

LFC Requester:	Gudgel, Rachel
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**AGENCY BILL ANALYSIS
2014 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

And

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date February 3, 2014
Bill No: HB13-305 Feb 4

Sponsor: Rep. Sheryl Williams Stapleton **Reviewing** Attorney General's Office
Short School Equalization Guarantee **Person Writing** Joseph Dworak, AAG
Title: "Local Revenue" **Phone:** 827-6986 **Email** jdworak@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHADED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Unknown.

Duplicates/Relates to Appropriation in the General Appropriation Act: Unknown.

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY14	FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to: Unknown.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s, committee’s or legislator’s request.

BILL SUMMARY

Summary Synopsis: (see previous FIR for HB 13 from January 8, 2014 for full summary)

The Education Committee amended HB 13 to include the following three revisions: 1) remove any tax imposed by a school district as a source of “local revenue” as defined NMSA 1978, Section 22-8-25(B); 2) redefine one element of “local revenue” as local funding for “noncapital” purposes instead of “operational” purposes; and 3) extend the effective date of the bill by one (1) year to July 1, 2015.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

SIGNIFICANT LEGAL ISSUES

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS INTRODUCED THIS SESSION

(See FIR HB13-305 Jan8)

TECHNICAL ISSUES OR DRAFTING ERROR

OTHER SUBSTANTIVE LEGAL ISSUES

NMSA Sections 22-25-3 and 22-26-3 provide authorization for local school boards to submit to their respective electors the question of additional tax impositions to pay for capital improvements. There is no such authorization for local school districts to submit question of a tax imposition for operating expenses. The amendment to HB 13 removes the reference to taxes imposed by local school districts, providing clarity to the potential sources of “local revenue.”

ALTERNATIVES TO ENACTING THIS BILL

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS NEEDED TO IMPROVE THIS BILL