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SENATE BILL 29

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

William P. Soules

AN ACT

RELATING TO PUBLIC SCHOOL CAPITAL OUTLAY; ALLOWING THE STATE TO
MATCH THE COST OF PHOTOVOLTAIC SYSTEMS AS PART OF BUILDING
SYSTEMS.

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

SECTION 1. Section 22-24-3 NMSA 1978 (being Laws 1975,
Chapter 235, Section 3, as amended by Laws 2018, Chapter 66,
Section 1 and by Laws 2018, Chapter 71, Section 2) is amended
to read:

"22-24-3. DEFINITIONS.--As used in the Public School
Capital Outlay Act:

A. "authority" means the public school facilities
authority;

B. "building system" means a set of interacting
parts that makes up a single, nonportable or fixed component of

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1 a facility and that, together with other building systems,
2 makes up an entire integrated facility or property, including
3 roofing, electrical distribution, electronic communication,
4 plumbing, lighting, mechanical, fire prevention, facility
5 shell, interior finishes, heating, ventilation and air
6 conditioning systems, photovoltaic systems and school security
7 systems, as defined by the council;

8 C. "constitutional special schools" means the New
9 Mexico school for the blind and visually impaired and the New
10 Mexico school for the deaf;

11 D. "constitutional special schools support spaces"
12 means all facilities necessary to support the constitutional
13 special schools' educational mission that are not included in
14 the constitutional special schools' educational adequacy
15 standards, including performing arts centers, facilities for
16 athletic competition, school district administration and
17 facility and vehicle maintenance;

18 E. "council" means the public school capital outlay
19 council;

20 F. "education technology infrastructure" means the
21 physical hardware used to interconnect education technology
22 equipment for school districts and school buildings necessary
23 to support broadband connectivity as determined by the council;

24 G. "fund" means the public school capital outlay
25 fund;

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1 H. "maximum allowable gross square foot per
2 student" means a determination made by applying the established
3 maximum allowable square foot guidelines for educational
4 facilities based on type of school and number of students in
5 the current published New Mexico public school adequacy
6 planning guide to the department's current year certified first
7 reporting date membership;

8 I. "photovoltaic system" means a power system
9 designed to supply usable solar power, which may be a grid-
10 tied, grid-hybrid or off-grid system;

11 ~~[F.]~~ J. "replacement cost per square foot" means
12 the statewide cost per square foot as established by the
13 council;

14 ~~[J.]~~ K. "school district" includes state-chartered
15 charter schools and the constitutional special schools;

16 ~~[K.]~~ L. "school district population density" means
17 the population density on a per square mile basis of a school
18 district as estimated by the authority based on the most
19 current tract level population estimates published by the
20 United States census bureau; and

21 ~~[L.]~~ M. "school district population density factor"
22 means zero when the school district population density is
23 greater than fifty people per square mile, six-hundredths when
24 the school district population density is greater than fifteen
25 but less than fifty-one persons per square mile and twelve-

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1 hundredths when the school district population density is less
2 than sixteen persons per square mile."

3 SECTION 2. Section 22-24-4.6 NMSA 1978 (being Laws 2015,
4 Chapter 93, Section 3, as amended) is amended to read:

5 "22-24-4.6. BUILDING SYSTEM REPAIR, RENOVATION OR
6 REPLACEMENT.--

7 A. The council shall develop guidelines for a
8 building system repair, renovation or replacement initiative
9 pursuant to the provisions of this section.

10 B. A school district desiring a grant award
11 pursuant to this section shall submit an application to the
12 council. The application shall include an assessment of the
13 building system that, in the opinion of the school district,
14 the repair, renovation or replacement of which would extend the
15 useful life of the building itself or would significantly
16 reduce utility costs and increase sustainability.

17 C. The authority shall verify the assessment made
18 by the school district and rank the application with similar
19 applications pursuant to a methodology adopted by the council.

20 D. After a public hearing and to the extent that
21 money is available in the fund for such purposes, the council
22 shall approve building system repair, renovation or replacement
23 projects on the established priority basis except as otherwise
24 provided in this section; provided that no project shall be
25 approved unless the council determines that the school district

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1 is willing and able to pay the portion of the total cost of the
2 project that is not funded with grant assistance from the fund.

3 E. When an application for renovation or
4 replacement of a heating, ventilation and air conditioning
5 system includes the installation of a photovoltaic system, the
6 council shall consider the cost and value of such inclusion to
7 offset utility costs over the life of the photovoltaic system.
8 Highest priority shall be given to applications for systems
9 that must be renovated or replaced in response to a viral or
10 bacterial epidemic to ensure proper air handling to increase
11 the health and safety of students and staff.

12 ~~[E.]~~ F. The state share of the cost of an approved
13 building system repair, renovation or replacement project shall
14 be calculated pursuant to the methodology in Subsection B of
15 Section 22-24-5 NMSA 1978.

16 ~~[F.]~~ G. A grant made pursuant to this section shall
17 be expended by the school district within three years of the
18 grant allocation."