

1 SENATE BILL 114

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Steven P. Neville and John Arthur Smith

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7
8 FOR THE LEGISLATIVE FINANCE COMMITTEE

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10 AN ACT

11 RELATING TO PUBLIC SCHOOL FINANCE; LIMITING SCHOOL DISTRICTS'
12 AND CHARTER SCHOOLS' FISCAL YEAR 2016 CASH BALANCES BY TAKING
13 CREDITS AGAINST THEIR FISCAL YEAR 2017 STATE EQUALIZATION
14 GUARANTEE DISTRIBUTIONS; MAKING AN APPROPRIATION; DECLARING AN
15 EMERGENCY.

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

18 SECTION 1. Section 22-8-41 NMSA 1978 (being Laws 1967,
19 Chapter 16, Section 99, as amended) is amended to read:

20 "22-8-41. RESTRICTION ON OPERATIONAL FUNDS--EMERGENCY
21 ACCOUNTS--CASH BALANCES.--

22 A. A school district shall not expend money from
23 its operational fund for the acquisition of a building site or
24 for the construction of a new structure, unless the school
25 district has bonded itself to practical capacity or the

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1 secretary determines and certifies to the legislative finance
2 committee that the expending of money from the operational fund
3 for this purpose is necessary for an adequate public
4 educational program and will not unduly hamper the school
5 district's current operations.

6 B. A school district or charter school may budget
7 out of cash balances carried forward from the previous fiscal
8 year an amount not to exceed five percent of its proposed
9 operational fund expenditures for the ensuing fiscal year as an
10 emergency account. Money in the emergency account shall be
11 used only for unforeseen expenditures incurred after the annual
12 budget was approved and shall not be expended without the prior
13 written approval of the secretary.

14 C. In addition to the emergency account, school
15 districts or charter schools may also budget operational fund
16 cash balances carried forward from the previous fiscal year for
17 operational expenditures, exclusive of salaries and payroll,
18 upon specific prior approval of the secretary. The secretary
19 shall notify the legislative finance committee in writing of
20 the secretary's approval of such proposed expenditures. [~~For~~
21 ~~fiscal years 2004 and 2005, with the approval of the secretary,~~
22 ~~a school district or charter school may budget so much of its~~
23 ~~operational cash balance as is needed for nonrecurring~~
24 ~~expenditures, including capital outlay.~~]

25 D. Notwithstanding any provision of this section to

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1 the contrary, the secretary shall reduce school districts' and
2 charter schools' fiscal year 2017 state equalization guarantee
3 distributions in the amount of fifty million dollars
4 (\$50,000,000) as credit for excess fiscal year 2016 operational
5 fund cash balances in accordance with Section 2 of this 2017
6 act."

7 SECTION 2. DISTRIBUTION REDUCTIONS--FISCAL YEAR 2017.--

8 The secretary of public education shall:

9 A. apply as a credit toward the fiscal year 2017
10 state equalization guarantee distribution of each school
11 district and charter school an amount equal to the following:

12 (1) fifty million dollars (\$50,000,000)
13 divided by the fiscal year 2016 program costs for all school
14 districts and charter schools; and

15 (2) that quotient multiplied by the school
16 district's or charter school's fiscal year 2016 program cost;

17 B. promptly after the effective date of this 2017
18 act, notify each school district and charter school of the
19 amount of its credit; and

20 C. for each school district and charter school,
21 reduce by the amount of its credit the school district's or
22 charter school's state equalization guarantee distributions
23 evenly over the period remaining in fiscal year 2017.

24 SECTION 3. EMERGENCY.--It is necessary for the public
25 peace, health and safety that this act take effect immediately.

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