

1 SENATE BILL 245

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Jacob R. Candelaria and Gerald Ortiz y Pino

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10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; REQUIRING NOTIFICATION TO CHARTER
12 SCHOOLS OF PROPERTY AVAILABLE FOR THEIR EDUCATIONAL OPERATIONS;
13 MODIFYING THE TERMS APPLICABLE TO GRANTS FROM THE PUBLIC SCHOOL
14 CAPITAL OUTLAY FUND FOR LEASED FACILITIES; ADJUSTING THE AMOUNT
15 OF LOCAL MATCH REQUIRED OF STATE-CHARTERED CHARTER SCHOOLS FOR
16 CAPITAL OUTLAY PROJECTS UNDER THE PUBLIC SCHOOL CAPITAL OUTLAY
17 ACT; SPECIFYING THE DATE BY WHICH CHARTER SCHOOLS MUST PROVIDE
18 INFORMATION ON CAPITAL IMPROVEMENT PROJECTS PROPOSED FOR
19 FUNDING THROUGH PROPERTY TAX IMPOSITION; MAKING AN
20 APPROPRIATION.

21
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

23 SECTION 1. Section 22-8B-4 NMSA 1978 (being Laws 1999,
24 Chapter 281, Section 4, as amended) is amended to read:

25 "22-8B-4. CHARTER SCHOOLS' RIGHTS AND RESPONSIBILITIES--

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1 OPERATION.--

2 A. A charter school shall be subject to all federal
3 and state laws and constitutional provisions prohibiting
4 discrimination on the basis of disability, physical or mental
5 handicap, serious medical condition, race, creed, color, sex,
6 gender identity, sexual orientation, spousal affiliation,
7 national origin, religion, ancestry or need for special
8 education services.

9 B. A charter school shall be governed by a
10 governing body in the manner set forth in the charter contract;
11 provided that a governing body shall have at least five
12 members; and provided further that no member of a governing
13 body for a charter school that is initially approved on or
14 after July 1, 2005 or whose charter is renewed on or after July
15 1, 2005 shall serve on the governing body of another charter
16 school. No member of a local school board shall be a member of
17 a governing body for a charter school or employed in any
18 capacity by a locally chartered charter school located within
19 the local school board's school district during the term of
20 office for which the member was elected or appointed.

21 C. A charter school shall be responsible for:

22 (1) its own operation, including preparation
23 of a budget, subject to audits pursuant to the Audit Act; and

24 (2) contracting for services and personnel
25 matters.

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1 D. A charter school may contract with a school
2 district, a university or college, the state, another political
3 subdivision of the state, the federal government or one of its
4 agencies, a tribal government or any other third party for the
5 use of a facility, its operation and maintenance and the
6 provision of any service or activity that the charter school is
7 required to perform in order to carry out the educational
8 program described in its charter contract. Facilities used by
9 a charter school shall meet the standards required pursuant to
10 Section 22-8B-4.2 NMSA 1978.

11 E. A conversion school chartered before July 1,
12 2007 may choose to continue using the school district
13 facilities and equipment it had been using prior to conversion,
14 subject to the provisions of Subsection F of this section.

15 F. ~~[The]~~ A school district ~~[in which a charter~~
16 ~~school is geographically located shall provide a charter school~~
17 ~~with]~~ that has available land or one or more available
18 facilities ~~[for]~~ not currently used for other educational
19 purposes shall make the land and facilities available for
20 lease, lease-purchase or purchase to the ~~[school's]~~ charter
21 schools located in the school district for their operations
22 ~~[unless the facilities are currently used for other educational~~
23 ~~purposes]~~ and shall notify them of that availability no later
24 than May 1 of each year. The public school facilities
25 authority shall annually ensure that each school district with

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1 available land or one or more available facilities has provided
2 that notification. An agreement for the use of school district
3 facilities by a charter school may provide for reasonable lease
4 payments; provided that the payments do not exceed the sum of
5 the lease reimbursement rate provided in [~~Subparagraph (b) of~~]
6 Paragraph (1) of Subsection I of Section 22-24-4 NMSA 1978 plus
7 any reimbursement for actual direct costs incurred by the
8 school district in providing the facilities; and provided
9 further that any lease payments received by a school district
10 may be retained by the school district and shall not be
11 considered to be cash balances in any calculation pursuant to
12 Section 22-8-41 NMSA 1978. The available facilities provided
13 by a school district to a charter school shall meet all
14 occupancy standards as specified by the public school capital
15 outlay council. As used in this subsection, "other educational
16 purposes" includes health clinics, daycare centers, teacher
17 training centers, school district administration functions and
18 other ancillary services related to a school district's
19 functions and operations.

