

HOUSE BILL 463

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Rick Miera

AN ACT

RELATING TO PUBLIC SCHOOL FACILITIES; AMENDING THE PUBLIC SCHOOL BUILDINGS ACT TO CHANGE HOW LOCALLY CHARTERED CHARTER SCHOOLS IN SCHOOL DISTRICTS WITH MORE THAN SIXTY THOUSAND STUDENTS RECEIVE TAX REVENUE.

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

Section 1. Section 22-26-3 NMSA 1978 (being Laws 1983, Chapter 163, Section 3, as amended) is amended to read:

"22-26-3. AUTHORIZATION FOR LOCAL SCHOOL BOARD TO SUBMIT QUESTION OF CAPITAL IMPROVEMENTS TAX IMPOSITION.--

A. A local school board may adopt a resolution to submit to the qualified electors of the school district the question of whether a property tax at a rate not to exceed the rate specified in the resolution should be imposed upon the net taxable value of property allocated to the school district

.175070.2

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 under the Property Tax Code for the purpose of capital
2 improvements to public schools in the school district. The
3 resolution shall:

4 (1) identify the capital improvements for
5 which the revenue proposed to be produced will be used;

6 (2) specify the rate of the proposed tax,
7 which shall not exceed ten dollars (\$10.00) on each one
8 thousand dollars (\$1,000) of net taxable value of property
9 allocated to the school district under the Property Tax Code;

10 (3) specify the date an election will be held
11 to submit the question of imposition of the tax to the
12 qualified electors of the district; and

13 (4) limit the imposition of the proposed tax
14 to no more than six property tax years.

15 B. Except as provided in Subsection C of this
16 section, after July 1, 2007, a resolution submitted to the
17 qualified electors pursuant to Subsection A of this section
18 shall include capital improvements funding for a locally
19 chartered or state-chartered charter school located within the
20 school district if:

21 (1) the charter school timely provides the
22 necessary information to the school district for inclusion on
23 the resolution that identifies the capital improvements of the
24 charter school for which the revenue proposed to be produced
25 will be used; and

.175070.2

underscoring material = new
[bracketed material] = delete

1 (2) the capital improvements are included in
2 the five-year facilities plan:

3 (a) of the school district, if the
4 charter school is a locally chartered charter school; or

5 (b) of the charter school, if the
6 charter school is a state-chartered charter school.

7 C. Capital improvements funding for locally
8 chartered or state-chartered charter schools in school
9 districts with an enrollment of sixty thousand students or more
10 are not required to be included in a resolution pursuant to
11 Subsection B of this section but those schools shall be
12 evaluated, ranked in a facilities master plan and funded in the
13 same manner as other schools within the school district."

14 Section 2. Section 22-26-9 NMSA 1978 (being Laws 2007,
15 Chapter 366, Section 23) is amended to read:

16 "22-26-9. CHARTER SCHOOLS--RECEIPT OF LOCAL PROPERTY TAX
17 REVENUE.--

18 A. Except as provided in Subsection B of this
19 section, if, in an election held after July 1, 2007, the
20 qualified electors of a school district have voted in favor of
21 the imposition of a property tax as provided in Section
22 22-26-3 NMSA 1978, the amount of tax revenue to be distributed
23 to each charter school that was included in the resolution
24 shall be determined each year and shall be in the same
25 proportion as the average full-time-equivalent enrollment of
.175070.2

underscored material = new
[bracketed material] = delete

1 the charter school on the fortieth day of the prior school year
2 is to the total such enrollment in the district; provided that,
3 in the case of an approved charter school that had not
4 commenced classroom instruction in the prior school year, the
5 estimated full-time-equivalent enrollment in the first year of
6 instruction, as shown in the approved charter school
7 application, shall be used, subject to adjustment after the
8 fortieth day. Each year, the department shall certify to the
9 county treasurer of the county in which the eligible charter
10 schools in the school district are located the percentage of
11 the revenue to be distributed to each charter school. The
12 county treasurer shall distribute the charter school's share of
13 the property tax revenue directly to the charter school.

14 B. Locally chartered or state-chartered charter
15 schools in school districts with an enrollment of sixty
16 thousand students or more are not eligible for a distribution
17 pursuant to Subsection A of this section."

18 Section 3. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2009.

20 - 4 -
21
22
23
24
25

.175070.2