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HOUSE BILL 1091

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Rick Miera

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; PROVIDING FOR THE
CALCULATION OF MEM ON THE EIGHTIETH AND ONE HUNDRED TWENTIETH
DAYS; PROVIDING AN EXCEPTION.

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

Section 1. Section 22-8-25 NMSA 1978 (being Laws 1981,
Chapter 176, Section 5, as amended) is amended to read:

"22-8-25. STATE EQUALIZATION GUARANTEE DISTRIBUTION--
DEFINITIONS--DETERMINATION OF AMOUNT.--

A. The state equalization guarantee distribution is
that amount of money distributed to each school district to
ensure that the school district's operating revenue, including
its local and federal revenues as defined in this section, is
at least equal to the school district's program cost.

B. "Local revenue", as used in this section, means

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1 seventy-five percent of receipts to the school district derived
2 from that amount produced by a school district property tax
3 applied at the rate of fifty cents (\$.50) to each one thousand
4 dollars (\$1,000) of net taxable value of property allocated to
5 the school district and to the assessed value of products
6 severed and sold in the school district as determined under the
7 Oil and Gas Ad Valorem Production Tax Act and upon the assessed
8 value of equipment in the school district as determined under
9 the Oil and Gas Production Equipment Ad Valorem Tax Act. The
10 school district shall budget and expend twenty percent of the
11 total revenue receipts for capital outlay.

12 C. "Federal revenue", as used in this section,
13 means receipts to the school district, excluding amounts that,
14 if taken into account in the computation of the state
15 equalization guarantee distribution, result, under federal law
16 or regulations, in a reduction in or elimination of federal
17 school funding otherwise receivable by the school district,
18 derived from the following:

19 (1) seventy-five percent of the school
20 district's share of forest reserve funds distributed in
21 accordance with Section 22-8-33 NMSA 1978. The school district
22 shall budget and expend twenty percent of the total forest
23 reserve receipts for capital outlay; and

24 (2) seventy-five percent of grants from the
25 federal government as assistance to those areas affected by

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1 federal activity authorized in accordance with Title 20 of the
2 United States Code, commonly known as "PL 874 funds" or "impact
3 aid". The school district shall budget and expend twenty
4 percent of the grant receipts for capital outlay.

5 D. To determine the amount of the state
6 equalization guarantee distribution, the [~~state superintendent~~]
7 department shall:

8 (1) calculate the number of program units to
9 which each school district is entitled using an average of the
10 MEM on the [~~fortieth~~] eightieth and one hundred twentieth days
11 of the prior year; or

12 (2) calculate the number of program units to
13 which a school district operating under an approved year-round
14 school calendar is entitled using an average of the MEM on
15 appropriate dates established by the [~~state board~~] department;
16 or

17 (3) calculate the number of program units to
18 which a school district with a MEM of two hundred or less is
19 entitled by using an average of the MEM on the [~~fortieth~~]
20 eightieth and one hundred twentieth days of the prior year or
21 the fortieth day of the current year, whichever is greater;
22 [~~and~~] or

23 (4) for those charter schools or school
24 districts that are implementing a formula-based program for the
25 first time, calculate the number of program units using

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1 current-year fortieth day memberships; and

2 [~~(4)~~] (5) using the results of the
3 calculations in Paragraph (1), (2), [~~(3)~~] (3) or (4) of this
4 subsection and the instructional staff training and experience
5 index from the October report of the prior school year,
6 establish a total program cost of the school district;

7 [~~(5)~~] (6) calculate the local and federal
8 revenues as defined in this section;

9 [~~(6)~~] (7) deduct the sum of the calculations
10 made in Paragraph [~~(5)~~] (6) of this subsection from the program
11 cost established in Paragraph [~~(4)~~] (5) of this subsection; and

12 [~~(7)~~] (8) deduct the total amount of
13 guaranteed energy savings contract payments that the [~~state~~
14 ~~superintendent~~] department determines will be made to the
15 school district from the public school utility conservation
16 fund during the fiscal year for which the state equalization
17 guarantee distribution is being computed.

18 E. The amount of the state equalization guarantee
19 distribution to which a school district is entitled is the
20 balance remaining after the deductions made in Paragraphs [~~(6)~~]
21 (7) and [~~(7)~~] (8) of Subsection D of this section.

22 F. The state equalization guarantee distribution
23 shall be distributed prior to June 30 of each fiscal year. The
24 calculation shall be based on the local and federal revenues
25 specified in this section received from June 1 of the previous

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1 fiscal year through May 31 of the fiscal year for which the
2 state equalization guarantee distribution is being computed.
3 In the event that a school district has received more state
4 equalization guarantee funds than its entitlement, a refund
5 shall be made by the school district to the state general
6 fund."

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