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SENATE BILL 259

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

INTRODUCED BY

Sue F. Wilson

AN ACT

RELATING TO EDUCATION; REQUIRING ALL PUBLIC MIDDLE SCHOOLS AND JUNIOR HIGH SCHOOLS IN THE STATE TO HAVE SPORTS PROGRAMS; PROVIDING FOR INTRAMURAL AND INTERSCHOLASTIC SPORTS; CREATING A FUND; PROVIDING FOR FUNDING FROM THE GAMING TAX; MAKING AN APPROPRIATION.

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

Section 1. A new section of the Public School Code is enacted to read:

" NEW MATERIAL SHORT TITLE. -- Sections 1 through 5 of this act may be cited as the "Healthy Kids Act". "

Section 2. A new section of the Public School Code is enacted to read:

" NEW MATERIAL FINDINGS AND PURPOSE. --

A. The legislature finds that being involved in a

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1 sport is a meaningful activity that helps engage and refocus
2 children's attention; provides worthwhile leisure; and offers
3 a healthy alternative to gangs, drugs and idleness for at-risk
4 students. The legislature finds further that being involved
5 in a sport increases self-esteem and teaches a child how to
6 work as a team player and other important life lessons.

7 B. The purpose of the Healthy Kids Act is to
8 require intramural and interscholastic sports programs and
9 supportive activities in all public middle schools and junior
10 high schools in New Mexico as a means to improve school
11 performance and enhance every student's life. "

12 Section 3. A new section of the Public School Code is
13 enacted to read:

14 "[NEW MATERIAL] SCHOOL SPORTS REQUIRED-- SCHEDULE. --

15 A. Beginning with the 2000-2001 school year, at
16 least one intramural and one interscholastic sport each for
17 boys and girls shall be offered each school year.

18 B. By the beginning of the 2004-2005 school year,
19 all public middle schools and junior high schools in the state
20 shall have intramural and interscholastic sports programs.
21 Each school shall offer at least two intramural and two
22 interscholastic sports each for boys and girls each sport
23 season.

24 C. Intramural and interscholastic sports that a
25 school district may select include:

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- 1 (1) baseball;
- 2 (2) basketball;
- 3 (3) cross-country running;
- 4 (4) golf;
- 5 (5) gymnastics;
- 6 (6) football;
- 7 (7) soccer;
- 8 (8) softball;
- 9 (9) swimming and diving;
- 10 (10) tennis;
- 11 (11) track and field; and
- 12 (12) volleyball.

13 D. A school may offer additional sports, but shall
14 work with other schools to ensure that the additional sports
15 will qualify as interscholastic sports.

16 E. Sports programs may be phased in based on a
17 school's facilities and the time it will take to construct or
18 acquire the necessary sports infrastructure. However, each
19 school and school district shall endeavor to schedule the
20 phase-in in such a way that a sport is playable as an
21 interscholastic sport by the second year of offering.

22 F. A school's sports program shall include
23 activities that support intramural and interscholastic sports.
24 Supportive activities include:

- 25 (1) cheerleading;

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- 1 (2) drill team;
- 2 (3) marching band; and
- 3 (4) pep club.

4 G. Supportive activities may be funded through the
5 sports fund. "

6 Section 4. A new section of the Public School Code is
7 enacted to read:

8 "[NEW MATERIAL] SPORTS FACILITIES-- YEAR-ROUND
9 OPERATION-- AGREEMENTS FOR USE OF OTHER FACILITIES. --

10 A. As soon as a school has outdoor lighting and
11 other necessary infrastructure, its outdoor sports facilities
12 shall be operated year round, including weekends and evenings.
13 School activities shall have priority for use of the school's
14 outdoor sports facilities. The school shall provide for adult
15 supervision during operating hours, and the supervisors do not
16 have to be teachers.

17 B. Schools may enter into agreements with other
18 public or private schools, public agencies or private entities
19 to share sports facilities. The risk management division of
20 the general services department shall develop and provide to
21 each school the insurance requirements and an explanation of
22 the possible tort liability exposure. "

23 Section 5. A new section of the Public School Code is
24 enacted to read:

25 "[NEW MATERIAL] SPORTS FUND-- CREATED-- ADMINISTRATION--

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1 FIVE-YEAR IMPROVEMENT PLAN. --

2 A. The "sports fund" is created in the state
3 treasury. The fund shall consist of gaming tax revenue;
4 specific appropriations by the legislature; gifts, grants,
5 donations and bequests to the fund; and interest earned on
6 investment of the fund. Money in the fund shall not revert at
7 the end of any fiscal year. The sports fund shall be
8 administered by the department of education. Money in the
9 sports fund is appropriated to the department to pay capital
10 and programmatic costs of the provisions of the Healthy Kids
11 Act. Payment of programmatic costs does not include salaries
12 and benefits for teachers during the instructional day.

