants to a state-chartered charter school for its share of a PSCOC project;
- making grants to local or state charter schools;
- providing grants to a local-chartered school for its share of a PSCOC project; and,
- providing the state share of a project from the charter school capital outlay fund instead of from the public school capital outlay fund.

Dee Johnson Indoor Air Act – House Bill 283 (Park), Session Laws, Chapter 20

The House Health and Government Affairs committee substitute changes the name of the Clean Indoor Act to the Dee Johnson Clean Indoor Air Act and attempts to establish minimum standards for the regulation of tobacco smoking. The committee substitute amends 24-16-2 NMSA 1978 pertaining to the Act's intent; amends 24-16-3 NMSA 1978 pertaining to definitions; and amends 24-16-4 pertaining to smoking in public places.

Changes to definitions include:

1. "Employer" is anyone with one employee or more;
2. "Smoking" includes "inhaling, exhaling, burning, carrying or holding";
3. "Smoking permitted area" includes a prohibition that "secondhand smoke" cannot infiltrate an area where smoking is prohibited.

Changes to areas smoking is prohibited include:

Any indoor workplace, public place or means of public transit; including during business hours of a home being used commercially to provide child or adult care.

The Committee Substitute also adds nine new sections to the Act to include:

1. Lists the public areas where smoking is permitted to include a business with fewer than two employees not commonly accessible to the public, a theatrical stage or film set or licensed tobacco manufacturing, marketing or distribution facility;
2. Prohibits smoking near entrances, windows and ventilation systems of workplaces and public places where smoking is prohibited;
3. Requires employers to adopt, implement, post and maintain a written smoking policy;
4. Requires employers to post clear signs at each public entrance designating no smoking and smoking permitted areas;
5. Designates the local fire, police or sheriff department to enforce the Act.
6. Imposes fines for noncompliance over the age of 18;
7. Prohibits retaliation by an employer against an employee, applicant, or patron for exercising any rights afforded them by the Act;
8. Allows local jurisdictions to enact more comprehensive smoke-free policies than the law.



## 2007 State Legislative Priorities Post Session Report Card

*All dollar amounts shown in thousands*

*Priorities in Common with the Council of University Presidents*

1. 5% Compensation Increase , **Funded 5%**  
plus 0.75 %ERA Contribution - **Funded 0.75%**
2. Zero or Minimal Increase in Tuition Credit – **0% Credit Change**
3. Implement Funding Formula Revisions – **BR&R Formula Adjusted**
4. Endowed Chairs Matching Funds – **Funded UNM \$3,500.0**
5. Building Renewal and Replacement Funding - **\$13,200.0 Non-recurring**

### A. Educating New Mexico's Healthcare Workforce

- BA/MD combined degree program - \$1,132.3 (year 3 funding)  
 Personnel (Recurring): \$607.3 **Funded \***  
 Expenses (Recurring): 525.0  
*\*Included with I&G funding for School of Medicine*
- College of Nursing program expansion - \$2,250,000  
 Personnel (Recurring): \$2,092.5 **No Funding\*\***  
 Expenses (Recurring): 157.5  
*\*\*Additional funding made available through NMHED. UNM CON may apply for that money.*
- Cooperative Pharmacy program - \$516,250  
 Personnel (Recurring): \$316.3 **\$457.0**  
 Expenses (Recurring): 200.0

### B. Growing a Successful and Diverse Campus

- Navajo Language program - \$277,886  
 Personnel (Recurring): \$212.5 **\$175.0**  
 Expenses (Non-Recurring): 65.4
- Native American Studies program - \$285,000  
 Personnel (Recurring): \$285.0 **\$207.0**
- Chicano, Hispano and Mexicano Studies program - \$254,000  
 Personnel (Recurring): \$254.0 **\$75.0**

- New Mexico International Education Initiative - \$379,875  
 Personnel (Recurring): \$ 94.9 **\$280.0**  
 Expenses (Non-Recurring): 285.0
- Mentoring Institute - \$198,000  
 Personnel (Recurring): \$151.8 **\$92.0**  
 Expenses (Non-Recurring): 47.0
- MAPS: Multiple Academic Pathways for Students - \$131,610  
 Personnel (Recurring): \$93.6 **No Funding**  
 Expenses (Non-Recurring): 38.0

**C. Solidifying the financial stability of the School of Medicine and The University of New Mexico Hospitals**

1. Instruction and General funding support at the School of Medicine - \$11.0 million (recurring)  
 Personnel (Recurring): \$11,000.0 **\$4,000.0\***
  - Out of County Indigent Fund - \$6.25 million  
 Appropriation (Non-Recurring): \$6,250.0 **\$1,241.1**
  - Pediatric Oncology - \$400,000  
 Appropriation (Recurring) \$400.0 **No Funding**
  - HSC Library Collections - \$750,000  
 Expenses (Recurring): \$750.0 **Partially funded via  
inflationary factors**
  - UNM Young Children's Health Center - \$100,000  
 Personnel (Recurring) \$100.0 **\$150.0**

