

1 SENATE BILL 433

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Pete Campos

5
6
7
8
9
10 AN ACT

11 RELATING TO TAXATION; ENACTING THE EQUAL OPPORTUNITY
12 SCHOLARSHIP ACT; PROVIDING FOR TUITION SCHOLARSHIP
13 ORGANIZATIONS TO GRANT EDUCATIONAL SCHOLARSHIPS TO LOW-INCOME
14 STUDENTS TO ATTEND CERTAIN PUBLIC AND NONPUBLIC SCHOOLS;
15 CREATING INCOME TAX AND CORPORATE INCOME TAX CREDITS FOR
16 CONTRIBUTIONS TO TUITION SCHOLARSHIP ORGANIZATIONS THAT PROVIDE
17 EDUCATIONAL SCHOLARSHIPS FOR LOW-INCOME STUDENTS TO ATTEND
18 PUBLIC OR PRIVATE SCHOOLS OF THE STUDENT'S PARENTS' CHOICE.

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

21 SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1
22 through 5 of this act may be cited as the "Equal Opportunity
23 Scholarship Act".

24 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
25 Equal Opportunity Scholarship Act:

.183619.4

underscored material = new
[bracketed material] = delete

1 A. "certification document" means the document
2 issued by the department to an organization verifying that the
3 organization is a tuition scholarship organization and
4 contributions to that organization for equal opportunity
5 scholarships may be claimed as an equal opportunity scholarship
6 tax credit;

7 B. "contribution receipt" means a document
8 developed by the taxation and revenue department pursuant to
9 the Equal Opportunity Scholarship Act and provided to a tuition
10 scholarship organization that in turn provides the document to
11 an individual or corporate contributor that is a taxpayer that
12 intends to claim an equal opportunity scholarship tax credit as
13 a receipt for a contribution to the tuition scholarship
14 organization;

15 C. "department" means the public education
16 department;

17 D. "educational scholarship" means a tuition grant
18 or other grant of funds to an eligible student to cover all or
19 part of the costs of that student at a qualified school,
20 including transportation costs;

21 E. "eligible student" means a student who:

22 (1) is a member of a household for which the
23 total annual income does not exceed an amount used to qualify
24 for a reduced-price lunch through the federal school lunch
25 programs established pursuant to 42 USCA Sections 1751 through

underscoring material = new
~~[bracketed material] = delete~~

1 1769, as amended; provided that once a student receives a
2 scholarship pursuant to the Equal Opportunity Scholarship Act,
3 the student shall remain eligible regardless of household
4 income until the student graduates from high school or reaches
5 twenty-one years of age;

6 (2) attended a New Mexico public school for
7 the semester prior to first receiving an educational
8 scholarship pursuant to the Equal Opportunity Scholarship Act
9 or is starting school in New Mexico for the first time; and

10 (3) resides in New Mexico while receiving a
11 scholarship from a tuition scholarship organization;

12 F. "equal opportunity scholarship tax credit" means
13 the equal opportunity scholarship income tax credit provided in
14 the Income Tax Act and the equal opportunity scholarship
15 corporate income tax credit provided in the Corporate Income
16 and Franchise Tax Act;

17 G. "parent" means a guardian, custodian or other
18 person with authority to act on behalf of a child;

19 H. "qualified school" means a public or nonpublic
20 elementary, middle or secondary school located in New Mexico to
21 which a parent has chosen to send an eligible student;

22 I. "relative" means a person related by affinity or
23 consanguinity to the third degree;

24 J. "tuition grant" means a grant of funds for the
25 purpose of covering the costs of tuition for a qualified

.183619.4

underscoring material = new
~~[bracketed material] = delete~~

1 school; and

2 K. "tuition scholarship organization" means an
3 organization that provides educational scholarships to students
4 attending qualified schools of their parents' choice and that
5 meets the criteria established in the Equal Opportunity
6 Scholarship Act.

7 SECTION 3. [NEW MATERIAL] TUITION SCHOLARSHIP
8 ORGANIZATION--CERTIFICATION.--

9 A. An organization may seek certification from the
10 department as a tuition scholarship organization by submitting
11 an application for certification to the department.

