HOUSE BILL 256

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Ben Lujan

ENDORSED BY THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; CHANGING THE QUALIFYING
REQUIREMENTS FOR FUNDING THROUGH THE PUBLIC SCHOOL CAPITAL
OUTLAY ACT; PROVIDING FOR PRIORITY FACTORS.

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

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

"22-24-5. FUND--DISTRIBUTION.--

A. The council shall approve an application for
grant assistance from the fund when the council determines
that:

(1) a critical need exists requiring action;

(2) the residents of the school district have
provided available resources to the school district to meet
its capital outlay requirements;

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1   (3)   the school district has used its

2   resources in a prudent manner;

3   (4)   the <u>school</u> district is in a county or

4   counties [which] that have participated in a reappraisal

5   program and the reappraised values are on the tax rolls or

6   will be used for the tax year 1979 as certified by the

7   property tax division of the taxation and revenue department;

8   (5)   the school district has provided

9   insurance for buildings of the school district in accordance

10   with the provisions of Section 13-5-3 NMSA 1978;   and

11   [(6)   the school district is indebted at not

12   less than seventy-five percent of the total debt authorized by

13   law; and

14   (7)] (6)   the school district has submitted a

15   five-year facilities plan that includes enrollment

16   projections.

17   B.   The council shall consider all applications for

18   assistance from the fund and, after a public hearing, shall

19   either approve or deny the application.   Applications for

20   grant assistance shall only be accepted by the council after a

21   district has complied with the provisions of this section.

22   The council shall list all applications in order of priority,

23   and all allocations shall be made on a priority basis

24   [provided, however, except in the case of an emergency, that

25   the order of priority shall first reflect those projects which

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1 have been previously funded but are not as yet completed,

2 excluding expansion of those projects and contingent upon

3 maintenance of the required local support]. Projects approved

4 and ranked by the council shall be funded in accordance with

5 the following formula:

6 (district assessed valuation per MEM divided by the state

7 average assessed valuation per MEM) multiplied by .5.

8 The product is subtracted from 1.0 and multiplied by .9.

9 The sum of that calculation added to (percent of bonding

10 capacity used ÷ 75%) x .1 = percentage of approved

11 projects to be funded from the public school capital

12 outlay fund. "MEM" is the total enrollment of students

13 attending public school in a school district on a

14 specified day, with kindergarten being counted as .5. In

15 those instances in which the formula provides less than

16 .1, .1 shall be used as the state's share.

17 C. In those instances in which a school district

18 has used all of its local resources, the state may fund the

19 total amount of its projects.

20 [C.] D. Money in the fund shall be disbursed by

21 warrant of the department of finance and administration on

22 vouchers signed by the secretary of finance and administration

23 following certification by the council that the application

24 has been approved."

25 Section 2. EFFECTIVE DATE.--The effective date of the

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1   provisions of this act is July 1, 2001.

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FORTY-FOURTH LEGISLATURE

FIRST SESSION, 1999

February 12, 1999

Mr. Speaker:

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

HOUSE BILL 256

has had it under consideration and reports same with
recommendation that it **DO PASS**, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

_____

Rick Miera, Chairman

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HEC/HB 256   Page 6

Adopted _____   Not Adopted _____

                (Chief Clerk)   (Chief Clerk)

                        Date _____

The roll call vote was 14 For 0 Against

Yes: 14

Excused: Dana

Absent: Marquardt

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underscored material = new
[bracketed material] = delete

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FORTY-FOURTH LEGISLATURE

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FIRST SESSION, 1999

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February 27, 1999

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7 Mr. Speaker:

8

9   Your **APPROPRIATIONS AND FINANCE COMMITTEE,** to

10 whom has been referred

11

HOUSE BILL 256

12

13 has had it under consideration and reports same with

14 recommendation that it **DO PASS**, amended as follows:

15

16   1.   On page 4, line 1, strike "2001" and insert in lieu

17 thereof "2000".

18

19   Respectfully submitted,

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24   Max Coll, Chairman

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- 7 -

Adopted _____   Not Adopted _____

(Chief Clerk)   (Chief Clerk)

Date _____

The roll call vote was __12__ For __0__ Against

Yes: 12

Excused: Larrañaga, Marquardt, Pearce, Varela, Watchman

Absent: None

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FORTY-FOURTH LEGISLATURE

FIRST SESSION, 1999

March 11, 1999

Mr. President:

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

HOUSE BILL 256, as amended

has had it under consideration and reports same with

recommendation that it **DO PASS**, and thence referred to the

FINANCE COMMITTEE.

Respectfully submitted,

_____

Cynthia Nava, Chairman

underscored material = new
[bracketed material] = delete

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3   Adopted_____ Not

4   Adopted_____

5   (Chief Clerk)   (Chief Clerk)

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8   Date _____

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11 The roll call vote was 6 For 0 Against

12 Yes: 6

13 No: 0

14 Excused: Adair, Duran, Gorham, Jennings

15 Absent: None

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