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SENATE BILL 236

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

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO PUBLIC SCHOOLS; TRANSFERRING CERTAIN GAMING  
REVENUE TO THE LEGISLATIVE PUBLIC SCHOOL CAPITAL OUTLAY FUND;  
PROVIDING FOR THE CONSTRUCTION OF PUBLIC SCHOOLS ON INDIAN  
LAND; CHANGING THE FUND NAME; MAKING AN APPROPRIATION.

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

Section 1. Section 22-24-3 NMSA 1978 (being Laws 1975,  
Chapter 235, Section 3, as amended) is amended to read:

"22-24-3. DEFINITIONS. -- As used in the Public School  
Capital Outlay Act:

A. "council" means the public school capital  
outlay council; and

B. "fund" means the legislative public school  
capital outlay fund. "

Section 2. Section 22-24-4 NMSA 1978 (being Laws 1975,

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1 Chapter 235, Section 4, as amended) is amended to read:

2 "22-24-4. FUND CREATED--USE. --

3 A. There is created the "legislative public school  
4 capital outlay fund". Balances remaining in the fund at the  
5 end of each fiscal year shall not revert.

6 B. Money in the fund may be used only for capital  
7 expenditures deemed by the council necessary for an adequate  
8 educational program.

9 C. The council may authorize the purchase by the  
10 property control division of the general services department  
11 of property to be loaned to school districts to meet a  
12 temporary requirement. Payment for these purchases shall be  
13 made from the fund. Title and custody to the property shall  
14 rest in the property control division. The council shall  
15 authorize the lending of the property to school districts upon  
16 request and upon finding that sufficient need exists.

17 Application for use or return of state-owned portable  
18 classroom buildings shall be submitted by school districts to  
19 the council. Expenses of maintenance of the property while in  
20 the custody of the property control division shall be paid  
21 from the fund; expenses of maintenance and insurance of the  
22 property while in the custody of a school district shall be  
23 the responsibility of the school district. The council may  
24 authorize the permanent disposition of the property by the  
25 property control division with prior approval of the state

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1 board of finance.

2 D. Applications for assistance from the fund shall  
3 be made by local school districts to the council in accordance  
4 with requirements of the council.

5 E. The council shall review all requests for  
6 assistance from the fund and shall allocate funds only for  
7 those capital outlay projects that cannot be financed by the  
8 school district from other sources and that meet the criteria  
9 of the Public School Capital Outlay Act. "

10 Section 3. Section 22-24-5 NMSA 1978 (being Laws 1975,  
11 Chapter 235, Section 5, as amended) is amended to read:

12 "22-24-5. FUND--DISTRIBUTION.--

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

16 (1) a critical need exists requiring action;

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

20 (3) the school district has used its  
21 resources in a prudent manner;

22 (4) the school district is in a county or  
23 counties [~~which~~] that have participated in a reappraisal  
24 program and the reappraised values are on the tax rolls or  
25 will be used for the tax year 1979 as certified by the

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1 property tax division of the taxation and revenue department;

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

5 (6) the school district is indebted at not  
6 less than seventy-five percent of the total debt authorized by  
7 law; and

8 (7) the school district has submitted a five-  
9 year facilities plan that includes enrollment projections.

10 B. The council shall consider all applications for  
11 assistance from the fund and, after a public hearing, shall  
12 either approve or deny the application. Applications for  
13 grant assistance shall only be accepted by the council after a  
14 school district has complied with the provisions of this  
15 section. The council shall list all applications in order of  
16 priority, and all allocations shall be made on a priority  
17 basis; provided, however, except in the case of an emergency,  
18 that the order of priority shall first reflect construction of  
19 new public schools on Indian reservations and those projects  
20 [~~which~~] that have been previously funded but are not as yet  
21 completed, excluding expansion of those projects and  
22 contingent upon maintenance of the required local support.

23 C. Money in the fund shall be disbursed by warrant  
24 of the department of finance and administration on vouchers  
25 signed by the secretary of finance and administration

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1 following certification by the council that the application  
2 has been approved. "

3 Section 4. A new section of the Public School Capital  
4 Outlay Act is enacted to read:

5 "[NEW MATERIAL] PUBLIC SCHOOLS ON INDIAN LAND. --

6 A. Each year, the council, in conjunction with the  
7 department of education and the appropriate school districts,  
8 shall evaluate the need for new public schools on Indian  
9 reservations, including:

10 (1) the distance students travel to existing  
11 schools;

12 (2) the projected number of students for new  
13 public schools;

14 (3) possible locations of a new public  
15 school;

16 (4) the affect of the new public school on  
17 other public schools in the school district;

18 (5) the needs and wishes of students,  
19 parents, tribal or pueblo authorities and the school district;  
20 and

21 (6) the operational feasibility of the  
22 proposed public school.

23 B. If the council determines that a new public  
24 school is needed on an Indian reservation, the applicable  
25 school district shall submit an application for grant

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1 assistance. The provisions of Paragraphs (4) and (6) of  
2 Subsection A of Section 22-24-5 NMSA 1978 shall not apply to  
3 an application submitted pursuant to this section.

4 C. An application submitted in accordance with the  
5 requirements of this section shall be ranked as a high  
6 priority after funding by the council for emergency repairs  
7 and renovation. "

8 Section 5. A new section of the Public School Capital  
9 Outlay Act is enacted to read:

10 "[NEW MATERIAL] TRANSFER OF GAMING REVENUE--  
11 CONSTRUCTION OF PUBLIC SCHOOLS ON INDIAN LAND. --

12 A. The state treasurer shall transfer from the  
13 general fund to the legislative public school capital outlay  
14 fund by no later than thirty days after the last day of each  
15 calendar quarter an amount equal to the revenue deposited in  
16 the general fund in the preceding quarter pursuant to:

17 (1) the regulatory fees provisions of Section  
18 11-13-1 NMSA 1978;

19 (2) the revenue-sharing provisions of  
20 Section 11-13-2 NMSA 1978; and

21 (3) the gaming tax pursuant to Section  
22 60-2E-47 NMSA 1978.

23 B. The money transferred to the legislative public  
24 school capital outlay fund may be expended as provided in the  
25 Public School Capital Outlay Act in any fiscal year. "

1           Section 6.   DELAYED REPEAL. --Sections 4 and 5 of this act  
2 are repealed effective July 1, 2003.

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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5 March 2, 1999

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7 Mr. President:

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9 Your EDUCATION COMMITTEE, to whom has been referred

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11 SENATE BILL 236

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14 has had it under consideration and reports same with  
15 recommendation that it DO PASS, and thence referred to the

16 FINANCE  
17 COMMITTEE.

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19 Respectfully submitted,



Cynthi a Nava, Chai rman

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Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

(Chi ef Clerk)

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Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Adai r, Boi tano, Gorham, Nava

Absent: None

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