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SENATE BILL 211

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY
Joseph J. Carraro

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR ALLOCATIONS FROM THE
PUBLIC SCHOOL CAPITAL OUTLAY FUND FOR MAINTENANCE OF SCHOOL
DISTRICT FACILITIES; ENACTING A NEW SECTION OF THE PUBLIC
SCHOOL CAPITAL OUTLAY ACT TO CREATE A PROGRAM FOR BUILDING
SCHOOL FACILITIES IN HIGH-GROWTH AREAS OF THE STATE; MAKING
APPROPRIATIONS; DECLARING AN EMERGENCY.

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) 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 through K of

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1 this section, money in the fund may be used only for capital
2 expenditures deemed by the council necessary for an adequate
3 educational program.

4 C. The council may authorize the purchase by the
5 public school facilities authority of portable classrooms to be
6 loaned to school districts to meet a temporary requirement.
7 Payment for these purchases shall be made from the fund. Title
8 and custody to the portable classrooms shall rest in the public
9 school facilities authority. The council shall authorize the
10 lending of the portable classrooms to school districts upon
11 request and upon finding that sufficient need exists.

12 Application for use or return of state-owned portable classroom
13 buildings shall be submitted by school districts to the
14 council. Expenses of maintenance of the portable classrooms
15 while in the custody of the public school facilities authority
16 shall be paid from the fund; expenses of maintenance and
17 insurance of the portable classrooms while in the custody of a
18 school district shall be the responsibility of the school
19 district. The council may authorize the permanent disposition
20 of the portable classrooms by the public school facilities
21 authority with prior approval of the state board of finance.

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

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

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

8 F. Money in the fund shall be disbursed by warrant
9 of the department of finance and administration on vouchers
10 signed by the secretary of finance and administration following
11 certification by the council that an application has been
12 approved or an expenditure has been ordered by a court pursuant
13 to Section 22-24-5.4 NMSA 1978. At the discretion of the
14 council, money for a project shall be distributed as follows:

15 (1) up to ten percent of the portion of the
16 project cost funded with distributions from the fund or five
17 percent of the total project cost, whichever is greater, may be
18 paid to the school district before work commences with the
19 balance of the grant award made on a cost-reimbursement basis;
20 or

21 (2) the council may authorize payments
22 directly to the contractor.

23 G. Balances in the fund may be annually
24 appropriated for the core administrative functions of the
25 public school facilities authority pursuant to the Public

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1 School Capital Outlay Act and, in addition, balances in the
2 fund may be expended by the public school facilities authority,
3 upon approval of the council, for project management expenses;
4 provided that:

5 (1) the total annual expenditures from the
6 fund pursuant to this subsection shall not exceed five percent
7 of the average annual grant assistance authorized from the fund
8 during the three previous fiscal years; and

9 (2) any unexpended or unencumbered balance
10 remaining at the end of a fiscal year from the expenditures
11 authorized in this subsection shall revert to the fund.

12 ~~[H. Up to one million two hundred fifty thousand~~
13 ~~dollars (\$1,250,000) of the balances of the fund may be~~
14 ~~expended in fiscal years 2003 and 2004 by the council for the~~
15 ~~purpose of updating and refining the statewide assessment study~~
16 ~~required by Section 22-24-5 NMSA 1978 and for the training of~~
17 ~~state and local officials on the use of the database and other~~
18 ~~data-management-related issues identified by the council.]~~

19 H. To the extent money is available in the fund for
20 such purposes, upon application by a school district, the
21 council may make an allocation from the fund to the school
22 district for maintenance of school district facilities pursuant
23 to the following criteria:

24 (1) all school districts are eligible to apply
25 for the allocations;

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- 1 (2) no local match is required; and
2 (3) the council shall develop rules that:
3 (a) specify application requirements;
4 (b) specify how applications will be
5 prioritized;
6 (c) ensure that applications and
7 subsequent use of the money allocated are consistent with the
8 school district's preventive maintenance plan; and
9 (d) ensure that the money is expended in
10 the most prudent manner possible.

11 I. Up to thirty million dollars (\$30,000,000) of
12 the fund may be allocated annually by the council in fiscal
13 years 2006 and 2007 for a roof repair and replacement
14 initiative with projects to be identified by the council
15 pursuant to Section 22-24-4.3 NMSA 1978; provided that all
16 money allocated pursuant to this subsection shall be expended
17 prior to September 1, 2008.

