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SENATE BILL 394

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Cynthia Nava

FOR THE PUBLIC SCHOOL CAPITAL OUTLAY OVERSIGHT TASK FORCE

AN ACT

RELATING TO SCHOOLS; PROVIDING CRITERIA FOR ALLOCATIONS FROM
THE EDUCATIONAL TECHNOLOGY DEFICIENCY CORRECTION FUND;
EXTENDING THE PERIOD IN WHICH GRANTS FOR ROOF REPAIR AND
REPLACEMENT MAY BE EXPENDED; MAKING APPROPRIATIONS FOR
EDUCATIONAL TECHNOLOGY, ROOF REPAIR AND REPLACEMENT, THE
PURCHASE OF PORTABLE FACILITIES AND THE CORRECTION OF
DEFICIENCIES AT CERTAIN STATE EDUCATIONAL INSTITUTIONS.

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

Section 1. Section 22-15A-11 NMSA 1978 (being Laws 2005,
Chapter 222, Section 2) is amended to read:

"22-15A-11. EDUCATIONAL TECHNOLOGY DEFICIENCIES--
CORRECTION.--

A. No later than September 1, 2005, the bureau,
with the advice of the council and the office of the chief

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1 information officer, shall define and develop minimum
2 educational technology adequacy standards to supplement the
3 adequacy standards developed by the public school capital
4 outlay council for school districts to use to identify
5 outstanding serious deficiencies in educational technology
6 infrastructure.

7 B. A school district shall use the standards to
8 complete a self-assessment of the outstanding educational
9 technology deficiencies within the school district and provide
10 cost projections to correct the outstanding deficiencies.

11 C. The bureau shall develop a methodology for
12 prioritizing projects that will correct the deficiencies.

13 D. After a public hearing and to the extent that
14 money is available in the educational technology deficiency
15 correction fund, the bureau shall approve allocations from the
16 fund on the established priority basis and, working with the
17 school district and pursuant to the Procurement Code, enter
18 into contracts to correct the deficiencies.

19 E. No allocation shall be made pursuant to this
20 section unless:

21 (1) the method for prioritizing projects
22 developed by the bureau has been reviewed and approved by the
23 council;

24 (2) the school district has agreed to consult
25 and coordinate with the public school facilities authority

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1 before installing any educational technology infrastructure;

2 (3) the council has approved the proposed
3 allocation; and

4 (4) for the 2009 and subsequent fiscal years,
5 the initial assessment required in the Technology for Education
6 Act has been verified by an independent third party as
7 determined in consultation with the public school capital
8 outlay council.

9 [E-] F. In entering into contracts to correct
10 deficiencies pursuant to this section, the bureau shall include
11 such terms and conditions as necessary to ensure that the state
12 money is expended in the most prudent manner possible
13 consistent with the original purpose."

14 Section 2. Section 22-24-4.3 NMSA 1978 (being Laws 2005,
15 Chapter 274, Section 6) is amended to read:

16 "22-24-4.3. ROOF REPAIR AND REPLACEMENT INITIATIVE.--

17 A. The council shall develop guidelines for a roof
18 repair and replacement initiative pursuant to the provisions of
19 this section.

20 B. A school district, desiring a grant award
21 pursuant to this section, shall submit an application to the
22 council. The application shall include an assessment of the
23 roofs on district school buildings that, in the opinion of the
24 school district, create a threat of significant property
25 damage.

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1 C. The public school facilities authority shall
2 verify the assessment made by the school district and rank the
3 application with similar applications pursuant to a methodology
4 adopted by the council.

5 D. After a public hearing and to the extent that
6 money is available in the fund for such purposes, the council
7 shall approve roof repair or replacement projects on the
8 established priority basis; provided that no project shall be
9 approved unless the council determines that the school district
10 is willing and able to pay the portion of the total cost of the
11 project that is not funded with grant assistance from the fund.
12 In order to pay its portion of the total project cost, a school
13 district may use state distributions made to the school
14 district pursuant to the Public School Capital Improvements Act
15 or, if within the scope of the authorizing resolution, proceeds
16 of the property tax imposed pursuant to that act.

17 E. The state share of the cost of an approved
18 project shall be calculated pursuant to the methodology in
19 Paragraph (5) of Subsection B of Section 22-24-5 NMSA 1978.

20 F. A grant made pursuant to this section shall be
21 expended by the school district prior to [~~September 1, 2008~~]
22 July 1, 2011."

23 Section 3. APPROPRIATION--ROOF REPAIR AND REPLACEMENT.--
24 Thirty million dollars (\$30,000,000) is appropriated from the
25 general fund to the public school capital outlay fund for

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1 expenditure in fiscal years 2008 through 2011 for the purpose
2 of making grants to school districts for repairing and
3 replacing roofs pursuant to Section 22-24-4.3 NMSA 1978. Any
4 unexpended or unencumbered balance remaining at the end of
5 fiscal year 2011 shall not revert to the general fund but shall
6 remain in the public school capital outlay fund to be expended
7 pursuant to the Public School Capital Outlay Act.

8 Section 4. APPROPRIATIONS--EDUCATIONAL TECHNOLOGY
9 DEFICIENCIES--UPGRADES.--

10 A. Twenty-seven million dollars (\$27,000,000) is
11 appropriated from the general fund to the educational
12 technology deficiency correction fund for expenditure in fiscal
13 year 2007 and subsequent fiscal years to make allocations to
14 correct serious deficiencies in educational technology
15 infrastructure pursuant to the Technology for Education Act.
16 Any unexpended or unencumbered balance remaining at the end of
17 a fiscal year shall not revert to the general fund.

18 B. Twenty-four million dollars (\$24,000,000) is
19 appropriated from the general fund to the public education
20 department for expenditure in fiscal years 2007 and 2008 to
21 make distributions to school districts to replace functionally
22 obsolete computers and network devices in accordance with the
23 statewide plan for the integration of educational technology
24 into the public schools. Any unexpended or unencumbered
25 balance remaining at the end of fiscal year 2008 shall revert

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1 to the general fund.

2 Section 5. APPROPRIATION--PORTABLE FACILITIES.--Eight
3 million dollars (\$8,000,000) is appropriated from the general
4 fund to the public school capital outlay fund for expenditure
5 in fiscal year 2008 and subsequent fiscal years for the purpose
6 of purchasing and installing portable facilities pursuant to
7 Subsection C of Section 22-24-4 NMSA 1978 to be loaned to
8 school districts with a demonstrated need. Any unexpended or
9 unencumbered balance remaining at the end of a fiscal year
10 shall not revert to the general fund.

11 Section 6. APPROPRIATION--CORRECTING DEFICIENCIES AT
12 CERTAIN EDUCATIONAL INSTITUTIONS.--Thirteen million three
13 hundred thousand dollars (\$13,300,000) is appropriated from the
14 general fund to the public school capital outlay fund for
15 expenditure in fiscal year 2008 and subsequent fiscal years for
16 the purpose of correcting outstanding health, safety or
17 infrastructure deficiencies at the New Mexico school for the
18 blind and visually impaired and the New Mexico school for the
19 deaf pursuant to Section 22-24-5.6 NMSA 1978. Any unexpended
20 or unencumbered balance remaining at the end of a fiscal year
21 shall not revert to the general fund.