

1 SENATE BILL 30

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

4 Mimi Stewart and Dennis J. Roch

5  
6  
7 FOR THE PUBLIC SCHOOL CAPITAL OUTLAY OVERSIGHT TASK FORCE AND  
8 THE LEGISLATIVE EDUCATION STUDY COMMITTEE

9  
10 AN ACT

11 RELATING TO PUBLIC SCHOOL CAPITAL OUTLAY; CHANGING THE CAPITAL  
12 OUTLAY FUNDING FORMULA FOR DETERMINATION OF STATE-LOCAL  
13 MATCHES; ADDING DEFINITIONS.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 22-24-3 NMSA 1978 (being Laws 1975,  
17 Chapter 235, Section 3, as amended) is amended to read:

18 "22-24-3. DEFINITIONS.--As used in the Public School  
19 Capital Outlay Act:

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

22 [~~A.~~] B. "building system" means a set of  
23 interacting parts that makes up a single, nonportable or fixed  
24 component of a facility and that, together with other building  
25 systems, makes up an entire integrated facility or property,

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1 including [~~but not limited to~~] roofing, electrical  
2 distribution, electronic communication, plumbing, lighting,  
3 mechanical, fire prevention, facility shell, interior finishes  
4 and heating, ventilation and air conditioning systems, as  
5 defined by the council;

6 [~~B-~~] C. "constitutional special schools" means the  
7 New Mexico school for the blind and visually impaired and the  
8 New Mexico school for the deaf;

9 [~~G-~~] D. "constitutional special schools support  
10 spaces" means all facilities necessary to support the  
11 constitutional special schools' educational mission that are  
12 not included in the constitutional special schools' educational  
13 adequacy standards, including [~~but not limited to~~] performing  
14 arts centers, facilities for athletic competition, school  
15 district administration and facility and vehicle maintenance;

16 [~~D-~~] E. "council" means the public school capital  
17 outlay council;

18 [~~E-~~] F. "education technology infrastructure" means  
19 the physical hardware used to interconnect education technology  
20 equipment for school districts and school buildings necessary  
21 to support broadband connectivity as determined by the council;

22 [~~F-~~] G. "fund" means the public school capital  
23 outlay fund; [~~and~~]

24 H. "maximum allowable gross square foot per  
25 student" means a determination made by applying the established

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1 maximum allowable square foot guidelines for educational  
2 facilities based on type of school and number of students in  
3 the current published New Mexico public school adequacy  
4 planning guide to the department's current year certified first  
5 reporting date membership;

6 I. "replacement cost per square foot" means the  
7 statewide cost per square foot as established by the council;

8 [~~G.~~] J. "school district" includes state-chartered  
9 charter schools and the constitutional special schools;

10 K. "school district population density" means the  
11 population density on a per square mile basis of a school  
12 district as estimated by the authority based on the most  
13 current tract level population estimates published by the  
14 United States census bureau; and

15 L. "school district population density factor"  
16 means zero when the school district population density is  
17 greater than fifty people per square mile, six-hundredths when  
18 the school district population density is greater than fifteen  
19 but less than fifty-one persons per square mile and twelve-  
20 hundredths when the school district population density is less  
21 than sixteen persons per square mile."

22 SECTION 2. Section 22-24-5 NMSA 1978 (being Laws 1975,  
23 Chapter 235, Section 5, as amended) is amended to read:

24 "22-24-5. PUBLIC SCHOOL CAPITAL OUTLAY PROJECTS--  
25 APPLICATION--GRANT ASSISTANCE.--

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1           A. Applications for grant assistance, approval of  
2 applications, prioritization of projects and grant awards shall  
3 be conducted pursuant to the provisions of this section.

4           B. Except as provided in Sections 22-24-4.3,  
5 22-24-5.4 and 22-24-5.6 NMSA 1978, the following provisions  
6 govern grant assistance from the fund for a public school  
7 capital outlay project not wholly funded pursuant to Section  
8 22-24-4.1 NMSA 1978:

9           (1) all school districts are eligible to apply  
10 for funding from the fund, regardless of percentage of  
11 indebtedness;

12           (2) priorities for funding shall be determined  
13 by using the statewide adequacy standards developed pursuant to  
14 Subsection C of this section; provided that:

15           (a) the council shall apply the  
16 standards to charter schools to the same extent that they are  
17 applied to other public schools;