18 J. Up to four million dollars (\$4,000,000) from the
19 fund may be expended annually by the council in fiscal years
20 2005 through 2009 for grants to school districts for the
21 purpose of making lease payments for classroom facilities,
22 including facilities leased by charter schools. The grants
23 shall be made upon application by the school districts and
24 pursuant to rules adopted by the council; provided that, an
25 application on behalf of a charter school shall be made by the

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1 school district but, if the school district fails to make an
2 application on behalf of a charter school, the charter school
3 may submit its own application. The following criteria shall
4 apply to the grants:

5 (1) the amount of a grant to a school district
6 shall not exceed:

7 (a) the actual annual lease payments
8 owed for leasing classroom space for schools, including charter
9 schools, in the district; or

10 (b) [~~three hundred dollars (\$300) for~~
11 ~~fiscal year 2005 and~~] six hundred dollars (\$600) [~~for fiscal~~
12 ~~years 2006 through 2009~~] multiplied by the number of MEM using
13 the leased classroom facilities; provided that, if the total
14 grants awarded pursuant to this paragraph would exceed the
15 total annual amount available, the rate specified in this
16 subparagraph shall be reduced proportionately;

17 (2) a grant received for the lease payments of
18 a charter school may be used by that charter school as a state
19 match necessary to obtain federal grants pursuant to the
20 federal No Child Left Behind Act of 2001;

21 (3) at the end of each fiscal year, any
22 unexpended or unencumbered balance of the appropriation shall
23 revert to the fund; and

24 (4) as used in this subsection, "MEM" means:

25 (a) the average full-time-equivalent

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1 enrollment using leased classroom facilities on the fortieth,
2 eightieth and one hundred twentieth days of the prior school
3 year; or

4 (b) in the case of an approved charter
5 school that has not commenced classroom instruction, the
6 estimated full-time-equivalent enrollment that will use leased
7 classroom facilities in the first year of instruction, as shown
8 in the approved charter school application; provided that,
9 after the fortieth day of the school year, the MEM shall be
10 adjusted to reflect the full-time-equivalent enrollment on that
11 date.

12 K. In addition to other authorized expenditures
13 from the fund, up to one percent of the average grant
14 assistance authorized from the fund during the three previous
15 fiscal years may be expended in each fiscal year by the public
16 school facilities authority to reimburse the state fire
17 marshal, the construction industries division of the regulation
18 and licensing department and local jurisdictions having
19 authority from the state to permit and inspect projects for
20 expenditures made to permit and inspect projects funded in
21 whole or in part under the Public School Capital Outlay Act.
22 The authority shall enter into contracts with the state fire
23 marshal, the construction industries division or the
24 appropriate local authorities to carry out the provisions of
25 this subsection."

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

3 "22-24-5. PUBLIC SCHOOL CAPITAL OUTLAY PROJECTS--
4 APPLICATION--GRANT ASSISTANCE.--

5 A. Applications for grant assistance, the approval
6 of applications, the prioritization of projects and grant
7 awards shall be conducted pursuant to the provisions of this
8 section [~~provided, however, that the order of priority in the~~
9 ~~two years beginning July 1, 2004 shall first reflect those~~
10 ~~specific projects that were partially funded by the council in~~
11 ~~September 2003 but are not as yet completed, excluding any~~
12 ~~expansion of the scope of those projects and contingent upon~~
13 ~~maintenance of the required local support. In that transition~~
14 ~~period, such projects shall be funded regardless of any~~
15 ~~deviation from the statewide adequacy standards; provided that~~
16 ~~the amount of the award received shall not exceed the amount~~
17 ~~necessary to meet the statewide adequacy standards, including~~
18 ~~projected enrollment growth].~~

19 B. Except as provided [~~in Subsection A of this~~
20 ~~section and]~~ in Sections 22-24-4.3 [~~and~~], 22-24-5.4 and
21 22-24-5.7 NMSA 1978, the following provisions govern grant
22 assistance from the fund for a public school capital outlay
23 project not wholly funded pursuant to Section 22-24-4.1 NMSA
24 1978:

25 (1) all school districts are eligible to apply

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1 for funding from the fund, regardless of percentage of
2 indebtedness;

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

6 (a) the council shall apply the
7 standards to charter schools to the same extent that they are
8 applied to other public schools; and

9 (b) in an emergency in which the health
10 or safety of students or school personnel is at immediate risk
11 or in which there is a threat of significant property damage,
12 the council may award grant assistance for a project using
13 criteria other than the statewide adequacy standards;

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

18 (a) the feasibility of using design,
19 build and finance arrangements for public school capital outlay
20 projects;