12 B. To be certified as a tuition scholarship
13 organization by the department, the organization shall provide
14 documentation as deemed appropriate by the department to verify
15 that:

16 (1) the organization has been granted an
17 exemption from federal income tax as an organization described
18 in Section 501(c)(3) of the Internal Revenue Code of 1986;

19 (2) the organization has awarded or intends to
20 award educational scholarships to eligible students who are
21 attending or plan to attend qualified schools;

22 (3) the scholarships are funded from
23 contributions that the organization has received in or prior to
24 the current calendar year or anticipates receiving during the
25 remainder of the calendar year and:

.183619.4

underscoring material = new
~~[bracketed material] = delete~~

1 (a) at least ninety percent of the
2 contributions received during a calendar year for which the
3 organization issues a contribution receipt to an individual or
4 corporate taxpayer for purposes of obtaining an equal
5 opportunity scholarship tax credit is awarded by the
6 organization as educational scholarships and all revenue from
7 interest or investments is expended solely on educational
8 scholarships; and

9 (b) a scholarship award to an eligible
10 student shall not exceed eighty percent of the three-year
11 rolling average of the state equalization guarantee
12 distribution for the eligible student as calculated for the
13 associated program units;

14 (4) the organization distributes periodic
15 scholarship payments as checks that are issued to an eligible
16 student's parent, that are mailed to the qualified school in
17 which the eligible student is enrolled and that require the
18 endorsement of the parent prior to deposit of the check;

19 (5) educational scholarships awarded by the
20 organization are portable during the school year and can be
21 used at any qualified school that accepts the eligible student
22 according to a parent's wishes; provided that the scholarship
23 shall be prorated between schools based on the number of days
24 attended at each school by the eligible student;

25 (6) criminal background checks on all of the

.183619.4

underscored material = new
[bracketed material] = delete

1 organization's employees and board members have been conducted
2 by the organization, with the understanding that individuals
3 who might reasonably pose a risk to the sound fiscal management
4 of the funds of the organization shall be excluded from
5 employment or governance, and all pertinent findings on
6 employees and board members have been provided to the
7 department for review and approval;

8 (7) the organization has in place systems to
9 provide for financial accountability, including independent
10 annual audits that shall be submitted to the department in the
11 form of a financial information report that complies with
12 generally accepted accounting procedures as specified by the
13 department and is certified to be free of material
14 misstatements by the certified public accountant who performed
15 the audit; and

16 (8) the organization is financially viable and
17 receives or is likely to receive donations of fifty thousand
18 dollars (\$50,000) or more during a school year by filing with
19 the department prior to the start of the school year a surety
20 bond payable to the state in an amount equal to the aggregate
21 amount of contributions expected to be received during the
22 school year.

23 SECTION 4. [NEW MATERIAL] TUITION SCHOLARSHIP
24 ORGANIZATION--DUTIES.--

25 A. No later than thirty days prior to the start of
.183619.4

underscored material = new
~~[bracketed material] = delete~~

1 a new school year or the start of a new semester, a tuition
2 scholarship organization shall provide to the department the
3 names of eligible students who received scholarships and the
4 students' previous school district or charter school
5 affiliation. The tuition scholarship organization shall
6 provide verification that the qualified students have been
7 awarded a tuition scholarship and have enrolled in a private
8 school for the new school year or the new semester.

9 B. A tuition scholarship organization shall ensure
10 that a school participating in the tuition scholarship
11 organization's scholarship program certifies that the school:

12 (1) is in compliance with all health and
13 safety laws or rules that apply to schools;

14 (2) holds a valid occupancy permit as required
15 by applicable laws;

16 (3) does not discriminate in admissions on the
17 basis of race, color or national origin;

18 (4) provides academic accountability to
19 parents of the students in the program by regularly reporting
20 to the parent on the student's academic and developmental
21 progress;

22 (5) ensures that every school employee with
23 unsupervised access to students has undergone a background
24 check as described in Subsection B of Section 22-10A-5 NMSA
25 1978;

.183619.4

underscored material = new
~~[bracketed material] = delete~~

1 (6) has no paid staff or board members who are
2 also staff or board members of the tuition scholarship
3 organization or who are relatives of the staff or board members
4 of the tuition scholarship organization;

5 (7) gives enrollment preference to eligible
6 students who were enrolled at the school in the prior year and
7 to siblings of eligible students already admitted to or
8 attending the school; and

9 (8) is a qualified school and, if the school
10 has more applications for educational scholarships from
11 eligible students than positions available for students
12 receiving scholarships, the school fills the available
13 scholarship positions only by using a random selection process.