18           (b) the council may award grants  
19 annually to school districts for the purpose of repairing,  
20 renovating or replacing public school building systems in  
21 existing buildings as identified in Section [~~3 of this 2015~~  
22 ~~act~~] 22-24-4.6 NMSA 1978;

23           (c) the council shall adopt and apply  
24 adequacy standards appropriate to the unique needs of the  
25 constitutional special schools; and

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1 (d) in an emergency in which the health  
2 or safety of students or school personnel is at immediate risk  
3 or in which there is a threat of significant property damage,  
4 the council may award grant assistance for a project using  
5 criteria other than the statewide adequacy standards;

6 (3) the council shall establish criteria to be  
7 used in public school capital outlay projects that receive  
8 grant assistance pursuant to the Public School Capital Outlay  
9 Act. In establishing the criteria, the council shall consider:

10 (a) the feasibility of using design,  
11 build and finance arrangements for public school capital outlay  
12 projects;

13 (b) the potential use of more durable  
14 construction materials that may reduce long-term operating  
15 costs;

16 (c) concepts that promote efficient but  
17 flexible utilization of space; and

18 (d) any other financing or construction  
19 concept that may maximize the dollar effect of the state grant  
20 assistance;

21 (4) no more than ten percent of the combined  
22 total of grants in a funding cycle shall be used for  
23 retrofitting existing facilities for technology infrastructure;

24 (5) ~~[except as provided in Paragraph (6), (8),~~  
25 ~~(9) or (10) of this subsection, the state share of a project~~

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1 ~~approved and ranked by the council shall be funded within~~  
2 ~~available resources pursuant to the provisions of this~~  
3 ~~paragraph] no later than May 1 of each calendar year, [a value]~~  
4 the phase one formula shall be calculated for each school  
5 district in accordance with the following procedure:

6 (a) the final prior year net taxable  
7 value for a school district divided by the MEM for that school  
8 district is calculated for each school district;

9 (b) the final prior year net taxable  
10 value for the whole state divided by the MEM for the state is  
11 calculated;

12 (c) excluding any school district for  
13 which the result calculated pursuant to Subparagraph (a) of  
14 this paragraph is more than twice the result calculated  
15 pursuant to Subparagraph (b) of this paragraph, the results  
16 calculated pursuant to Subparagraph (a) of this paragraph are  
17 listed from highest to lowest;

18 (d) the lowest value listed pursuant to  
19 Subparagraph (c) of this paragraph is subtracted from the  
20 highest value listed pursuant to that subparagraph;

21 (e) the value calculated pursuant to  
22 Subparagraph (a) of this paragraph for the subject school  
23 district is subtracted from the highest value listed in  
24 Subparagraph (c) of this paragraph;

25 (f) the result calculated pursuant to

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1 Subparagraph (e) of this paragraph is divided by the result  
2 calculated pursuant to Subparagraph (d) of this paragraph;

3 (g) the sum of the property tax mill  
4 levies for the prior tax year imposed by each school district  
5 on residential property pursuant to Chapter 22, Article 18 NMSA  
6 1978, the Public School Capital Improvements Act, the Public  
7 School Buildings Act, the Education Technology Equipment Act  
8 and Paragraph (2) of Subsection B of Section 7-37-7 NMSA 1978  
9 is calculated for each school district;

10 (h) the lowest value calculated pursuant  
11 to Subparagraph (g) of this paragraph is subtracted from the  
12 highest value calculated pursuant to that subparagraph;

13 (i) the lowest value calculated pursuant  
14 to Subparagraph (g) of this paragraph is subtracted from the  
15 value calculated pursuant to that subparagraph for the subject  
16 school district;

17 (j) the value calculated pursuant to  
18 Subparagraph (i) of this paragraph is divided by the value  
19 calculated pursuant to Subparagraph (h) of this paragraph;

20 (k) if the value calculated for a  
21 subject school district pursuant to Subparagraph (j) of this  
22 paragraph is less than five-tenths, then, except as provided in  
23 Subparagraph (n) or (o) of this paragraph, the value for that  
24 school district equals the value calculated pursuant to  
25 Subparagraph (f) of this paragraph;

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1 (l) if the value calculated for a  
2 subject school district pursuant to Subparagraph (j) of this  
3 paragraph is five-tenths or greater, then that value is  
4 multiplied by five-hundredths;