21 (b) the potential use of more durable
22 construction materials that may reduce long-term operating
23 costs; and

24 (c) any other financing or construction
25 concept that may maximize the dollar effect of the state grant

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1 assistance;

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

5 (5) except as provided in Paragraph (6) or (8)
6 of this subsection, the state share of a project approved and
7 ranked by the council shall be funded within available
8 resources pursuant to the provisions of this paragraph. No
9 later than May 1 of each calendar year, a value shall be
10 calculated for each school district in accordance with the
11 following procedure:

12 (a) the final prior year net taxable
13 value for a school district divided by the MEM for that school
14 district is calculated for each school district;

15 (b) the final prior year net taxable
16 value for the whole state divided by the MEM for the state is
17 calculated;

18 (c) excluding any school district for
19 which the result calculated pursuant to Subparagraph (a) of
20 this paragraph is more than twice the result calculated
21 pursuant to Subparagraph (b) of this paragraph, the results
22 calculated pursuant to Subparagraph (a) of this paragraph are
23 listed from highest to lowest;

24 (d) the lowest value listed pursuant to
25 Subparagraph (c) of this paragraph is subtracted from the

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1 highest value listed pursuant to that subparagraph;

2 (e) the value calculated pursuant to
3 Subparagraph (a) of this paragraph for the subject school
4 district is subtracted from the highest value listed in
5 Subparagraph (c) of this paragraph;

6 (f) the result calculated pursuant to
7 Subparagraph (e) of this paragraph is divided by the result
8 calculated pursuant to Subparagraph (d) of this paragraph;

9 (g) the sum of the property tax mill
10 levies for the prior tax year imposed by each school district
11 on residential property pursuant to Chapter 22, Article 18 NMSA
12 1978, the Public School Capital Improvements Act, the Public
13 School Buildings Act, the Education Technology Equipment Act
14 and Paragraph (2) of Subsection B of Section 7-37-7 NMSA 1978
15 is calculated for each school district;

16 (h) the lowest value calculated pursuant
17 to Subparagraph (g) of this paragraph is subtracted from the
18 highest value calculated pursuant to that subparagraph;

19 (i) the lowest value calculated pursuant
20 to Subparagraph (g) of this paragraph is subtracted from the
21 value calculated pursuant to that subparagraph for the subject
22 school district;

23 (j) the value calculated pursuant to
24 Subparagraph (i) of this paragraph is divided by the value
25 calculated pursuant to Subparagraph (h) of this paragraph;

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1 (k) if the value calculated for a
2 subject school district pursuant to Subparagraph (j) of this
3 paragraph is less than five-tenths, then, except as provided in
4 Subparagraph (n) or (o) of this paragraph, the value for that
5 school district equals the value calculated pursuant to
6 Subparagraph (f) of this paragraph;

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

11 (m) if the value calculated for a
12 subject school district pursuant to Subparagraph (j) of this
13 paragraph is five-tenths or greater, then the value calculated
14 pursuant to Subparagraph (l) of this paragraph is added to the
15 value calculated pursuant to Subparagraph (f) of this
16 paragraph. Except as provided in Subparagraph (n) or (o) of
17 this paragraph, the sum equals the value for that school
18 district;

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

23 (o) in those instances in which the
24 calculation pursuant to Subparagraph (k) or (m) of this
25 paragraph yields a value greater than one, one shall be used as

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1 the value for the subject school district;

2 (p) except as reduced pursuant to
3 Paragraph (6) of this subsection, the amount to be distributed
4 from the fund for an approved project [~~1) in calendar year~~
5 ~~2005, shall equal the total project cost multiplied by a~~
6 ~~fraction the numerator of which is the value calculated for the~~
7 ~~subject school district in 2005 plus the value calculated for~~
8 ~~that district in 2004 and the denominator of which is two; and~~
9 ~~2) in calendar year 2006 and each subsequent calendar year]~~
10 shall equal the total project cost multiplied by a fraction the
11 numerator of which is the value calculated for the subject
12 school district in the current year plus the value calculated
13 for that school district in each of the two preceding years and
14 the denominator of which is three; and

15 (q) as used in this paragraph: 1) "MEM"
16 means the average full-time-equivalent enrollment of students
17 attending public school in a school district on the fortieth,
18 eightieth and one hundred twentieth days of the prior school
19 year; and 2) "total project cost" means the total amount
20 necessary to complete the public school capital outlay project
21 less any insurance reimbursement received by the school
22 district for the project;

