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HOUSE BILL 375

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

James E. Smith

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; REQUIRING STATE BOARD OF
FINANCE APPROVAL BEFORE THE PUBLIC EDUCATION DEPARTMENT
DISTRIBUTES EMERGENCY SUPPLEMENTAL DISTRIBUTIONS.

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

SECTION 1. Section 22-8-30 NMSA 1978 (being Laws 1974,
Chapter 8, Section 17, as amended) is amended to read:

"22-8-30. SUPPLEMENTAL DISTRIBUTIONS.--

A. The department shall make supplemental
distributions only for the following purposes:

(1) to pay the out-of-state tuition of
students subject to the Compulsory School Attendance Law who
are attending school out-of-state because school facilities are
not reasonably available in the school district of their
residence;

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1 (2) to make emergency distributions to school
2 districts or state-chartered charter schools in financial need,
3 but no money shall be distributed to any school district or
4 state-chartered charter school having cash and invested
5 reserves, or other resources or any combination thereof,
6 equaling five percent or more of the school district's or
7 state-chartered charter school's operational budget;

8 (3) to make program enrichment distributions
9 in the amount of actual program expense to school districts and
10 state-chartered charter schools for the purpose of providing
11 specific programs to meet particular educational requirements
12 that cannot otherwise be financed;

13 (4) a special vocational education
14 distribution to area vocational schools or state-supported
15 schools with department-approved vocational programs to
16 reimburse those schools for the cost of vocational education
17 programs for those students subject to the Compulsory School
18 Attendance Law who are enrolled in such programs; and

19 (5) to make emergency capital outlay
20 distributions to school districts or state-chartered charter
21 schools that have experienced an unexpected capital outlay
22 emergency demanding immediate attention.

23 B. Emergency supplemental distributions pursuant to
24 Paragraph (2) of Subsection A of this section must be approved
25 by the state board of finance before distribution.

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[B-] C. The department shall account for all supplemental distributions and shall make full reports to the governor, legislative education study committee and legislative finance committee of payments made as authorized in Subsection A of this section.

[G-] D. The department may divert any unused or unneeded balances in any of the distributions made under the supplementary distribution authority to make any other distribution made pursuant to the same authority."