

1 HOUSE BILL 314

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Larry A. Larrañaga

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

9
10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL CAPITAL
12 OUTLAY ACT TO PROVIDE PROCEDURES FOR STATE-CHARTERED AND
13 LOCALLY CHARTERED CHARTER SCHOOLS FOR ADEQUATE FACILITIES;
14 CREATING A FUND; MAKING AN APPROPRIATION.

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

17 **SECTION 1.** Section 22-24-6.1 NMSA 1978 (being Laws 2007,
18 Chapter 214, Section 1, as amended) is amended to read:

19 "22-24-6.1. PROCEDURES FOR A STATE-CHARTERED CHARTER
20 SCHOOL.--All of the provisions of the Public School Capital
21 Outlay Act apply to an application by a state-chartered charter
22 school for grant assistance for a capital project except:

23 A. the portion of the cost of the project to be
24 paid from the fund shall be calculated pursuant to Paragraph
25 (5) of Subsection B of Section 22-24-5 NMSA 1978 using data

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1 from the school district in which the state-chartered charter
2 school is located;

3 B. in calculating a reduction pursuant to Paragraph
4 (6) of Subsection B of Section 22-24-5 NMSA 1978, ~~[(1)]~~ the
5 amount to be used in Subparagraph (a) of that paragraph shall
6 equal the total of all legislative appropriations made after
7 January 1, 2007 for nonoperating expenses either directly to
8 the charter school or to another governmental entity for the
9 purpose of passing the money through directly to the charter
10 school, regardless of whether the charter school was a state-
11 chartered charter school at the time of the appropriation or
12 later opted to become a state-chartered charter school, except
13 that the total shall not include any such appropriation if,
14 before the charter school became a state-chartered charter
15 school, the appropriation was previously used to calculate a
16 reduction pursuant to Paragraph (6) of Subsection B of Section
17 22-24-5 NMSA 1978; and

18 ~~[(2) the amount to be used in Subparagraph (b)~~
19 ~~of that paragraph shall equal the total of all federal money~~
20 ~~received by the charter school for nonoperating purposes~~
21 ~~pursuant to Title XIV of the American Recovery and Reinvestment~~
22 ~~Act of 2009, regardless of whether the charter school was a~~
23 ~~state-chartered charter school at the time of receiving the~~
24 ~~federal money or later opted to become a state-chartered~~
25 ~~charter school, except that the total shall not include any~~

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1 ~~such federal money if, before the charter school became a~~
2 ~~state-chartered charter school, the money was previously used~~
3 ~~to calculate a reduction pursuant to Paragraph (6) of~~
4 ~~Subsection B of Section 22-24-5 NMSA 1978; and]~~

5 C. if the council determines that the state-
6 chartered charter school does not have the resources to pay all
7 or a portion of the total cost of the capital outlay project
8 that is not funded with grant assistance from the fund, to the
9 extent that money is available in the charter school capital
10 outlay fund, the council shall make an award from that fund for
11 the remaining amount necessary to pay for the project. The
12 council may establish, by rule, a procedure for determining the
13 amount of resources available to the charter school and the
14 amount needed from the charter school capital outlay fund."

15 SECTION 2. A new section of the Public School Capital
16 Outlay Act is enacted to read:

17 "[NEW MATERIAL] PUBLIC FACILITIES FOR CHARTER SCHOOLS.--

18 A. The council shall develop a program for
19 assisting charter schools to be located in public buildings or
20 in buildings being acquired by charter schools pursuant to a
21 lease-purchase agreement.

22 B. A locally chartered or state-chartered charter
23 school, desiring assistance pursuant to this section, shall
24 make application to the council for a grant. The application
25 shall include:

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1 (1) a summary of the efforts that have been
2 made by the charter school to be located in a public facility;

3 (2) an estimate of the costs necessary to
4 bring the public facilities up to the statewide adequacy
5 standards; and

6 (3) such other information as required by rule
7 of the council.

8 C. The public school facilities authority shall
9 review the information submitted by the charter school and rank
10 the application with similar applications pursuant to a
11 methodology adopted by the council.

12 D. After a public hearing and to the extent that
13 money is available in the charter school capital outlay fund
14 for such purposes, the council shall approve grants from the
15 fund on the established priority basis.

16 E. An award made pursuant to this section shall not
17 be considered when calculating an amount to offset grants to a
18 school district or state-chartered charter school pursuant to
19 Paragraph (6) of Subsection B of Section 22-24-5 NMSA 1978 or
20 Subsection B of Section 22-24-6.1 NMSA 1978."

21 **SECTION 3.** A new section of the Public School Capital
22 Outlay Act is enacted to read:

23 "[NEW MATERIAL] CHARTER SCHOOL CAPITAL OUTLAY FUND.--

24 A. The "charter school capital outlay fund" is
25 created in the state treasury. The fund shall consist of

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1 appropriations, gifts, grants, donations and bequests made to
2 the fund. Income from the fund shall be credited to the fund,
3 and money in the fund shall not revert or be transferred to any
4 other fund at the end of a fiscal year. Money in the fund is
5 appropriated to the council for the purposes of making grants
6 pursuant to Subsection B of this section. Expenditures from
7 the fund shall be made on warrant of the secretary of finance
8 and administration pursuant to vouchers signed by the director
9 of the public school facilities authority.

10 B. Balances in the charter school capital outlay
11 fund shall be used for the following purposes and, to the
12 extent money is available in the fund, in the following order:

13 (1) for making grants to state-chartered
14 charter schools pursuant to Subsection C of Section 22-24-6.1
15 NMSA 1978 to assist with the local match needed for an approved
16 public school capital outlay project; and

17 (2) if the council determines that money in
18 the fund is not needed for grants pursuant to Paragraph (1) of
19 this subsection, remaining balances in the fund may be used for
20 providing assistance to charter schools pursuant to Section 2
21 of this 2013 act."