20 G. A locally chartered charter school may pay the
21 costs of operation and maintenance of its facilities or may
22 contract with the school district to provide facility operation
23 and maintenance services.

24 H. Locally chartered charter school facilities are
25 eligible for state and local capital outlay funds and shall be

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1 included in the school district's five-year facilities plan.

2 I. A locally chartered charter school shall
3 negotiate with a school district to provide transportation to
4 students eligible for transportation under the provisions of
5 the Public School Code. The school district, in conjunction
6 with the charter school, may establish a limit for student
7 transportation to and from the charter school site not to
8 extend beyond the school district boundary.

9 J. A charter school shall be a nonsectarian,
10 nonreligious and non-home-based public school.

11 K. Except as otherwise provided in the Public
12 School Code, a charter school shall not charge tuition or have
13 admission requirements.

14 L. With the approval of the chartering authority, a
15 single charter school may maintain separate facilities at two
16 or more locations within the same school district; but, for
17 purposes of calculating program units pursuant to the Public
18 School Finance Act, the separate facilities shall be treated
19 together as one school.

20 M. A charter school shall be subject to the
21 provisions of Section 22-2-8 NMSA 1978 and the Assessment and
22 Accountability Act.

23 N. Within constitutional and statutory limits, a
24 charter school may acquire and dispose of property; provided
25 that, upon termination of the charter, all assets of the

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1 locally chartered charter school shall revert to the local
2 school board and all assets of the state-chartered charter
3 school shall revert to the state, except that, if all or any
4 portion of a state-chartered charter school facility is
5 financed with the proceeds of general obligation bonds issued
6 by a local school board, the facility shall revert to the local
7 school board.

8 O. The governing body of a charter school may
9 accept or reject any charitable gift, grant, devise or bequest;
10 provided that no such gift, grant, devise or bequest shall be
11 accepted if subject to any condition contrary to law or to the
12 terms of the charter. The particular gift, grant, devise or
13 bequest shall be considered an asset of the charter school to
14 which it is given.

15 P. The governing body may contract and sue and be
16 sued. A local school board shall not be liable for any acts or
17 omissions of the charter school.

18 Q. A charter school shall comply with all state and
19 federal health and safety requirements applicable to public
20 schools, including those health and safety codes relating to
21 educational building occupancy.

22 R. A charter school is a public school that may
23 contract with a school district or other party for provision of
24 financial management, food services, transportation,
25 facilities, education-related services or other services. The

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1 governing body shall not contract with a for-profit entity for
2 the management of the charter school.

3 S. To enable state-chartered charter schools to
4 submit required data to the department, an accountability data
5 system shall be maintained by the department.

6 T. A charter school shall comply with all
7 applicable state and federal laws and rules related to
8 providing special education services. Charter school students
9 with disabilities and their parents retain all rights under the
10 federal Individuals with Disabilities Education Act and its
11 implementing state and federal rules. Each charter school is
12 responsible for identifying, evaluating and offering a free
13 appropriate public education to all eligible children who are
14 accepted for enrollment in that charter school. The state-
15 chartered charter school, as a local educational agency, shall
16 assume responsibility for determining students' needs for
17 special education and related services. The division may
18 promulgate rules to implement the requirements of this
19 subsection."

20 SECTION 2. Section 22-24-4 NMSA 1978 (being Laws 1975,
21 Chapter 235, Section 4, as amended by Laws 2017, Chapter 142,
22 Section 1 and by Laws 2018, Chapter 71, Section 3) is amended
23 to read:

24 "22-24-4. PUBLIC SCHOOL CAPITAL OUTLAY FUND CREATED--
25 USE.--

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1 A. The "public school capital outlay fund" is
2 created. Balances remaining in the fund at the end of each
3 fiscal year shall not revert.