5 (m) if the value calculated for a  
6 subject school district pursuant to Subparagraph (j) of this  
7 paragraph is five-tenths or greater, then the value calculated  
8 pursuant to Subparagraph (l) of this paragraph is added to the  
9 value calculated pursuant to Subparagraph (f) of this  
10 paragraph. Except as provided in Subparagraph (n) or (o) of  
11 this paragraph, the sum equals the value for that school  
12 district;

13 (n) in those instances in which the  
14 calculation pursuant to Subparagraph (k) or (m) of this  
15 paragraph yields a value less than one-tenth, one-tenth shall  
16 be used as the value for the subject school district;

17 (o) in those instances in which the  
18 calculation pursuant to Subparagraph (k) or (m) of this  
19 paragraph yields a value greater than one, one shall be used as  
20 the value for the subject school district;

21 (p) except as provided in Section  
22 22-24-5.7 NMSA 1978 and except as adjusted pursuant to  
23 Paragraph (6), [~~(8), (9) or~~] (10), (11) or (12) of this  
24 subsection, the amount to be distributed from the fund for an  
25 approved project shall equal the total project cost multiplied

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1 by a fraction the numerator of which is the value calculated  
2 for the subject school district in the current year plus the  
3 value calculated for that school district in each of the two  
4 preceding years and the denominator of which is three; and

5 (q) as used in this paragraph: 1) "MEM"  
6 means the average full-time-equivalent enrollment of students  
7 attending public school in a school district on the eightieth  
8 and one hundred twentieth days of the prior school year; 2)  
9 "total project cost" means the total amount necessary to  
10 complete the public school capital outlay project less any  
11 insurance reimbursement received by the school district for the  
12 project; and 3) in the case of a state-chartered charter school  
13 that has submitted an application for grant assistance pursuant  
14 to this section, the "value calculated for the subject school  
15 district" means the value calculated for the school district in  
16 which the state-chartered charter school is physically located;

17 (6) the amount calculated pursuant to  
18 Subparagraph (p) of Paragraph (5) of this subsection shall be  
19 reduced by the following procedure:

20 (a) the total of all legislative  
21 appropriations made after January 1, 2003 for nonoperating  
22 purposes either directly to the subject school district or to  
23 another governmental entity for the purpose of passing the  
24 money through directly to the subject school district, and not  
25 rejected by the subject school district, is calculated;

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1 provided that: 1) an appropriation made in a fiscal year shall  
2 be deemed to be accepted by a school district unless, prior to  
3 June 1 of that fiscal year, the school district notifies the  
4 department of finance and administration and the public  
5 education department that the school district is rejecting the  
6 appropriation; 2) the total shall exclude any education  
7 technology appropriation made prior to January 1, 2005 unless  
8 the appropriation was on or after January 1, 2003 and not  
9 previously used to offset distributions pursuant to the  
10 Technology for Education Act; 3) the total shall exclude any  
11 appropriation previously made to the subject school district  
12 that is reauthorized for expenditure by another recipient; 4)  
13 the total shall exclude one-half of the amount of any  
14 appropriation made or reauthorized after January 1, 2007 if the  
15 purpose of the appropriation or reauthorization is to fund, in  
16 whole or in part, a capital outlay project that, when  
17 prioritized by the council pursuant to this section either in  
18 the immediately preceding funding cycle or in the current  
19 funding cycle, ranked in the top one hundred fifty projects  
20 statewide; 5) the total shall exclude the proportionate share  
21 of any appropriation made or reauthorized after January 1, 2008  
22 for a capital project that will be jointly used by a  
23 governmental entity other than the subject school district.  
24 Pursuant to criteria adopted by rule of the council and based  
25 upon the proposed use of the capital project, the council shall

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1 determine the proportionate share to be used by the  
2 governmental entity and excluded from the total; and 6) unless  
3 the grant award is made to the state-chartered charter school  
4 or unless the appropriation was previously used to calculate a  
5 reduction pursuant to this paragraph, the total shall exclude  
6 appropriations made after January 1, 2007 for nonoperating  
7 purposes of a specific state-chartered charter school,  
8 regardless of whether the charter school is a state-chartered  
9 charter school at the time of the appropriation or later opts  
10 to become a state-chartered charter school;

11 (b) the applicable fraction used for the  
12 subject school district and the current calendar year for the  
13 calculation in Subparagraph (p) of Paragraph (5) of this  
14 subsection is subtracted from one;