14 C. By June 1 of each year beginning in 2012, a
15 tuition scholarship organization shall report the following
16 information to the department and the taxation and revenue
17 department:

18 (1) the name and address of the tuition
19 scholarship organization;

20 (2) the total number and dollar amount of
21 contributions received for which contribution receipts were
22 issued during the calendar year ending on December 31 of the
23 prior year;

24 (3) the total number and dollar amount of all
25 educational scholarships awarded during the calendar year

.183619.4

underscored material = new
[bracketed material] = delete

1 ending on December 31 of the prior year; and

2 (4) the total number and dollar amount of
3 educational scholarships awarded to eligible students during
4 the calendar year ending on December 31 of the prior year.

5 D. A tuition scholarship organization shall:

6 (1) provide to each individual and corporate
7 contributor of funds dedicated for educational scholarships a
8 contribution receipt that shall be completed according to
9 taxation and revenue department requirements;

10 (2) maintain a list by the sequential number
11 on the contribution receipt identifying to whom each copy is
12 issued, the amount and date of the contribution and any other
13 information deemed necessary by the taxation and revenue
14 department to allow the contributor to receive an equal
15 opportunity scholarship tax credit; and

16 (3) account for all copies of contribution
17 receipts damaged, destroyed, lost or otherwise unusable.

18 SECTION 5. [NEW MATERIAL] DEPARTMENT--DUTIES.--

19 A. The department shall administer the Equal
20 Opportunity Scholarship Act.

21 B. The department shall:

22 (1) provide the name of each certified tuition
23 scholarship organization to the taxation and revenue department
24 by no later than thirty days after issuing the certification
25 document to the tuition scholarship organization;

.183619.4

underscored material = new
~~[bracketed material] = delete~~

1 (2) upon notification by the tuition
2 scholarship organization, calculate the associated program
3 units for an eligible student receiving an educational
4 scholarship that would have been generated under the funding
5 formula using the current year unit value and determine the
6 dollar amount of that student's program cost, if that student
7 were to have enrolled in the student's previous school for the
8 new school year or the new semester;

9 (3) if an eligible student receiving an
10 educational scholarship withdraws prior to the start of a new
11 school year, deduct that student's program cost from the
12 student's previous school district or charter school state
13 equalization guarantee distribution allocation prior to
14 distribution;

15 (4) if an eligible student receiving an
16 educational scholarship withdraws between semesters, make a
17 prorated reduction in the school district's or charter school's
18 distribution for the remainder of the school year and not
19 distribute the funds attributed to the adjustments, which shall
20 remain undistributed and shall revert to the general fund at
21 the end of the fiscal year;

22 (5) engage an auditor to conduct a financial
23 and program audit of a tuition scholarship organization, at the
24 expense of the tuition scholarship organization, if there is
25 evidence of fraud or failure to comply with the Equal

.183619.4

underscored material = new
~~[bracketed material] = delete~~

1 Opportunity Scholarship Act;

2 (6) deny, suspend or revoke the certification
3 of a tuition scholarship organization for purposes of the equal
4 opportunity scholarship tax credit if the department determines
5 that the organization has intentionally and substantially
6 failed to comply with the requirements of the Equal Opportunity
7 Scholarship Act; and

8 (7) notify the taxation and revenue department
9 if the certification of an organization as a tuition
10 scholarship organization is denied, suspended or revoked within
11 ten days of the denial, suspension or revocation.

12 SECTION 6. A new section of the Income Tax Act is enacted
13 to read:

14 "[NEW MATERIAL] EQUAL OPPORTUNITY SCHOLARSHIP INCOME TAX
15 CREDIT.--

16 A. A taxpayer who files a New Mexico income tax
17 return and is not a dependent of another taxpayer may claim,
18 and the department may approve, a credit against the income tax
19 liability of the taxpayer for a contribution made to a tuition
20 scholarship organization. The credit may be approved in an
21 amount equal to ninety percent of the total contributions made
22 by the taxpayer to a tuition scholarship organization for which
23 contribution receipts have been provided by that organization
24 during the taxable year but shall not exceed fifty percent of
25 the taxpayer's income tax liability for the taxable year. The

.183619.4

underscored material = new
~~[bracketed material] = delete~~

1 credit provided in this section may be referred to as the
2 "equal opportunity scholarship income tax credit".