4 B. Except as provided in Subsections G and I
5 through O of this section, money in the fund may be used only
6 for capital expenditures deemed necessary by the council for an
7 adequate educational program.

8 C. The council may authorize the purchase by the
9 [~~public school facilities~~] authority of portable classrooms to
10 be loaned to school districts to meet a temporary requirement.
11 Payment for these purchases shall be made from the fund. Title
12 to and custody of the portable classrooms shall rest in the
13 [~~public school facilities~~] authority. The council shall
14 authorize the lending of the portable classrooms to school
15 districts upon request and upon finding that sufficient need
16 exists. Application for use or return of state-owned portable
17 classroom buildings shall be submitted by school districts to
18 the council. Expenses of maintenance of the portable
19 classrooms while in the custody of the [~~public school~~
20 ~~facilities~~] authority shall be paid from the fund; expenses of
21 maintenance and insurance of the portable classrooms while in
22 the custody of a school district shall be the responsibility of
23 the school district. The council may authorize the permanent
24 disposition of the portable classrooms by the [~~public school~~
25 ~~facilities~~] authority with prior approval of the state board of

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1 finance.

2 D. Applications for assistance from the fund shall
3 be made by school districts to the council in accordance with
4 requirements of the council. Except as provided in Subsection
5 K of this section, the council shall require as a condition of
6 application that a school district have a current five-year
7 facilities plan, which shall include a current preventive
8 maintenance plan to which the school adheres for each public
9 school in the school district.

10 E. The council shall review all requests for
11 assistance from the fund and shall allocate funds only for
12 those capital outlay projects that meet the criteria of the
13 Public School Capital Outlay Act.

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

21 (1) up to ten percent of the portion of the
22 project cost funded with distributions from the fund or five
23 percent of the total project cost, whichever is greater, may be
24 paid to the school district before work commences with the
25 balance of the grant award made on a cost-reimbursement basis;

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1 or

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

4 G. Balances in the fund may be annually
5 appropriated for the core administrative functions of the
6 [~~public school facilities~~] authority pursuant to the Public
7 School Capital Outlay Act, and, in addition, balances in the
8 fund may be expended by the [~~public school facilities~~]
9 authority, upon approval of the council, for project management
10 expenses; provided that:

11 (1) the total annual expenditures from the
12 fund for the core administrative functions pursuant to this
13 subsection shall not exceed five percent of the average annual
14 grant assistance authorized from the fund during the three
15 previous fiscal years; and

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

19 H. The fund may be expended by the council for
20 building system repair, renovation or replacement initiatives
21 with projects to be identified by the council pursuant to
22 Section 22-24-4.6 NMSA 1978; provided that money allocated
23 pursuant to this subsection shall be expended within three
24 years of the allocation.

25 I. The fund [~~may~~] shall be expended annually by the

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1 council for grants to school districts for the purpose of
2 making lease payments for classroom facilities, including
3 facilities leased by charter schools. The grants shall be made
4 upon application by the school districts and pursuant to rules
5 adopted by the council; provided that an application on behalf
6 of a charter school shall be made by the school district, but,
7 if the school district fails to make an application on behalf
8 of a charter school, the charter school may submit its own
9 application. The following criteria shall apply to the grants:

10 (1) the amount of a grant [~~to a school~~
11 ~~district~~] shall not exceed:

12 (a) for a school district, or for a
13 charter school submitting its own application, the actual
14 annual lease payments owed for leasing classroom space for
15 public schools, including charter schools, in the school
16 district; or

17 (b) seven hundred dollars (\$700)
18 multiplied by the MEM using the leased [~~classroom~~] facilities
19 [~~provided that in fiscal year 2009 and in each subsequent~~
20 ~~fiscal year, this amount shall be~~] and adjusted by the
21 percentage change between the penultimate calendar year and the
22 immediately preceding calendar year of the consumer price index
23 for the United States, all items, as published by the United
24 States department of labor;

25 (2) a grant received for the lease payments of

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1 a charter school may be used by that charter school as a state
2 match necessary to obtain federal grants pursuant to the
3 federal ~~[No Child Left Behind Act of 2001]~~ Every Student
4 Succeeds Act;

5 (3) at the end of each fiscal year, any
6 unexpended or unencumbered balance of the appropriation shall
7 revert to the fund;

