AN ACT

RELATING TO PUBLIC SCHOOL CAPITAL OUTLAY; ALLOWING THE STATE TO MATCH THE COST OF PHOTOVOLTAIC SYSTEMS AS PART OF BUILDING SYSTEMS.

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

SECTION 1. Section 22-24-3 NMSA 1978 (being Laws 1975, Chapter 235, Section 3, as amended by Laws 2018, Chapter 66, Section 1 and by Laws 2018, Chapter 71, Section 2) is amended to read:

"22-24-3. DEFINITIONS.--As used in the Public School Capital Outlay Act:

A. "authority" means the public school facilities authority;

B. "building system" means a set of interacting parts that makes up a single, nonportable or fixed component of
a facility and that, together with other building systems, makes up an entire integrated facility or property, including roofing, electrical distribution, electronic communication, plumbing, lighting, mechanical, fire prevention, facility shell, interior finishes, heating, ventilation and air conditioning systems, photovoltaic systems and school security systems, as defined by the council;

C. "constitutional special schools" means the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf;

D. "constitutional special schools support spaces" means all facilities necessary to support the constitutional special schools' educational mission that are not included in the constitutional special schools' educational adequacy standards, including performing arts centers, facilities for athletic competition, school district administration and facility and vehicle maintenance;

E. "council" means the public school capital outlay council;

F. "education technology infrastructure" means the physical hardware used to interconnect education technology equipment for school districts and school buildings necessary to support broadband connectivity as determined by the council;

G. "fund" means the public school capital outlay fund;
H. "maximum allowable gross square foot per student" means a determination made by applying the established maximum allowable square foot guidelines for educational facilities based on type of school and number of students in the current published New Mexico public school adequacy planning guide to the department's current year certified first reporting date membership;

I. "photovoltaic system" means a power system designed to supply usable solar power, which may be a grid-tied, grid-hybrid or off-grid system;

[J.] "replacement cost per square foot" means the statewide cost per square foot as established by the council;

[K.] "school district" includes state-chartered charter schools and the constitutional special schools;

[L.] "school district population density" means the population density on a per square mile basis of a school district as estimated by the authority based on the most current tract level population estimates published by the United States census bureau; and

[M.] "school district population density factor" means zero when the school district population density is greater than fifty people per square mile, six-hundredths when the school district population density is greater than fifteen but less than fifty-one persons per square mile and twelve-.218523.1
hundredths when the school district population density is less
than sixteen persons per square mile."

SECTION 2. Section 22-24-4.6 NMSA 1978 (being Laws 2015,
Chapter 93, Section 3, as amended) is amended to read:

"22-24-4.6. BUILDING SYSTEM REPAIR, RENOVATION OR
REPLACEMENT.--

A. The council shall develop guidelines for a
building system repair, renovation or replacement initiative
pursuant to the provisions of this section.

B. A school district desiring a grant award
pursuant to this section shall submit an application to the
council. The application shall include an assessment of the
building system that, in the opinion of the school district,
the repair, renovation or replacement of which would extend the
useful life of the building itself or would significantly
reduce utility costs and increase sustainability.

C. The authority shall verify the assessment made
by the school district and rank the application with similar
applications pursuant to a methodology adopted by the council.

D. After a public hearing and to the extent that
money is available in the fund for such purposes, the council
shall approve building system repair, renovation or replacement
projects on the established priority basis except as otherwise
provided in this section; provided that no project shall be
approved unless the council determines that the school district
is willing and able to pay the portion of the total cost of the
project that is not funded with grant assistance from the fund.

E. When an application for renovation or
replacement of a heating, ventilation and air conditioning
system includes the installation of a photovoltaic system, the
council shall consider the cost and value of such inclusion to
offset utility costs over the life of the photovoltaic system.
Highest priority shall be given to applications for systems
that must be renovated or replaced in response to a viral or
bacterial epidemic to ensure proper air handling to increase
the health and safety of students and staff.

[F.] F. The state share of the cost of an approved
building system repair, renovation or replacement project shall
be calculated pursuant to the methodology in Subsection B of
Section 22-24-5 NMSA 1978.

[G.] G. A grant made pursuant to this section shall
be expended by the school district within three years of the
grant allocation."