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HOUSE JOINT MEMORIAL 55

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

INTRODUCED BY

Rick Miera

A JOINT MEMORIAL

REQUESTING THAT THE PUBLIC SCHOOL CAPITAL OUTLAY COUNCIL, IN PROVIDING GRANT ASSISTANCE PURSUANT TO THE PUBLIC SCHOOL CAPITAL OUTLAY ACT, AND THE PUBLIC SCHOOL CAPITAL OUTLAY TASK FORCE, IN DEVELOPING A FORMULA USED IN DETERMINING THE AMOUNT OF GRANT ASSISTANCE, CONSIDER THE FINDINGS OF FACT AND CONCLUSIONS OF THE LAW CONTAINED IN THE REPORT OF THE SPECIAL MASTER APPOINTED IN THE CASE OF *ZUNI, ET AL. V. THE STATE OF NEW MEXICO*.

WHEREAS, in 1999 the court, in the case of *Zuni, et al. v. the State of New Mexico*, found that the procedure used at that time for funding capital improvements for New Mexico's public schools violated the state constitution; and

WHEREAS, since that ruling, the state has enacted legislation to substantially revise the procedures used to

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1 evaluate the need for and the priority of capital expenditures  
2 for the public schools and has authorized the expenditure of  
3 many millions of dollars for public school capital  
4 improvements; and

5 WHEREAS, on January 14, 2002, the court's special master,  
6 in a report to the court, found that the state has acted in  
7 good faith to correct the inequality of funding public school  
8 capital improvements; and

9 WHEREAS, in spite of the good faith action by the state,  
10 the special master found that direct appropriations for  
11 specific public school capital improvements may contribute to  
12 non-uniformity and should be a recognized equalization element  
13 in the capital funding formula; and

14 WHEREAS, the public school capital outlay council  
15 provides grant assistance to local school districts pursuant  
16 to the Public School Capital Outlay Act; and

17 WHEREAS, the public school capital outlay task force is  
18 charged with evaluating the effectiveness and fairness of the  
19 funding formula; and

20 WHEREAS, the public school capital outlay council is  
21 charged with working with, and providing assistance and  
22 information to, the public school capital outlay task force;

23 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
24 STATE OF NEW MEXICO that the public school capital outlay  
25 council, in providing grant assistance pursuant to the Public

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1 School Capital Outlay Act, be requested this allocation cycle  
2 to take into account special appropriations for specific  
3 public school capital outlay projects that have been made by  
4 the legislature; and

5 BE IT FURTHER RESOLVED that the public school capital  
6 outlay council and the public school capital outlay task  
7 force, as they perform their duties related to developing the  
8 funding formula for public school capital outlay, be requested  
9 to take into account the findings of fact and conclusions of  
10 law of the special master related to special legislative  
11 appropriations; and

12 BE IT FURTHER RESOLVED that copies of this memorial be  
13 transmitted to the public school capital outlay council, the  
14 public school capital outlay task force and the  
15 superintendents of all eighty-nine local school districts.

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