8 (4) no grant shall be made for lease payments
9 due pursuant to a financing agreement under which the
10 facilities may be purchased for a price that is reduced
11 according to the lease payments made unless:

12 (a) the agreement has been approved
13 pursuant to the provisions of the Public School Lease Purchase
14 Act; and

15 (b) the facilities are leased by a
16 charter school;

17 (5) if the lease payments are made pursuant to
18 a financing agreement under which the facilities may be
19 purchased for a price that is reduced according to the lease
20 payments made, neither a grant nor any provision of the Public
21 School Capital Outlay Act creates a legal obligation for the
22 school district or charter school to continue the lease from
23 year to year or to purchase the facilities nor does it create a
24 legal obligation for the state to make subsequent grants
25 pursuant to the provisions of this subsection; and

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1 (6) as used in this subsection:

2 (a) "MEM" means: 1) the average
3 full-time-equivalent enrollment using leased ~~[classroom]~~
4 facilities on the second and third reporting dates of the prior
5 school year; or 2) in the case of an approved charter school
6 that has not commenced classroom instruction, the estimated
7 full-time-equivalent enrollment that will use leased
8 ~~[classroom]~~ facilities in the first year of instruction, as
9 shown in the approved charter school application; provided
10 that, after the ~~[eightieth day]~~ second reporting date of the
11 current school year, the MEM shall be adjusted to reflect the
12 full-time-equivalent enrollment on that date; and

13 (b) "~~[classroom]~~ facilities" ~~[or~~
14 "~~classroom space~~"] includes the space needed, as determined by
15 the ~~[minimum required under the]~~ charter school facility master
16 plan aligned with statewide adequacy standards, for ~~[the direct~~
17 ~~administration of]~~ school activities.

18 J. In addition to other authorized expenditures
19 from the fund, up to one percent of the average grant
20 assistance authorized from the fund during the three previous
21 fiscal years may be expended in each fiscal year by the ~~[public~~
22 ~~school facilities]~~ authority to pay the state fire marshal, the
23 construction industries division of the regulation and
24 licensing department and local jurisdictions having authority
25 from the state to permit and inspect projects for expenditures

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1 made to permit and inspect projects funded in whole or in part
2 under the Public School Capital Outlay Act. The ~~[public school~~
3 ~~facilities]~~ authority may enter into contracts with the state
4 fire marshal, the construction industries division or the
5 appropriate local authorities to carry out the provisions of
6 this subsection. Such a contract may provide for initial
7 estimated payments from the fund prior to the expenditures if
8 the contract also provides for additional payments from the
9 fund if the actual expenditures exceed the initial payments and
10 for repayments back to the fund if the initial payments exceed
11 the actual expenditures. Money distributed from the fund to
12 the state fire marshal or the construction industries division
13 pursuant to this subsection shall be used to supplement, rather
14 than supplant, appropriations to those entities.

15 K. Pursuant to guidelines established by the
16 council, allocations from the fund may be made to assist school
17 districts in developing and updating five-year facilities plans
18 required by the Public School Capital Outlay Act; provided
19 that:

20 (1) no allocation shall be made unless the
21 council determines that the school district is willing and able
22 to pay the portion of the total cost of developing or updating
23 the plan that is not funded with the allocation from the fund.
24 Except as provided in Paragraph (2) of this subsection, the
25 portion of the total cost to be paid with the allocation from

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1 the fund shall be determined pursuant to the methodology in
2 [~~Paragraph (5) of~~] Subsection B of Section 22-24-5 NMSA 1978;
3 or

4 (2) the allocation from the fund may be used
5 to pay the total cost of developing or updating the plan if:

6 (a) the school district has fewer than
7 an average of six hundred full-time-equivalent students on the
8 second and third reporting dates of the prior school year; or

9 (b) the school district meets all of the
10 following requirements: 1) the school district has fewer than
11 an average of one thousand full-time-equivalent students on the
12 second and third reporting dates of the prior school year; 2)
13 the school district has at least seventy percent of its
14 students eligible for free or reduced-fee lunch; 3) the state
15 share of the total cost, if calculated pursuant to the
16 methodology in [~~Paragraph (5) of~~] Subsection B of Section
17 22-24-5 NMSA 1978, would be less than fifty percent; and 4) for
18 all educational purposes, the school district has a residential
19 property tax rate of at least seven dollars (\$7.00) on each one
20 thousand dollars (\$1,000) of taxable value, as measured by the
21 sum of all rates imposed by resolution of the local school
22 board plus rates set to pay interest and principal on
23 outstanding school district general obligation bonds.

