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HOUSE BILL 464

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Karen E. Giannini

AN ACT

RELATING TO PUBLIC SCHOOL CAPITAL OUTLAY EXPENDITURES; AMENDING THE PUBLIC SCHOOL BUILDINGS ACT TO CLARIFY THE DEFINITION OF "ADMINISTRATION" TO INCLUDE, UNDER CERTAIN CIRCUMSTANCES, PROJECTS FUNDED IN WHOLE OR IN PART BY THE PUBLIC SCHOOL CAPITAL IMPROVEMENTS ACT OR BY SCHOOL DISTRICT GENERAL OBLIGATION BONDS AND TO ELIMINATE THE FIVE PERCENT OF TOTAL PROJECT COST LIMITATION FOR ADMINISTRATION.

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

Section 1. Section 22-26-2 NMSA 1978 (being Laws 1983, Chapter 163, Section 2, as amended) is amended to read:

"22-26-2. DEFINITION.--As used in the Public School Buildings Act, "capital improvements" means expenditures, including payments made with respect to lease-purchase arrangements as defined in the Education Technology Equipment

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1 Act or the Public School Lease Purchase Act but excluding any
2 other debt service expenses, for:

3 A. erecting, remodeling, making additions to,
4 providing equipment for or furnishing public school buildings;

5 ~~[B. payments made pursuant to a financing agreement~~
6 ~~entered into by a school district or a charter school for the~~
7 ~~leasing of a building or other real property with an option to~~
8 ~~purchase for a price that is reduced according to payments~~
9 ~~made;~~

10 ~~€.]~~ B. purchasing or improving public school
11 grounds; or

12 ~~[D.]~~ C. administering the projects undertaken
13 pursuant to Subsections A and ~~[€]~~ B of this section, including
14 expenditures for facility maintenance software, project
15 management software, project oversight and district personnel
16 specifically related to administration of projects funded in
17 whole or in part by the Public School Buildings Act ~~[provided~~
18 ~~that expenditures pursuant to this subsection shall not exceed~~
19 ~~five percent of the total project costs]~~ by the Public School
20 Capital Improvements Act or by school district general
21 obligation bonds. For purposes of this subsection,
22 "administering the projects" means any activity necessary or
23 appropriate to the management, oversight or direction of such
24 projects on behalf of the school district, regardless of
25 whether the activity can be attributed to any specific

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project."

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