

## CHAPTER 65

### CHAPTER 65, LAWS 2002

#### 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 each fiscal year shall not revert.

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

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

D. Applications for assistance from the fund shall be made by school districts to the council in accordance with requirements of the council. The council shall require as a condition of application that a school

district have a current five-year facilities plan, which shall include a current preventive maintenance plan to which the school adheres for each public school in the district.

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

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

G. Not more than three percent of the supplemental severance tax bond proceeds appropriated to the fund pursuant to Section 7-27-12.2 NMSA 1978, the severance tax bond proceeds appropriated to the fund pursuant to Laws 2001, Chapter 338, Section 14 and the general fund appropriation to the fund pursuant to 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 may be expended by the council for project management expenses.

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."