24 L. Upon application by a school district,
25 allocations from the fund may be made by the council for the

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1 purpose of demolishing abandoned school district facilities;
2 provided that:

3 (1) the costs of continuing to insure an
4 abandoned facility outweigh any potential benefit when and if a
5 new facility is needed by the school district;

6 (2) there is no practical use for the
7 abandoned facility without the expenditure of substantial
8 renovation costs; and

9 (3) the council may enter into an agreement
10 with the school district under which an amount equal to the
11 savings to the district in lower insurance premiums are used to
12 reimburse the fund fully or partially for the demolition costs
13 allocated to the district.

14 M. Up to ten million dollars (\$10,000,000) of the
15 fund may be expended each year for an education technology
16 infrastructure deficiency corrections initiative pursuant to
17 Section 22-24-4.5 NMSA 1978; provided that funding allocated
18 pursuant to this section shall be expended within three years
19 of its allocation.

20 N. For each fiscal year from 2018 through 2022,
21 twenty-five million dollars (\$25,000,000) of the public school
22 capital outlay fund is reserved for appropriation by the
23 legislature to the instructional material fund or to the
24 transportation distribution of the public school fund. The
25 secretary shall certify the need for the issuance of

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1 supplemental severance tax bonds to meet an appropriation from
2 the public school capital outlay fund to the instructional
3 material fund or to the transportation distribution of the
4 public school fund. Any portion of an amount of the public
5 school capital outlay fund that is reserved for appropriation
6 by the legislature for a fiscal year, but that is not
7 appropriated before the first day of that fiscal year, may be
8 expended by the council as provided in this section.

9 0. Up to ten million dollars (\$10,000,000) of the
10 fund may be expended in each of fiscal years 2019 through 2022
11 for school security system project grants made in accordance
12 with Section 22-24-4.7 NMSA 1978."

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

15 "[NEW MATERIAL] CHARTER FACILITY FUND.--

16 A. The "charter facility fund" is created as a
17 nonreverting fund in the state treasury. The fund consists of
18 appropriations, gifts, grants and donations. The fund shall be
19 administered by the authority, and money in the fund shall be
20 expended by the authority on authorization by the council.
21 Expenditures shall be by warrant of the secretary of finance
22 and administration pursuant to vouchers signed by the director
23 of the authority or the director's designated representative.

24 B. The charter facility fund shall be used to pay
25 off a lease-purchase agreement."

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1 SECTION 4. Section 22-25-3 NMSA 1978 (being Laws 1975
2 (S.S.), Chapter 5, Section 3, as amended) is amended to read:

3 "22-25-3. AUTHORIZATION FOR LOCAL SCHOOL BOARD TO SUBMIT
4 QUESTION OF CAPITAL IMPROVEMENTS TAX IMPOSITION.--

5 A. A local school board may adopt a resolution to
6 submit to the qualified electors of the school district the
7 question of whether a property tax should be imposed upon the
8 net taxable value of property allocated to the school district
9 under the Property Tax Code at a rate not to exceed that
10 specified in the resolution for the purpose of capital
11 improvements in the school district. The resolution shall:

12 (1) identify the capital improvements for
13 which the revenue proposed to be produced will be used;

14 (2) specify the rate of the proposed tax,
15 which shall not exceed two dollars (\$2.00) on each one thousand
16 dollars (\$1,000) of net taxable value of property allocated to
17 the school district under the Property Tax Code;

18 (3) specify the date an election will be held
19 to submit the question of imposition of the tax to the
20 qualified electors of the district; and

21 (4) limit the imposition of the proposed tax
22 to no more than six property tax years.

23 B. A school district that has one or more locally
24 chartered or state-chartered charter schools located within the
25 school district boundaries shall collaborate with the charter

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1 schools to establish a process through which the charter
2 schools submit necessary information to the school district for
3 inclusion in the resolution. This process shall include:

4 (1) identification of the capital improvements
5 of the charter school for which the revenue proposed to be
6 produced will be used;

7 (2) a requirement that necessary information
8 be submitted to the school district no later than June 1 of the
9 calendar year in which the local school board will consider the
10 resolution; and

11 (3) the point of contact in the school
12 district to which the charter school is to submit the
13 information.

