

**FIFTY-FIFTH LEGISLATURE
SECOND SESSION, 2022**

February 4, 2022

Mr. Speaker:

Your **EDUCATION COMMITTEE**, to whom has been referred

HOUSE BILL 43

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 11, after the semicolon, insert "AUTHORIZING THE NEW MEXICO FINANCE AUTHORITY TO MAKE CHARTER SCHOOL FACILITY LOANS; CREATING THE CHARTER SCHOOL FACILITY REVOLVING FUND; REQUIRING REPORTS;".

2. On page 1, line 14, after the first semicolon, strike the remainder of the line, strike line 15 in its entirety and strike line 16 through the semicolon.

3. On page 1, line 24 through page 2, line 12, strike Section 1 in its entirety and insert in lieu thereof the following new section:

**"SECTION 1. [NEW MATERIAL] CHARTER SCHOOL FACILITY LOANS-
CHARTER SCHOOL FACILITY REVOLVING FUND--CREATED--REPORTS.-**

A. The New Mexico finance authority may receive and review applications for charter school facility loans pursuant to this section. The authority shall adopt rules to govern the application procedures and requirements for disbursing charter school facility loans and for determining the eligibility of charter schools for loans. The authority may make loans to a charter school for the purchase, construction, expansion or renovation of facilities or to pay off lease-purchase agreements; provided that an application shall include:

(1) evidence that any lease-purchase agreements are in accordance with the Public School Lease Purchase Act;

(2) evidence that a charter school's charter has been renewed at least once; and

(3) a review of the last two audits of the charter school.

B. The authority may consult with the applicant's

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authorizer in evaluating applications; provided that a final determination shall be made solely by the authority.

C. Receipts from the repayment of principal or interest accrued on the charter school facility loans made and other fees or charges paid to the New Mexico finance authority in connection with charter school facility loans shall be deposited in the charter school facility revolving fund.

D. The "charter school facility revolving fund" is created within the New Mexico finance authority. The fund consists of appropriations, gifts, grants, donations and money otherwise accruing to the fund. The fund shall be administered by the authority as a separate account and may consist of such subaccounts as the authority deems necessary to carry out the purposes of the fund. The authority may establish procedures for administering the fund in accordance with the provisions of this section. Balances in the fund at the end of a fiscal year shall not revert to any other fund.

E. Money in the charter school facility revolving fund is appropriated to the New Mexico finance authority to make charter school facility loans and to pay the reasonably necessary administrative and other costs incurred by the authority in evaluating, processing, originating and servicing loans.

F. Money in the charter school facility revolving fund that is not needed for immediate disbursement, including money held in reserve, may be deposited or invested in the same manner as other funds administered by the New Mexico finance authority.

G. Prior to December 1, 2023 and each December 1 thereafter, the New Mexico finance authority shall submit a report to the New Mexico finance authority oversight committee. The report shall provide details regarding any loans made pursuant to this section.

H. The New Mexico finance authority may exercise any power provided to the authority in the New Mexico Finance Authority Act to assist in the administration of this section; provided that the power is consistent with the provisions of that act."

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4. On page 18, line 24 through page 19, line 22, strike Section 4 in its entirety.

5. On page 24, lines 3 through 12, strike Section 7 in its entirety.

6. Renumber sections to correspond with these amendments.

and thence referred to the **APPROPRIATIONS & FINANCE COMMITTEE.**

Respectfully submitted,

G. Andres Romero, Chair

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 12 For 0 Against

Yes: 12

No: 0

Excused: Herrera

Absent: None

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