**D. Advancing New Mexico's Competitive Edge**

- Film and Digital Media program - \$4,755,900  
 Personnel (Recurring): \$ 607.2 **Recurring \$357.0  
NR \$230.0**  
 Expenses (non-Recurring): 4,148.7 **Funding available  
via capital fund**
- Center for Radio Isotopes - \$3,526,100  
 Personnel and Expenses (Non-Recurring): \$3,526.1 **No Funding**

- Biomedical Engineering – \$4,395,750  
 Personnel (Recurring): \$ 682.5 **\$572.0**  
 Expenses (Non-Recurring): 3,700.0 **\$400.0**
- Institute for Aerospace Engineering - \$923,600  
 Personnel (Recurring): \$303.6 **\$100.0**  
 Expenses (Non-Recurring): 620.0

**E. Building and Renewing a Student Centered Campus**

**Major Capital Projects**

<u>Institution – Wide</u>	<u>Requests</u>	<u>Capital Outlay</u>
Life Safety Code Compliance	\$5,300.0	10.0
ADA Compliance (Recurring)	\$600.0	0
General Fund (Non-Recurring)		
Deferred Maintenance Upgrades	\$10,000.0	13,800.0
Patient Care Equipment	\$10,000.0	2,200.0
<b>Subtotal</b>	<b>\$25,900.0</b>	<b>16,010.0</b>
 <u>Main Campus Academic</u>		
Native American Center – Phase I	\$5,000.0	55.0
Renovation & Expansion Of Existing Biology Buidling - Phase II	\$5,800.0	2,789.0
College Of Education Renewal – Phase II	\$8,500.0	0
Student Success & Health Center - Phase I Of III	\$2,000.0	0
University Libraries Compact Shelving	\$500.0	131.7
Tamarind Institute	\$1,000.0	930.0
<b>Subtotal</b>	<b>\$22,800.0</b>	<b>3,905.7</b>
 <u>Health Sciences Center</u>		
CRTC – Phase II	\$22,000.0	7,000.0
Education Building – Phase III	\$5,000.0	50.0
Neurosciences Research Building	\$6,000.0	0
<b>Subtotal</b>	<b>\$33,000.0</b>	<b>7,050.0</b>
 <u>Auxiliary / Other</u>		
Hodgin Hall Alumni Center	\$1,000.0	1,277.5
KUNM Radio Station In Espanola Valley	\$1,019.0	370.0
Harwood Museum Expansion and Auditorium	\$1,200.0	615.0
Sevilleta Research Facility	\$700.0	227.4
Math and Science Academy at UNM	\$1,300.0	0.0 (must apply)
<b>Subtotal</b>	<b>\$5,219.0</b>	<b>2,489.9</b>



<u>Athletics</u>	<u>Requests</u>	<u>Capital Outlay</u>
UNM Arena Improvements – Phase II	\$9,000.0	4,000.0
Softball Field (Title IX improvements)	\$1,000.0	585.0
		100.7
Men’s & Women’s Soccer Locker Room - P II	\$1,000.0	
Golf Course Club House Improvements	\$1,000.0	604.3
<b>Subtotal</b>	<b>\$12,000.0</b>	<b>5,290.0</b>
<u>Branch Campuses</u>		
<u>Gallup:</u>		
Technology Center & Classroom Building	\$2,000.0	160.0
<u>Taos:</u>		
Campus Infrastructure	\$6,000.0	1,500.0
Career Technology	\$1,005.0	
Center for Early Care, Education & Family Support	\$ 750.0	
<u>Valencia:</u>		
Campus Renewal and Security Improvements	\$1,325.0	0
Community Education Resource Center	\$2,475.0	0
<b>Subtotal</b>	<b>\$12,550.0</b>	<b>1,660.0</b>

**Information Technology Projects**

- Wireless Campus Project - \$430,000  
Expenses (Non-Recurring)                   \$430.0                   **Private Sources**
- Hosting Services Facility – \$670,000  
Expenses (Non-Recurring):                   \$670.0                   **\$0**
- National LambdaRail Membership - \$1,000,000  
Expenses (Non-Recurring):                   \$1,000.0                   **\$1,000.0**

**F. UNM in the Community Across the State**

- Sustainability Studies program - \$307,582  
Personnel (Recurring):                   \$281.9                   **\$290.0**  
Expenses (Non-Recurring):                   25.7
- New Mexico Geographical Alliance - \$500,000  
Expenses (Non-Recurring):                   \$500.0                   **No Funding**
- Office of the Medical Investigator - \$655,460  
Personnel and Expenses (Recurring):                   \$655.5                   **\$375.0**

- Institute of Public Health - \$500,000  
 Personnel (Recurring): \$387.7 **No Funding**  
 Expenses (Non-Recurring): 112.3
  
- Resource Center for Raza Planning - \$220,000  
 Personnel (Recurring): \$220.0 **\$30.0**
  
- LADAC Internship Initiative - \$54,975  
 Personnel (Recurring): \$53.3 **\$20.0**  
 Expenses (Non-Recurring): 1.7
  
- New Mexico Poison and Drug Information Center - \$203,000  
 Personnel (Recurring): \$203.0 **\$225.0**
  
- Corinne Wolfe Children's Law Center - \$240,000  
 Personnel (Recurring): \$240.0 **\$245.0**
  
- Utton Center UNM Water Consortium - \$300,000  
 Personnel (Recurring): \$300.0 **\$291.0**