23 (6) the amount calculated pursuant to
24 Subparagraph (p) of Paragraph (5) of this subsection shall be
25 reduced by the following procedure:

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1 (a) the total of all legislative
2 appropriations made after January 1, 2003 for nonoperating
3 purposes either directly to the subject school district or to
4 another governmental entity for the purpose of passing the
5 money through directly to the subject school district, and not
6 rejected by the subject school district, but excluding
7 educational technology appropriations made prior to January 1,
8 2005 and reauthorizations of appropriations previously made to
9 the subject school district, is calculated; provided that an
10 appropriation made in a fiscal year shall be deemed to be
11 accepted by a school district unless, prior to June 1 of that
12 fiscal year, the school district notifies the department of
13 finance and administration and the public education department
14 that the district is rejecting the appropriation; provided
15 further that the total shall be increased by an amount,
16 certified to the council by the department, equal to the
17 educational technology appropriations made to the subject
18 school district on or after January 1, 2003 and prior to
19 January 1, 2005 and not previously used to offset distributions
20 pursuant to the Technology for Education Act;

21 (b) the applicable fraction used for the
22 subject school district and the current calendar year for the
23 calculation in Subparagraph (p) of Paragraph (5) of this
24 subsection is subtracted from one;

25 (c) the value calculated pursuant to
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1 Subparagraph (a) of this paragraph for the subject school
2 district is multiplied by the amount calculated pursuant to
3 Subparagraph (b) of this paragraph for that school district;

4 (d) the total amount of reductions for
5 the subject school district previously made pursuant to
6 Subparagraph (e) of this paragraph for other approved public
7 school capital outlay projects is subtracted from the amount
8 calculated pursuant to Subparagraph (c) of this paragraph; and

9 (e) the amount calculated pursuant to
10 Subparagraph (p) of Paragraph (5) of this subsection shall be
11 reduced by the amount calculated pursuant to Subparagraph (d)
12 of this paragraph;

13 (7) as used in Paragraphs (5) and (6) of this
14 subsection, "subject school district" means the school district
15 that has submitted the application for funding and in which the
16 approved public school capital outlay project will be located;

17 (8) the council may adjust the amount of local
18 share otherwise required if it determines that a school
19 district has used all of its local resources. Before making
20 any adjustment to the local share, the council shall consider
21 whether:

22 (a) the school district has insufficient
23 bonding capacity over the next four years to provide the local
24 match necessary to complete the project and, for all
25 educational purposes, has a residential property tax rate of
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1 at least ten dollars (\$10.00) on each one thousand dollars
2 (\$1,000) of taxable value, as measured by the sum of all rates
3 imposed by resolution of the local school board plus rates set
4 to pay interest and principal on outstanding school district
5 general obligation bonds;

6 (b) the school district: 1) has fewer
7 than an average of eight hundred full-time-equivalent students
8 on the fortieth, eightieth and one hundred twentieth days of
9 the prior school year; 2) has at least seventy percent of its
10 students eligible for free or reduced-fee lunch; 3) has a share
11 of the total project cost, as calculated pursuant to provisions
12 of this section, that would be greater than fifty percent; and
13 4) for all educational purposes, has a residential property
14 tax rate of at least seven dollars (\$7.00) on each one thousand
15 dollars (\$1,000) of taxable value, as measured by the sum of
16 all rates imposed by resolution of the local school board plus
17 rates set to pay interest and principal on outstanding school
18 district general obligation bonds; or

19 (c) the school district has: 1) an
20 enrollment growth rate over the previous school year of at
21 least two and one-half percent; 2) pursuant to its five-year
22 facilities plan, will be building a new school within the next
23 two years; and 3) for all educational purposes, has a
24 residential property tax rate of at least ten dollars (\$10.00)
25 on each one thousand dollars (\$1,000) of taxable value, as

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

4 (9) no application for grant assistance from
5 the fund shall be approved unless the council determines that:

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

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

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

14 (d) the school district has submitted a
15 five-year facilities plan that includes: 1) enrollment
16 projections; 2) a current preventive maintenance plan that has
17 been approved by the council pursuant to Section 22-24-5.3 NMSA
18 1978 and that is followed by each public school in the
19 district; 3) the capital needs of charter schools located in
20 the school district; and 4) projections for the facilities
21 needed in order to maintain a full-day kindergarten program;

22 (e) the school district is willing and
23 able to pay any portion of the total cost of the public school
24 capital outlay project that, according to Paragraph (5), (6) or
25 (8) of this subsection, is not funded with grant assistance