14 ~~[B-]~~ C. On or after July 1, 2009, a resolution
15 submitted to the qualified electors pursuant to Subsection A of
16 this section shall include capital improvements funding for a
17 locally chartered or state-chartered charter school located
18 within the school district if the charter school [~~timely~~
19 ~~provides the necessary information to the school district for~~
20 ~~inclusion in the resolution that identifies the capital~~
21 ~~improvements of the charter school for which the revenue~~
22 ~~proposed to be produced will be used] has complied with the
23 process outlined in Subsection B of this section."~~

24 SECTION 5. Section 22-26-3 NMSA 1978 (being Laws 1983,
25 Chapter 163, Section 3, as amended) is amended to read:

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1 "22-26-3. AUTHORIZATION FOR LOCAL SCHOOL BOARD TO SUBMIT
2 QUESTION OF CAPITAL IMPROVEMENTS TAX IMPOSITION.--

3 A. A local school board may adopt a resolution to
4 submit to the qualified electors of the school district the
5 question of whether a property tax at a rate not to exceed the
6 rate specified in the resolution should be imposed upon the net
7 taxable value of property allocated to the school district
8 under the Property Tax Code for the purpose of capital
9 improvements to public schools in the school district. The
10 resolution shall:

11 (1) identify the capital improvements for
12 which the revenue proposed to be produced will be used;

13 (2) specify the rate of the proposed tax,
14 which shall not exceed ten dollars (\$10.00) on each one
15 thousand dollars (\$1,000) of net taxable value of property
16 allocated to the school district under the Property Tax Code;

17 (3) specify the date an election will be held
18 to submit the question of imposition of the tax to the
19 qualified electors of the district; and

20 (4) limit the imposition of the proposed tax
21 to no more than six property tax years.

22 B. A school district that has one or more locally
23 chartered or state-chartered charter schools located within the
24 school district boundaries shall collaborate with the charter
25 schools to establish a process through which the charter

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1 schools submit necessary information to the school district for
2 inclusion in the resolution. This process shall include:

3 (1) identification of the capital improvements
4 of the charter school for which the revenue proposed to be
5 produced will be used;

6 (2) a requirement that necessary information
7 be submitted to the school district no later than June 1 of the
8 calendar year in which the local school board will consider the
9 resolution; and

10 (3) the point of contact in the school
11 district to which the charter school is to submit the
12 information.

13 [B-] C. After July 1, 2007, a resolution submitted
14 to the qualified electors pursuant to Subsection A of this
15 section shall include capital improvements funding for a
16 locally chartered or state-chartered charter school located
17 within the school district if:

18 (1) the charter school [~~timely provides the~~
19 ~~necessary information to the school district for inclusion on~~
20 ~~the resolution that identifies the capital improvements of the~~
21 ~~charter school for which the revenue proposed to be produced~~
22 ~~will be used] has complied with the process outlined in
23 Subsection B of this section; and~~

24 (2) the capital improvements are included in
25 the five-year facilities plan:

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1 (a) of the school district, if the
2 charter school is a locally chartered charter school; or

3 (b) of the charter school, if the
4 charter school is a state-chartered charter school."

5 SECTION 6. APPROPRIATIONS.--

6 A. Twenty million dollars (\$20,000,000) is
7 appropriated from the general fund operating reserve to the
8 public project revolving fund for expenditure in fiscal year
9 2019 and subsequent fiscal years to provide loans to charter
10 schools for the renovation, construction, purchase or expansion
11 of a charter school facility or to pay off a lease-purchase
12 agreement. Any unexpended or unencumbered balance remaining at
13 the end of a fiscal year shall not revert to any other fund.

14 B. Thirty million dollars (\$30,000,000) is
15 appropriated from the general fund operating reserve to the
16 charter facility fund for expenditure in fiscal year 2019 and
17 subsequent fiscal years to pay off charter school lease-
18 purchase agreements. Any unexpended or unencumbered balance
19 remaining at the end of a fiscal year shall not revert to any
20 other fund.