13 B. Each year, each school district shall provide
14 to the department of education by August 1 a five-year sports
15 development plan for each public middle school and junior high
16 school in the district. The sports development plan shall
17 include a capital improvements plan, including a current list
18 of sports-related capital assets.

19 C. Each quarter, after the state treasurer
20 notifies the department of education of the amount in the
21 sports fund, the department shall make a priority list for
22 funding capital and programmatic expenses of the sports
23 programs from the sports fund. The cost to purchase and
24 install lighting for outdoor sports facilities shall be given
25 a high priority.

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1 D. No more than two percent of the money in the
2 sports fund may be expended by the department of education for
3 administration. "

4 Section 6. A new section of the Tax Administration Act
5 is enacted to read:

6 "[NEW MATERIAL] DISTRIBUTION--SPORTS FUND.--A
7 distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be
8 made to the sports fund in an amount equal to forty percent of
9 the net receipts attributable to the gaming tax. "

10 Section 7. Section 60-2E-47 NMSA 1978 (being Laws 1997,
11 Chapter 190, Section 49, as amended) is amended to read:

12 "60-2E-47. GAMING TAX--IMPOSITION--ADMINISTRATION.--

13 A. An excise tax is imposed on the privilege of
14 engaging in gaming activities in the state. This tax shall be
15 known as the "gaming tax".

16 B. The gaming tax is an amount equal to ten
17 percent of the gross receipts of manufacturer licensees from
18 the sale, lease or other transfer of gaming devices in or into
19 the state, except receipts of a manufacturer from the sale,
20 lease or other transfer to a licensed distributor for
21 subsequent sale or lease may be excluded from gross receipts;
22 ten percent of the gross receipts of distributor licensees
23 from the sale, lease or other transfer of gaming devices in or
24 into the state; and twenty-five percent of the net take of
25 every gaming operator licensee. For the purposes of this

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1 section, "gross receipts" means the total amount of money or
2 the value of other consideration received from selling,
3 leasing or otherwise transferring gaming devices.

4 C. The gaming tax imposed on a licensee is in lieu
5 of all state and local gross receipts taxes on that portion of
6 the licensee's gross receipts attributable to gaming
7 activities.

8 D. The gaming tax is to be paid on or before the
9 fifteenth day of the month following the month in which the
10 taxable event occurs. The gaming tax shall be administered
11 and collected by the taxation and revenue department in
12 cooperation with the board. The provisions of the Tax
13 Administration Act apply to the collection and administration
14 of the tax. Forty percent of the gaming tax revenue shall be
15 distributed to the sports fund as provided in Section 6 of
16 this act.

17 E. In addition to the gaming tax, a gaming
18 operator licensee that is a racetrack shall pay twenty percent
19 of its net take to purses to be distributed in accordance with
20 [~~regulations~~] rules adopted by the state racing commission. A
21 racetrack gaming operator licensee shall spend no less than
22 one-fourth of one percent of the net take of its gaming
23 machines to fund or support programs for the treatment and
24 assistance of compulsive gamblers.

25 F. A nonprofit gaming operator licensee shall

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1 distribute at least eighty-eight percent of the balance of its
2 net take, after payment of the gaming tax and any income
3 taxes, for charitable or educational purposes. "

4 Section 8. EFFECTIVE DATE. --The effective date of the
5 provisions of this act is July 1, 1999.

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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5 February 26, 1999
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8 Mr. President:

9
10 Your EDUCATION COMMITTEE, to whom has been referred

11
12 SENATE BILL 259
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14 has had it under consideration and reports same with
15 recommendation that it DO PASS, and thence referred to the
16 FINANCE COMMITTEE.

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18 Respectfully submitted,
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25 Cynthia Nava, Chairman

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1 Adopted _____ Not

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3 (Chief Clerk)

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9 The roll call vote was 5 For 2 Against

10 Yes: 5

11 No: Adair, Gorham

12 Excused: Boitano, Duran, Lopez

13 Absent: None

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