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1 from the fund; provided that school district funds used for a
2 project that was initiated after September 1, 2002 when the
3 statewide adequacy standards were adopted, but before September
4 1, 2004 when the standards were first used as the basis for
5 determining the state and school district share of a project,
6 may be applied to the school district portion required for that
7 project;

8 (f) the application includes the capital
9 needs of any charter school located in the school district or
10 the school district has shown that the facilities of the
11 charter school [~~has~~] have a smaller deviation from the
12 statewide adequacy standards than other district facilities
13 included in the application; and

14 (g) the school district has agreed, in
15 writing, to comply with any reporting requirements or
16 conditions imposed by the council pursuant to Section 22-24-5.1
17 NMSA 1978.

18 C. After consulting with the public school capital
19 outlay oversight task force and other experts, the council
20 shall regularly review and update statewide adequacy standards
21 applicable to all school districts. The standards shall
22 establish the acceptable level for the physical condition and
23 capacity of buildings, the educational suitability of
24 facilities and the need for technological infrastructure.
25 Except as otherwise provided in the Public School Capital

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1 Outlay Act, the amount of outstanding deviation from the
2 standards shall be used by the council in evaluating and
3 prioritizing public school capital outlay projects.

4 D. 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 local funds to exceed the statewide adequacy standards.

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

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

22 G. Upon the recommendation of the public school
23 facilities authority, the council shall develop building
24 standards for public school facilities and shall promulgate
25 other such rules as are necessary to carry out the provisions

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1 of the Public School Capital Outlay Act.

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

11 Section 3. A new section of the Public School Capital
12 Outlay Act, Section 22-24-5.7 NMSA 1978, is enacted to read:

13 "22-24-5.7. [NEW MATERIAL] NEW OR EXPANDED SCHOOL
14 FACILITIES IN HIGH-GROWTH AREAS.--

15 A. Pursuant to guidelines adopted by the council,
16 the council shall identify high-growth areas of the state in
17 which critical overcrowding of existing school facilities is
18 adversely affecting the quality of education.

19 B. The public school facilities authority shall
20 assist school districts containing identified high-growth areas
21 in developing plans for new or expanded school facilities that
22 will alleviate the critical overcrowding.

23 C. After developing criteria for prioritizing
24 needed facilities and to the extent that money is available in
25 the fund for such purposes, the council shall approve

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1 allocations from the fund for the new or expanded school
2 facilities and, working with the school district, enter into
3 construction contracts for the facilities.

4 D. Allocations from the fund for the construction
5 of new or expanded school facilities pursuant to this section
6 shall be made regardless of the local effort or percentage of
7 indebtedness of the school district; provided that no such
8 allocation from the fund shall be made unless the council
9 determines that:

10 (1) the school district has provided insurance
11 for buildings of the school district in accordance with the
12 provisions of Section 13-5-3 NMSA 1978;

13 (2) the school district has submitted a
14 five-year facilities plan that includes:

15 (a) enrollment projections;
16 (b) a current preventive maintenance
17 plan that has been approved by the council pursuant to Section
18 22-24-5.3 NMSA 1978 and that is followed by each public school
19 in the district;

20 (c) the capital needs of charter schools
21 located in the school district; and

22 (d) projections for the facilities
23 needed in order to maintain a full-day kindergarten program;
24 and

25 (3) the school district has agreed, in

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1 writing, to comply with any reporting requirements or
2 conditions imposed by the council pursuant to Section 22-24-5.1
3 NMSA 1978."

4 Section 4. APPROPRIATIONS.--

5 A. Four hundred million dollars (\$400,000,000) is
6 appropriated from the general fund to the public school capital
7 outlay fund for expenditure in fiscal years 2006 through 2009
8 for the purpose of funding new or expanded school facilities in
9 high-growth areas of the state pursuant to the Section
10 22-24-5.7 NMSA 1978. Any unexpended or unencumbered balance
11 remaining at the end of fiscal year 2009 shall revert to the
12 general fund.

13 B. Two hundred million dollars (\$200,000,000) is
14 appropriated from the general fund to the public school capital
15 outlay fund for expenditure in fiscal years 2006 through 2009
16 for the purpose of making allocations for maintenance of public
17 school facilities pursuant to Subsection H of Section 22-24-4
18 NMSA 1978. Any unexpended or unencumbered balance remaining at
19 the end of fiscal year 2009 shall revert to the general fund.

20 Section 4. EMERGENCY.--It is necessary for the public
21 peace, health and safety that this act take effect immediately.