

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: SB 38a

49th Legislature, 1st Session, 2009

Short Title: School District Revenue for Activity Buses

Sponsor(s): Senator Clinton D. Harden, Jr.

Analyst: Peter B. van Moorsel

Date: February 25, 2009

AS AMENDED

The Senate Floor amendment provides that the authorization to use HB 33 dollars to purchase activity vehicles does not apply to school districts with a student membership greater than 60,000.

Original Bill Summary:

SB 38 amends the *Public School Buildings Act* (known as HB 33) to include the purchase of activity vehicles for transporting students to and from extracurricular school activities in the definition of “capital improvements.”

This amendment would allow a school district to use HB 33 funds for activity vehicles.

Original Fiscal Impact:

According to the PED analysis of SB 38:

- twelve districts¹ have imposed capital improvements property taxes authorized by the *Public School Buildings Act*; and
- these districts budgeted approximately \$112.9 million in HB 33 funds at the beginning of FY 09.

PED further reports that, based on recent school district purchases, the current cost of one new activity bus is approximately \$145,000.

Issues:

The analysis of SB 38, by the Attorney General’s Office (AG), states that the enactment of SB 38 may complicate a school district’s ability to submit a question of capital improvement tax imposition to the voters under Article IX, Section 11 of the Constitution of New Mexico and Section 22-26-3 NMSA 1978, since Article IX, Section 11 traditionally has limited these elections to real property matters.

¹ Albuquerque, Artesia, Carlsbad, Cimarron, Dulce, Eunice, Hobbs, Las Cruces, Los Alamos, Los Lunas, Lovington, and Santa Fe.

Background:

The *Public School Buildings Act*, commonly referred to as “HB 33,” authorizes a local school board to adopt a resolution to submit to the voters in the school district the question of whether to impose a property tax not to exceed 10-mills for a maximum of six years to make capital improvements to public schools. The resolution must identify the capital improvements for which the proposed revenue would be used.

Currently, school districts may purchase activity vehicles with direct legislative appropriations, *Public School Capital Improvements Act* (SB 9) funds, and operational funds.

Related Bills:

None as of 02-25-2009.