15 (c) the value calculated pursuant to  
16 Subparagraph (a) of this paragraph for the subject school  
17 district is multiplied by the amount calculated pursuant to  
18 Subparagraph (b) of this paragraph for that school district;

19 (d) the total amount of reductions for  
20 the subject school district previously made pursuant to  
21 Subparagraph (e) of this paragraph for other approved public  
22 school capital outlay projects is subtracted from the amount  
23 calculated pursuant to Subparagraph (c) of this paragraph; and

24 (e) the amount calculated pursuant to  
25 Subparagraph (p) of Paragraph (5) of this subsection shall be

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1 reduced by the amount calculated pursuant to Subparagraph (d)  
2 of this paragraph;

3 (7) no later than May 1 of each calendar year,  
4 the phase two formula shall be calculated for each school  
5 district in accordance with the following procedure:

6 (a) the sum of the final prior five  
7 years net taxable value for a school district multiplied by  
8 nine ten thousandths for that school district is calculated for  
9 each school district;

10 (b) the maximum allowable gross square  
11 foot per student multiplied by the replacement cost per square  
12 foot divided by forty-five is calculated for each school  
13 district;

14 (c) the value calculated pursuant to  
15 Subparagraph (a) of this paragraph divided by the value  
16 calculated pursuant to Subparagraph (b) of this paragraph is  
17 calculated for each school district;

18 (d) in those instances in which the  
19 calculation pursuant to Subparagraph (c) of this paragraph  
20 yields a value equal to or greater than one, the phase two  
21 formula value shall be zero for the subject school district;

22 (e) in those instances in which the  
23 calculation pursuant to Subparagraph (c) of this paragraph  
24 yields a value of ninety-hundredths or more but less than one,  
25 the phase two formula value shall be one minus the value

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1 calculated in Subparagraph (c) of this paragraph; and

2 (f) in those instances in which the  
3 calculation pursuant to Subparagraph (c) of this paragraph  
4 yields a value less than ninety-hundredths, the phase two  
5 formula value shall be one minus the value calculated in  
6 Subparagraph (c) of this paragraph plus the school district  
7 population density factor;

8 (8) except as provided in Paragraph (6), (10),  
9 (11) or (12) of this subsection, the state share of a project  
10 approved by the council shall be funded within available  
11 resources pursuant to the provisions of this paragraph. The  
12 school district calculation for grant awards made in accordance  
13 with this section shall be pursuant to the following procedure:

14 (a) for fiscal year 2020, the school  
15 district calculation shall be the sum of eight-tenths  
16 multiplied by the calculation in Paragraph (5) of this  
17 subsection and two-tenths multiplied by the calculation in  
18 Paragraph (7) of this subsection;

19 (b) for fiscal year 2021, the school  
20 district calculation shall be the sum of six-tenths multiplied  
21 by the calculation in Paragraph (5) of this subsection and  
22 four-tenths multiplied by the calculation in Paragraph (7) of  
23 this subsection;

24 (c) for fiscal year 2022, the school  
25 district calculation shall be the sum of four-tenths multiplied

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1 by the calculation in Paragraph (5) of this subsection and six-  
2 tenths multiplied by the calculation in Paragraph (7) of this  
3 subsection;

4 (d) for fiscal year 2023, the school  
5 district calculation shall be the sum of two-tenths multiplied  
6 by the calculation in Paragraph (5) of this subsection and  
7 eight-tenths multiplied by the calculation in Paragraph (7) of  
8 this subsection; and

9 (e) for fiscal year 2024 and thereafter,  
10 the school district calculation shall be the calculation  
11 specified in Paragraph (7) of this subsection;

12 [~~(7)~~] (9) as used in this subsection:

13 (a) "governmental entity" includes an  
14 Indian nation, tribe or pueblo; and

15 (b) "subject school district" means the  
16 school district that has submitted the application for funding  
17 and in which the approved public school capital outlay project  
18 will be located;

19 [~~(8)~~] (10) the amount calculated pursuant to  
20 Subparagraph (p) of Paragraph (5) of this subsection, after any  
21 reduction pursuant to Paragraph (6) of this subsection, may be  
22 increased by an additional five percent if the council finds  
23 that the subject school district has been exemplary in  
24 implementing and maintaining a preventive maintenance program.  
25 The council shall adopt such rules as are necessary to

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1 implement the provisions of this paragraph;