3 B. The purpose of the equal opportunity scholarship
4 income tax credit is to encourage individuals and businesses to
5 contribute money to tuition scholarship organizations that
6 provide scholarships for eligible students to attend public or
7 nonpublic schools that are chosen by the students' parents.

8 C. To ensure that the department receives the
9 information needed to allow an equal opportunity scholarship
10 income tax credit, the department shall develop a contribution
11 receipt that requests all of the information needed by the
12 department to determine if a credit is due. The contribution
13 receipts shall be sequentially numbered, and a charge, not to
14 exceed fifty cents (\$.50) per numbered copy, may be charged by
15 the department to the tuition scholarship organization.

16 D. Upon receiving notice from the public education
17 department that an organization has been certified as a tuition
18 scholarship organization, the department shall provide
19 sequentially numbered copies of contribution receipts to the
20 tuition scholarship organization to be distributed by the
21 tuition scholarship organization to its contributors to
22 indicate the recipient, date and value of a contribution to the
23 tuition scholarship organization and other information required
24 by the department.

25 E. The department shall require a taxpayer claiming

.183619.4

underscoring material = new
~~[bracketed material] = delete~~

1 the equal opportunity scholarship income tax credit to submit
2 the numbered copy of the contribution receipt from the tuition
3 scholarship organization to which the taxpayer contributed
4 money with the taxpayer's application for the credit provided
5 by this section.

6 F. The equal opportunity scholarship income tax
7 credit shall not be allowed for a contribution that is included
8 for the taxable year in the taxpayer's itemized deductions, as
9 defined in Section 63 of the Internal Revenue Code.

10 G. A husband and wife who file separate returns for
11 a taxable year in which they could have filed a joint return
12 may each claim only one-half of the equal opportunity
13 scholarship income tax credit that would have been allowed on a
14 joint return.

15 H. A taxpayer who otherwise qualifies for and
16 claims an equal opportunity scholarship income tax credit for a
17 contribution made to a tuition scholarship organization by a
18 partnership or other business association of which the taxpayer
19 is a member may claim a credit only in proportion to the
20 taxpayer's interest in the partnership or business association.
21 The total credit claimed in the aggregate by all members of the
22 partnership or business association in a taxable year with
23 respect to a contribution made to a tuition scholarship
24 organization, including equal opportunity scholarship corporate
25 income tax credits claimed by a corporate member of the

.183619.4

underscoring material = new
~~[bracketed material] = delete~~

1 partnership or business association, shall not exceed the
2 maximum credit that would have been allowable pursuant to this
3 section if claimed by a single taxpayer.

4 I. Any amount of the equal opportunity scholarship
5 income tax credit allowed by the department that exceeds fifty
6 percent of the income tax liability of the taxpayer in the
7 taxable year in which the credit is first claimed may be
8 carried forward for three consecutive taxable years.

9 J. The department shall compile a report annually
10 for the revenue stabilization and tax policy committee that
11 sets forth the number of taxpayers approved to receive equal
12 opportunity scholarship income tax credits, the aggregate
13 amount of credits approved and the average and median amounts
14 of credits approved. The department shall determine every
15 three years beginning in 2013 whether the equal opportunity
16 scholarship income tax credit is performing the purpose for
17 which it was created.

18 K. A taxpayer that claims an equal opportunity
19 scholarship income tax credit pursuant to the Income Tax Act
20 shall not also claim an equal opportunity scholarship corporate
21 income tax credit pursuant to the Corporate Income and
22 Franchise Tax Act or any other similar tax credit for the same
23 contribution to a tuition scholarship organization. The equal
24 opportunity scholarship income tax credit shall be applied to
25 the taxpayer's tax liability before application of any other

.183619.4

underscoring material = new
~~[bracketed material]~~ = delete

1 tax credit claimed for the taxable year by the taxpayer.

2 L. Acceptance of the equal opportunity scholarship
3 income tax credit is authorization to the department to
4 disclose the amount of the tax credit claimed by the taxpayer
5 as needed to report fully as required by this section to the
6 revenue stabilization and tax policy committee of the
7 legislature.

