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SENATE BILL 140

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

INTRODUCED BY

Cynthia Nava

FOR 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;

underscored material = new
[bracketed material] = delete

1 (3) the school district has used its
2 resources in a prudent manner;

3 (4) the school 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~~

underscored material = new
[bracketed material] = delete

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 [€:] 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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provisions of this act is July 1, 2000.

- 4 -

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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5 February 2, 1999

6
7 Mr. President:

8
9 Your EDUCATION COMMITTEE, to whom has been referred

10
11 SENATE BILL 140

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS, and thence referred to the
15 FINANCE COMMITTEE.
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18 Respectfully submitted,

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24 Cynthi a Nava, Chai rman
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1 Adopted _____ Not

2 Adopted _____

3 (Chief Clerk)

(Chief Clerk)

4

5

6 Date _____

7

8

9 The roll call vote was 6 For 0 Against

10 Yes: 6

11 No: 0

12 Excused: Adair, Duran, Gorham, Pinto

13 Absent: None

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