2 [~~(9)~~] (11) the council may adjust the amount  
3 of local share otherwise required if it determines that a  
4 school district has made a good-faith effort to use all of its  
5 local resources. Before making any adjustment to the local  
6 share, the council shall consider whether:

7 (a) the school district has insufficient  
8 bonding capacity over the next four years to provide the local  
9 match necessary to complete the project and, for all  
10 educational purposes, has a residential property tax rate of at  
11 least ten dollars (\$10.00) on each one thousand dollars  
12 (\$1,000) of taxable value, as measured by the sum of all rates  
13 imposed by resolution of the local school board plus rates set  
14 to pay interest and principal on outstanding school district  
15 general obligation bonds;

16 (b) the school district: 1) has fewer  
17 than an average of eight hundred full-time-equivalent students  
18 on the eightieth and one hundred twentieth days of the prior  
19 school year; 2) has at least seventy percent of its students  
20 eligible for free or reduced-fee lunch; 3) has a share of the  
21 total project cost, as calculated pursuant to provisions of  
22 this section, that would be greater than fifty percent; and 4)  
23 for all educational purposes, has a residential property tax  
24 rate of at least seven dollars (\$7.00) on each one thousand  
25 dollars (\$1,000) of taxable value, as measured by the sum of

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1 all rates imposed by resolution of the local school board plus  
2 rates set to pay interest and principal on outstanding school  
3 district general obligation bonds; or

4 (c) the school district: 1) has an  
5 enrollment growth rate over the previous school year of at  
6 least two and one-half percent; 2) pursuant to its five-year  
7 facilities plan, will be building a new school within the next  
8 two years; and 3) for all educational purposes, has a  
9 residential property tax rate of at least ten dollars (\$10.00)  
10 on each one thousand dollars (\$1,000) of taxable value, as  
11 measured by the sum of all rates imposed by resolution of the  
12 local school board plus rates set to pay interest and principal  
13 on outstanding school district general obligation bonds;

14 [~~(10)~~] (12) the local match for the  
15 constitutional special schools shall be set at fifty percent  
16 for projects that qualify under the educational adequacy  
17 category and one hundred percent for projects that qualify in  
18 the support spaces category; provided that the council may  
19 adjust or waive the amount of any direct appropriation offset  
20 to or local share required for the constitutional special  
21 schools if an applicant constitutional special school has  
22 insufficient or no local resources available; and

23 [~~(11)~~] (13) no application for grant  
24 assistance from the fund shall be approved unless the council  
25 determines that:

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1 (a) the public school capital outlay  
2 project is needed and included in the school district's five-  
3 year facilities plan among its top priorities;

4 (b) the school district has used its  
5 capital resources in a prudent manner;

6 (c) the school district has provided  
7 insurance for buildings of the school district in accordance  
8 with the provisions of Section 13-5-3 NMSA 1978;

9 (d) the school district has submitted a  
10 five-year facilities plan that includes: 1) enrollment  
11 projections; 2) a current preventive maintenance plan that has  
12 been approved by the council pursuant to Section 22-24-5.3 NMSA  
13 1978 and that is followed by each public school in the  
14 district; 3) the capital needs of charter schools located in  
15 the school district; and 4) projections for the facilities  
16 needed in order to maintain a full-day kindergarten program;

17 (e) the school district is willing and  
18 able to pay any portion of the total cost of the public school  
19 capital outlay project that, according to Paragraph (5), (6),  
20 [~~(8) or (9)~~] (10) or (11) of this subsection, is not funded  
21 with grant assistance from the fund; provided that school  
22 district funds used for a project that was initiated after  
23 September 1, 2002 when the statewide adequacy standards were  
24 adopted, but before September 1, 2004 when the standards were  
25 first used as the basis for determining the state and school

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1 district share of a project, may be applied to the school  
2 district portion required for that project;

3 (f) the application includes the capital  
4 needs of any charter school located in the school district or  
5 the school district has shown that the facilities of the  
6 charter school have a smaller deviation from the statewide  
7 adequacy standards than other district facilities included in  
8 the application; and

9 (g) the school district has agreed, in  
10 writing, to comply with any reporting requirements or  
11 conditions imposed by the council pursuant to Section 22-24-5.1  
12 NMSA 1978.

