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**HOUSE BILL 530**

**43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998**

**INTRODUCED BY**

**BEN LUJAN**

**AN ACT**

**RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.**

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

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1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

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5  
6 February 15, 1998

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8 Mr. Speaker:

9  
10 Your HOUSE APPROPRIATIONS AND FINANCE  
11 COMMITTEE, to whom has been referred

12  
13 HOUSE BILL 530

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15 has had it under consideration and reports same with  
16 recommendation that it DO NOT PASS, but that

17 HOUSE APPROPRIATIONS AND FINANCE COMMITTEE  
18 SUBSTITUTE FOR HOUSE BILL 530

19  
20 DO PASS.

FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

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Page 3

Respectfully submitted,

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Max Coll, Chairman

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 18 For 0 Against

Yes: 18

Excused: none

Absent: none

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HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 530

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
DISTRIBUTING A PERCENTAGE OF INDIAN GAMING REVENUES AND  
SEVERANCE TAX PERMANENT FUND DISTRIBUTIONS FOR CRITICAL  
CAPITAL OUTLAY NEEDS OF SCHOOL DISTRICTS THAT RECEIVE FEDERAL  
IMPACT AID FUNDS; GIVING PRIORITY TO THE NEEDS OF PUBLIC  
SCHOOLS WITH A MAJORITY OF NATIVE AMERICAN STUDENTS; PROVIDING  
POWERS AND DUTIES; MAKING APPROPRIATIONS.

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

Section 1. A new section of the Public School Capital  
Outlay Act is enacted to read:

"~~[NEW MATERIAL]~~ CAPITAL OUTLAY NEEDS OF SCHOOL DISTRICTS  
THAT RECEIVE FEDERAL IMPACT AID FUNDS--NATIVE AMERICAN  
PRIORITY--DISTRIBUTION. --

A. The council shall establish a program to  
provide grant assistance for public schools in school  
districts that receive federal impact aid funds pursuant to 20  
USCA. 7701, et seq. The council shall give priority to those

. 123478. 3

public schools that have a student membership of at least fifty percent Native Americans.

B. The council shall approve applications for grant assistance for any public school eligible pursuant to Subsection A of this section when the council:

(1) determines the critical capital outlay needs of the school district and public schools;

(2) determines that the school district has used its resources in a prudent manner; and

(3) has sought and received information and advice from representatives of Indian nations, tribes and pueblos in New Mexico regarding the critical capital outlay needs of public schools with a student membership of at least fifty percent Native Americans.

C. The council shall allocate grants for capital outlay projects that meet the project evaluation criteria of the council pursuant to the Public School Capital Outlay Act; provided that the evaluation criteria shall not include tax effort by the school district. "

Section 2. [NEW MATERIAL] DISTRIBUTIONS--PUBLIC SCHOOL CAPITAL OUTLAY FUND--APPROPRIATION. --

A. The state treasurer shall transfer to the public school capital outlay fund:

(1) an amount equal to five percent of each severance tax permanent fund distribution to the general fund; and

(2) an amount equal to one-eighth of each distribution of revenues to the general fund from revenue-sharing agreements entered into pursuant to Laws 1997, Chapter 190.

B. Amounts distributed to the public school capital outlay fund pursuant to Subsection A of this section

. 123478. 3

1 shall be deposited in a separate account of the fund and are  
2 appropriated to the fund for expenditure in fiscal year 1999 and  
3 subsequent fiscal years for grants for critical capital outlay  
4 needs of public schools in school districts that receive federal  
5 impact aid funds as provided in Section 1 of this act. Any  
6 unexpended or unencumbered balance remaining in the account in  
7 the fund at the end of any fiscal year shall not revert, but  
8 shall be available for critical capital outlay needs of public  
9 schools in school districts that receive federal impact aid funds  
as provided in Section 1 of this act.

10 Section 3. DELAYED REPEAL. --Sections 1 and 2 of this act  
11 are repealed effective July 1, 2003.

12 Section 4. EFFECTIVE DATE. --The effective date of the  
13 provisions of Section 2 of this act is July 1, 1998.

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FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

February 18, 1998

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred  
HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE  
FOR HOUSE BILL 530

has had it under consideration and reports same with  
recommendation that it DO PASS.

Respectfully submitted,

\_\_\_\_\_  
Ben D. Altamirano, Chairman

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HAFC/HB 530

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Carraro, Eisenstadt, Ingle, Lyons, McKibben

Absent: None

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