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HOUSE BILL 381

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL  
CAPITAL OUTLAY ACT TO CHANGE CERTAIN REQUIREMENTS FOR GRANT  
ASSISTANCE.

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;

(3) the school district has used its

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1 resources in a prudent manner;

2 (4) the school district is in a county or  
3 counties which have participated in a reappraisal program and  
4 the reappraised values are on the tax rolls or will be used  
5 for the tax year 1979 as certified by the property tax  
6 division of the taxation and revenue department;

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

10 (6) the school district:

11 (a) is indebted at not less than  
12 seventy-five percent of the total debt authorized by law; or

13 (b) within the last three years, was  
14 indebted at the level required in Subparagraph (a) of this  
15 paragraph and received a grant pursuant to this section for  
16 the initial stages of a project and currently has a critical  
17 need for an additional grant to complete the same project;

18 and

19 (7) the school district has submitted a  
20 five-year facilities plan that includes enrollment  
21 projections.

22 B. The council shall consider all applications for  
23 assistance from the fund and, after a public hearing, shall  
24 either approve or deny the application. Applications for  
25 grant assistance shall only be accepted by the council after  
a district has complied with the provisions of this section.  
The council shall list all applications in order of priority,

1 and all allocations shall be made on a priority basis;  
2 provided, however, except in the case of an emergency, that  
3 the order of priority shall first reflect those projects  
4 which have been previously funded but are not as yet  
5 completed, excluding expansion of those projects and  
6 contingent upon maintenance of the required local support.

7 C. Money in the fund shall be disbursed by warrant  
8 of the department of finance and administration on vouchers  
9 signed by the secretary of finance and administration  
10 following certification by the council that the application  
11 has been approved."

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