13 C. After consulting with the public school capital  
14 outlay oversight task force and other experts, the council  
15 shall regularly review and update statewide adequacy standards  
16 applicable to all school districts. The standards shall  
17 establish the acceptable level for the physical condition and  
18 capacity of buildings, the educational suitability of  
19 facilities and the need for education technology  
20 infrastructure. Except as otherwise provided in the Public  
21 School Capital Outlay Act, the amount of outstanding deviation  
22 from the standards shall be used by the council in evaluating  
23 and prioritizing public school capital outlay projects.

24 D. The acquisition of a facility by a school  
25 district or charter school pursuant to a financing agreement

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1 that provides for lease payments with an option to purchase for  
2 a price that is reduced according to lease payments made may be  
3 considered a public school capital outlay project and eligible  
4 for grant assistance under this section pursuant to the  
5 following criteria:

6 (1) no grant shall be awarded unless the  
7 council determines that, at the time of exercising the option  
8 to purchase the facility by the school district or charter  
9 school, the facility will equal or exceed the statewide  
10 adequacy standards and the building standards for public school  
11 facilities;

12 (2) no grant shall be awarded unless the  
13 school district and the need for the facility meet all of the  
14 requirements for grant assistance pursuant to the Public School  
15 Capital Outlay Act;

16 (3) the total project cost shall equal the  
17 total payments that would be due under the agreement if the  
18 school district or charter school would eventually acquire  
19 title to the facility;

20 (4) the portion of the total project cost to  
21 be paid from the fund may be awarded as one grant, but  
22 disbursements from the fund shall be made from time to time as  
23 lease payments become due;

24 (5) the portion of the total project cost to  
25 be paid by the school district or charter school may be paid

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1 from time to time as lease payments become due; and

2 (6) neither a grant award nor any provision of  
3 the Public School Capital Outlay Act creates a legal obligation  
4 for the school district or charter school to continue the lease  
5 from year to year or to purchase the facility.

6 E. In order to encourage private capital investment  
7 in the construction of public school facilities, the purchase  
8 of a privately owned school facility that is, at the time of  
9 application, in use by a school district may be considered a  
10 public school capital outlay project and eligible for grant  
11 assistance pursuant to this section if the council finds that:

12 (1) at the time of the initial use by the  
13 school district, the facility to be purchased equaled or  
14 exceeded the statewide adequacy standards and the building  
15 standards for public school facilities;

16 (2) at the time of application, attendance at  
17 the facility to be purchased is at seventy-five percent or  
18 greater of design capacity and the attendance at other schools  
19 in the school district that the students at the facility would  
20 otherwise attend is at eighty-five percent or greater of design  
21 capacity; and

22 (3) the school district and the capital outlay  
23 project meet all of the requirements for grant assistance  
24 pursuant to the Public School Capital Outlay Act; provided  
25 that, when determining the deviation from the statewide

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1 adequacy standards for the purposes of evaluating and  
2 prioritizing the project, the students using the facility shall  
3 be deemed to be attending other schools in the school district.

4 F. It is the intent of the legislature that grant  
5 assistance made pursuant to this section allows every school  
6 district to meet the standards developed pursuant to Subsection  
7 C of this section; provided, however, that nothing in the  
8 Public School Capital Outlay Act or the development of  
9 standards pursuant to that act prohibits a school district from  
10 using other funds available to the district to exceed the  
11 statewide adequacy standards.

12 G. Upon request, the council shall work with, and  
13 provide assistance and information to, the public school  
14 capital outlay oversight task force.

15 H. The council may establish committees or task  
16 forces, not necessarily consisting of council members, and may  
17 use the committees or task forces, as well as existing agencies  
18 or organizations, to conduct studies, conduct surveys, submit  
19 recommendations or otherwise contribute expertise from the  
20 public schools, programs, interest groups and segments of  
21 society most concerned with a particular aspect of the  
22 council's work.

23 I. Upon the recommendation of the [~~public school~~  
24 ~~facilities~~] authority, the council shall develop building  
25 standards for public school facilities and shall promulgate

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1 other such rules as are necessary to carry out the provisions  
2 of the Public School Capital Outlay Act.

3 J. No later than December 15 of each year, the  
4 council shall prepare a report summarizing its activities  
5 during the previous fiscal year. The report shall describe in  
6 detail all projects funded, the progress of projects previously  
7 funded but not completed, the criteria used to prioritize and  
8 fund projects and all other council actions. The report shall  
9 be submitted to the public education commission, the governor,  
10 the legislative finance committee, the legislative education  
11 study committee and the legislature."