8 M. As used in this section:

9 (1) "contribution receipt" means the document
10 developed by the department and issued pursuant to the Equal
11 Opportunity Scholarship Act by a tuition scholarship
12 organization to a contributor;

13 (2) "eligible student" means a student who:

14 (a) is a member of a household for which
15 the total annual income does not exceed an amount used to
16 qualify for a reduced-price lunch through the federal school
17 lunch programs established pursuant to 42 USCA Sections 1751
18 through 1769, as amended; provided that once a student receives
19 a scholarship pursuant to the Equal Opportunity Scholarship
20 Act, the student shall remain eligible regardless of household
21 income until the student graduates from high school or reaches
22 twenty-one years of age;

23 (b) attended a New Mexico public school
24 for the semester prior to first receiving an educational
25 scholarship pursuant to the Equal Opportunity Scholarship Act

.183619.4

underscoring material = new
[bracketed material] = delete

1 or is starting school in New Mexico for the first time; and

2 (c) resides in New Mexico while
3 receiving a scholarship from a tuition scholarship
4 organization;

5 (3) "parent" means a guardian, custodian or
6 other person with authority to act on behalf of a child; and

7 (4) "tuition scholarship organization" means
8 an organization that provides educational scholarships to
9 students attending qualified schools of their parents' choice
10 and that meets the requirements of the Equal Opportunity
11 Scholarship Act."

12 SECTION 7. A new section of the Corporate Income and
13 Franchise Tax Act is enacted to read:

14 "[NEW MATERIAL] EQUAL OPPORTUNITY SCHOLARSHIP CORPORATE
15 INCOME TAX CREDIT.--

16 A. A taxpayer that files a New Mexico corporate
17 income tax return may claim, and the department may approve, a
18 credit against the corporate income tax liability of the
19 taxpayer for a contribution made to a tuition scholarship
20 organization. The credit may be approved in an amount equal to
21 ninety percent of the total contributions made by the taxpayer
22 to a tuition scholarship organization for which contribution
23 receipts have been provided by that organization during the
24 taxable year but shall not exceed fifty percent of the
25 taxpayer's corporate income tax liability for the taxable year.

.183619.4

underscoring material = new
~~[bracketed material] = delete~~

1 The credit provided in this section may be referred to as the
2 "equal opportunity scholarship corporate income tax credit".

3 B. The purpose of the equal opportunity scholarship
4 corporate income tax credit is to encourage corporations to
5 contribute money to tuition scholarship organizations that
6 provide scholarships for eligible students to attend public or
7 nonpublic schools that are chosen by the students' parents.

8 C. To ensure that the department receives the
9 information needed to allow an equal opportunity scholarship
10 corporate income tax credit, the department shall develop a
11 contribution receipt that requests all of the information
12 needed by the department to determine if a credit is due. The
13 contribution receipts shall be sequentially numbered, and a
14 charge, not to exceed fifty cents (\$.50) per numbered copy, may
15 be charged by the department to the tuition scholarship
16 organization.

17 D. Upon receiving notice from the public education
18 department that an organization has been certified as a tuition
19 scholarship organization, the department shall provide
20 sequentially numbered copies of contribution receipts to a
21 tuition scholarship organization to be distributed by the
22 tuition scholarship organization to its contributors to
23 indicate the recipient, date and value of a contribution to the
24 tuition scholarship organization and other information required
25 by the department.

.183619.4

underscoring material = new
~~[bracketed material]~~ = delete

1 E. The department shall require a taxpayer claiming
2 the equal opportunity scholarship corporate income tax credit
3 to submit the numbered copy of the certification document from
4 the tuition scholarship organization to which the taxpayer
5 contributed money with the taxpayer's application for the
6 credit provided by this section.

7 F. The equal opportunity scholarship corporate
8 income tax credit shall not be allowed for a contribution that
9 is included for the taxable year in the taxpayer's itemized
10 deductions, as defined in Section 63 of the Internal Revenue
11 Code.

12 G. Any amount of the equal opportunity scholarship
13 corporate income tax credit allowed by the department that
14 exceeds fifty percent of the corporate income tax liability of
15 the taxpayer in the taxable year in which the credit is first
16 claimed may be carried forward for three consecutive taxable
17 years.

18 H. The department shall compile a report annually
19 for the revenue stabilization and tax policy committee that
20 sets forth the number of taxpayers approved to receive equal
21 opportunity scholarship corporate income tax credits, the
22 aggregate amount of credits approved and the average and median
23 amounts of credits approved. The department shall determine
24 every three years beginning in 2013 whether the equal
25 opportunity scholarship corporate income tax credit is

.183619.4

underscored material = new
[bracketed material] = delete

1 performing the purpose for which it was created.

