

1 SENATE BILL 249

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Shannon D. Pinto and Anthony Allison

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10 AN ACT

11 RELATING TO PUBLIC SCHOOL FINANCE; ELIMINATING IMPACT AID FROM
12 THE DEFINITION OF "FEDERAL REVENUE".

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

17 "22-8-25. STATE EQUALIZATION GUARANTEE DISTRIBUTION--
18 DEFINITIONS--DETERMINATION OF AMOUNT.--

19 A. The state equalization guarantee distribution is
20 that amount of money distributed to each school district to
21 ensure that its operating revenue, including its local
22 and federal revenues as defined in this section, is at least
23 equal to the school district's program cost. For state-
24 chartered charter schools, the state equalization guarantee
25 distribution is the difference between the state-chartered

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1 charter school's program cost and the two percent withheld by
2 the department for administrative services.

3 B. "Local revenue", as used in this section, means
4 seventy-five percent of receipts to the school district derived
5 from that amount produced by a school district property tax
6 applied at the rate of fifty cents (\$.50) to each one thousand
7 dollars (\$1,000) of net taxable value of property allocated to
8 the school district and to the assessed value of products
9 severed and sold in the school district as determined under the
10 Oil and Gas Ad Valorem Production Tax Act and upon the assessed
11 value of equipment in the school district as determined under
12 the Oil and Gas Production Equipment Ad Valorem Tax Act.

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

20 ~~(1)]~~ seventy-five percent of the school
21 district's share of forest reserve funds distributed in
22 accordance with Section 22-8-33 NMSA 1978 ~~[and~~

23 ~~(2) seventy-five percent of grants from the~~
24 ~~federal government as assistance to those areas affected by~~
25 ~~federal activity authorized in accordance with Title 20 of the~~

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1 ~~United States Code, commonly known as "PL 874 funds" or "impact~~
2 ~~aid"]~~.

3 D. To determine the amount of the state
4 equalization guarantee distribution, the department shall:

5 (1) calculate the number of program units to
6 which each school district or charter school is entitled using
7 an average of the MEM on the second and third reporting dates
8 of the prior year; or

9 (2) calculate the number of program units to
10 which a school district or charter school operating under an
11 approved year-round school calendar is entitled using an
12 average of the MEM on appropriate dates established by the
13 department; or

14 (3) calculate the number of program units to
15 which a school district or charter school with a MEM of two
16 hundred or less is entitled by using an average of the MEM on
17 the second and third reporting dates of the prior year or the
18 fortieth day of the current year, whichever is greater; and

19 (4) using the results of the calculations in
20 Paragraph (1), (2) or (3) of this subsection and the staffing
21 cost multiplier from the October report of the prior school
22 year, establish a total program cost of the school district or
23 charter school;

24 (5) for school districts and state-chartered
25 charter schools, calculate the local and federal revenues as

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1 defined in this section;

2 (6) deduct the sum of the calculations made in
3 Paragraph (5) of this subsection from the program cost
4 established in Paragraph (4) of this subsection;

5 (7) deduct the total amount of guaranteed
6 energy savings contract payments that the department determines
7 will be made to the school district from the public school
8 utility conservation fund during the fiscal year for which the
9 state equalization guarantee distribution is being computed;
10 and

11 (8) deduct ninety percent of the amount
12 certified for the school district by the department pursuant to
13 the Energy Efficiency and Renewable Energy Bonding Act.

14 E. Reduction of a school district's state
15 equalization guarantee distribution shall cease when the school
16 district's cumulative reductions equal its proportional share
17 of the cumulative debt service payments necessary to service
18 the bonds issued pursuant to the Energy Efficiency and
19 Renewable Energy Bonding Act.

20 F. The amount of the state equalization guarantee
21 distribution to which a school district is entitled is the
22 balance remaining after the deductions made in Paragraphs (6)
23 through (8) of Subsection D of this section.

24 G. The state equalization guarantee distribution
25 shall be distributed prior to June 30 of each fiscal year. The

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1 calculation shall be based on the local and federal revenues
2 specified in this section received from June 1 of the previous
3 fiscal year through May 31 of the fiscal year for which the
4 state equalization guarantee distribution is being computed.
5 In the event that a school district or charter school has
6 received more state equalization guarantee funds than its
7 entitlement, a refund shall be made by the school district or
8 charter school to the state general fund."

9 SECTION 2. APPLICABILITY.--The provisions of this act
10 apply to the 2021-2022 school year and subsequent school years.