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SENATE BILL 9

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Don Kidd

AN ACT

RELATING TO PUBLIC SCHOOLS; TRANSFERRING CERTAIN GAMING
REVENUE TO THE PUBLIC SCHOOL CAPITAL OUTLAY FUND FOR
EXPENDITURE FOR CRITICAL CAPITAL OUTLAY PURPOSES; AMENDING AND
ENACTING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. Section 22-24-5 NMSA 1978 (being Laws 1975,
Chapter 235, Section 5, as amended) is amended to read:

"22-24-5. FUND--DISTRIBUTION.--

A. Except as provided in Subsection C of this
section, the council shall approve an application for grant
assistance from the fund when the council determines that:
(1) a critical need exists requiring action;
(2) the residents of the school district have
provided available resources to the school district to meet

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1 its capital outlay requirements;

2 (3) the school district has used its
3 resources in a prudent manner;

4 (4) the school district is in a county or
5 counties which have participated in a reappraisal program and
6 the reappraised values are on the tax rolls or will be used
7 for the tax year 1979 as certified by the property tax
8 division of the taxation and revenue department;

9 (5) the school district has provided
10 insurance for buildings of the school district in accordance
11 with the provisions of Section 13-5-3 NMSA 1978;

12 (6) the school district is indebted at not
13 less than seventy-five percent of the total debt authorized by
14 law; and

15 (7) the school district has submitted a five-
16 year facilities plan that includes enrollment projections.

17 B. The council shall consider all applications for
18 assistance from the fund and, after a public hearing, shall
19 either approve or deny the application. Applications for
20 grant assistance shall only be accepted by the council after a
21 district has complied with the provisions of this section.

22 The council shall list all applications in order of priority,
23 and all allocations shall be made on a priority basis;
24 provided, however, except in the case of an emergency, that
25 the order of priority shall first reflect those projects which

1 have been previously funded but are not as yet completed,
2 excluding expansion of those projects and contingent upon
3 maintenance of the required local support.

4 C. Gaming revenues and gaming tax receipts
5 transferred to the fund shall be segregated in a separate
6 subaccount of the fund. Grants made with these revenues shall
7 not be subject to the school district debt level requirement
8 in Paragraph (6) of Subsection A of this section.

9 ~~[C.]~~ D. Money in the fund shall be disbursed by
10 warrant of the department of finance and administration on
11 vouchers signed by the secretary of finance and administration
12 following certification by the council that the application
13 has been approved. "

14 Section 2. A new section of the Public School Capital
15 Outlay Act is enacted to read:

16 "[NEW MATERIAL] TRANSFER OF GAMING REVENUE TO PUBLIC
17 SCHOOL CAPITAL OUTLAY FUND. --The state treasurer shall
18 transfer from the general fund to the public school capital
19 outlay fund no later than thirty days after the last day of
20 each calendar quarter an amount equal to the revenue deposited
21 in the general fund in the preceding quarter pursuant to the
22 revenue-sharing provisions of Section 11-13-2 NMSA 1978. The
23 money transferred to the public school capital outlay fund
24 shall be expended in any fiscal year as provided in the Public
25 School Capital Outlay Act. "

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5 February 24, 1999

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7 Mr. President:

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9 Your EDUCATION COMMITTEE, to whom has been referred

10
11 SENATE BILL 9

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13 has had it under consideration and reports same with
14 recommendation that it DO PASS, and thence referred to the
15 FINANCE COMMITTEE.

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18 Respectfully submitted,

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24 Cynthi a Nava, Chai rman

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1 Adopted _____ Not

2 Adopted _____

3 (Chief Clerk)

(Chief Clerk)

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6 Date _____

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9 The roll call vote was 8 For 0 Against

10 Yes: 8

11 No: 0

12 Excused: Boitano, Garcia

13 Absent: None

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