2 I. A taxpayer that claims an equal opportunity
3 scholarship corporate income tax credit pursuant to the
4 Corporate Income and Franchise Tax Act shall not also claim an
5 equal opportunity scholarship income tax credit pursuant to the
6 Income Tax Act or any other similar tax credit for the same
7 contribution to a tuition scholarship organization. The equal
8 opportunity scholarship corporate income tax credit shall be
9 applied to the taxpayer's tax liability before application of
10 any other tax credit claimed for the taxable year by the
11 taxpayer.

12 J. Acceptance of the equal opportunity scholarship
13 corporate income tax credit is authorization to the department
14 to disclose the amount of the tax credit claimed by the
15 taxpayer as needed to report fully as required by this section
16 to the revenue stabilization and tax policy committee of the
17 legislature.

18 K. As used in this section:

19 (1) "contribution receipt" means the document
20 issued pursuant to the Equal Opportunity Scholarship Act by a
21 tuition scholarship organization to a contributor;

22 (2) "eligible student" means a student who:

23 (a) is a member of a household for which
24 the total annual income does not exceed an amount used to
25 qualify for a reduced-price lunch through the federal school

.183619.4

underscored material = new
[bracketed material] = delete

1 lunch programs established pursuant to 42 USCA Sections 1751
2 through 1769, as amended; provided that once a student receives
3 a scholarship pursuant to the Equal Opportunity Scholarship
4 Act, the student shall remain eligible regardless of household
5 income until the student graduates from high school or reaches
6 twenty-one years of age;

7 (b) attended a New Mexico public school
8 for the semester prior to first receiving an educational
9 scholarship pursuant to the Equal Opportunity Scholarship Act
10 or is starting school in New Mexico for the first time; and

11 (c) resides in New Mexico while
12 receiving a scholarship from a tuition scholarship
13 organization;

14 (3) "parent" means a guardian, custodian or
15 other person with authority to act on behalf of a child; and

16 (4) "tuition scholarship organization" means
17 an organization that provides educational scholarships to
18 students attending qualified schools of their parents' choice
19 pursuant to the Equal Opportunity Scholarship Act."

20 SECTION 8. Section 22-8-12.1 NMSA 1978 (being Laws 1978,
21 Chapter 128, Section 5, as amended) is amended to read:

22 "22-8-12.1. MEMBERSHIP PROJECTIONS AND BUDGET
23 REQUESTS.--

24 A. Each local school board or governing body of a
25 state-chartered charter school shall submit annually, on or

underscored material = new
[bracketed material] = delete

1 before October 15, to the department:

2 (1) an estimate for the succeeding fiscal year
3 of:

4 (a) the membership of qualified students
5 to be enrolled in the basic program, adjusted for deductions
6 due to student participation in the scholarship programs of the
7 Equal Opportunity Scholarship Act;

8 (b) the full-time-equivalent membership
9 of students to be enrolled in approved early childhood
10 education programs; and

11 (c) the membership of students to be
12 enrolled in approved special education programs, adjusted for
13 deductions due to student participation in the scholarship
14 programs of the Equal Opportunity Scholarship Act;

15 (2) all other information necessary to
16 calculate program costs; and

17 (3) any other information related to the
18 financial needs of the school district or state-chartered
19 charter school as may be requested by the department.

20 B. All information requested pursuant to Subsection
21 A of this section shall be submitted on forms prescribed and
22 furnished by the department and shall comply with the
23 department's rules and procedures.

24 C. The department shall:

25 (1) review the financial needs of each school

.183619.4

underscored material = new
[bracketed material] = delete

1 district or state-chartered charter school for the succeeding
2 fiscal year; and

3 (2) submit annually, on or before November 30,
4 to the secretary of finance and administration the
5 recommendations of the department for:

6 (a) amendments to the public school
7 finance formula;

8 (b) appropriations for the succeeding
9 fiscal year to the public school fund for inclusion in the
10 executive budget document; and

11 (c) appropriations for the succeeding
12 fiscal year for pupil transportation and instructional
13 materials."

14 SECTION 9. APPLICABILITY.--The provisions of Sections 6
15 and 7 of this act apply to taxable years beginning on or after
16 January 1, 2012 but before January 1, 2016.

17 SECTION 10. EFFECTIVE DATE.--

18 A. The effective date of the provisions of Sections
19 1 through 5 and 8 of this act is July 1, 2011.

20 B. The effective date of the provisions of Sections
21 6 and 7 of this act is January 1, 2012.