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HOUSE BILL 285

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Rick Miera

FOR THE PUBLIC SCHOOL CAPITAL OUTLAY TASK FORCE

AN ACT

**RELATING TO PUBLIC SCHOOL CAPITAL OUTLAY; MAKING AN
APPROPRIATION FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND FOR
THE CORE ADMINISTRATIVE FUNCTIONS OF THE DEFICIENCIES
CORRECTION UNIT; PROVIDING THAT A CERTAIN AMOUNT OF SEVERANCE
TAX BOND PROCEEDS AND OTHER APPROPRIATIONS TO THE PUBLIC
SCHOOL CAPITAL OUTLAY FUND MAY BE USED FOR PROJECT MANAGEMENT.**

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

**Section 1. Section 22-24-4 NMSA 1978 (being Laws 1975,
Chapter 235, Section 4, as amended by Laws 2001, Chapter 338,
Section 5 and also by Laws 2001, Chapter 339, Section 1) is
amended to read:**

"22-24-4. FUND CREATED--USE. --

**A. There is created the "public school capital
outlay fund". Balances remaining in the fund at the end of**

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underscored material = new
[bracketed material] = delete

1 each fiscal year shall not revert.

2 B. Except as provided in Subsections G and H of
3 this section, money in the fund may be used only for capital
4 expenditures deemed by the council necessary for an adequate
5 educational program.

6 C. The council may authorize the purchase by the
7 property control division of the general services department
8 of property to be loaned to school districts to meet a
9 temporary requirement. Payment for these purchases shall be
10 made from the fund. Title and custody to the property shall
11 rest in the property control division. The council shall
12 authorize the lending of the property to school districts upon
13 request and upon finding that sufficient need exists.
14 Application for use or return of state-owned portable
15 classroom buildings shall be submitted by school districts to
16 the council. Expenses of maintenance of the property while in
17 the custody of the property control division shall be paid
18 from the fund; expenses of maintenance and insurance of the
19 property while in the custody of a school district shall be
20 the responsibility of the school district. The council may
21 authorize the permanent disposition of the property by the
22 property control division with prior approval of the state
23 board of finance.

24 D. Applications for assistance from the fund shall
25 be made by [~~toeal~~] school districts to the council in

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underscored material = new
[bracketed material] = delete

1 accordance with requirements of the council. The council
2 shall require as a condition of application that a ~~[local]~~
3 school district have a current five-year facilities plan,
4 which shall include a current preventive maintenance plan to
5 which the school adheres for each public school in the
6 district.

7 E. The council shall review all requests for
8 assistance from the fund and shall allocate funds only for
9 those capital outlay projects that meet the criteria of the
10 Public School Capital Outlay Act.

11 F. Money in the fund shall be disbursed by warrant
12 of the department of finance and administration on vouchers
13 signed by the secretary of finance and administration
14 following certification by the council that an application
15 has been approved.

16 G. Not more than five percent of the supplemental
17 severance tax bond proceeds appropriated to the fund pursuant
18 to Section 7-27-12.2 NMSA 1978, the severance tax bond
19 proceeds appropriated to the fund pursuant to Laws 2001,
20 Chapter 338, Section 14 and the general fund appropriation to
21 the fund pursuant to Subsection D of Section 15 of Chapter 338
22 of Laws 2001 for the purpose of correcting outstanding
23 deficiencies pursuant to Sections 22-24-4.1 and 22-24-4.2 NMSA
24 1978 may be expended by the council for project management
25 expenses.

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underscored material = new
[bracketed material] = delete

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H. Of the appropriation made to the fund by
Subsection D of Section 15 of Chapter 338 of Laws 2001 for the
purpose of correcting outstanding deficiencies pursuant to
Sections 22-24-4.1 and 22-24-4.2 NMSA 1978, one million one
hundred thousand dollars (\$1,100,000) is appropriated to the
council for expenditure in fiscal year 2003 for the core
administrative functions of the deficiencies corrections unit.
Any unexpended or unencumbered balance remaining at the end of
fiscal year 2003 shall revert to the fund. "