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HOUSE BILL 457

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

INTRODUCED BY
W.C."Dub" Williams

AN ACT

RELATING TO EDUCATION; AMENDING AND REPEALING SECTIONS OF THE
NMSA 1978 PERTAINING TO REGIONAL EDUCATION COOPERATIVES.

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

Section 1. Section 15-3-2 NMSA 1978 (being Laws 1978,
Chapter 166, Section 14, as amended) is amended to read:

"15-3-2. DIRECTOR OF DIVISION--DUTIES--FEDERAL FUNDS.--

A. The director of the property control division
of the general services department shall:

(1) have control over all state buildings
and lands except those under the control and management of
the state highway and transportation department; the state
fair commission; state institutions of higher learning;
regional education cooperatives; the New Mexico school for
the deaf; the New Mexico school for the visually handicapped;
the supreme court; the commissioner of public lands; the

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1 state armory board, in accordance with Section [~~20-7-2~~] 20-8-
2 3 NMSA 1978; the building in which the legislature is housed,
3 the adjacent utilities plant and the surrounding grounds; the
4 museum of New Mexico; and the state library building and
5 adjacent grounds. The director shall assign the use or
6 occupancy of state buildings and lands under his control to
7 the state agency or political subdivision [~~which~~] that may
8 make the best and highest beneficial use of the property;

9 (2) regulate the use or occupancy of
10 buildings and real property under his control and make
11 reasonable requirements for the continuation of that use or
12 occupancy;

13 (3) have custody of all maps, deeds, plats,
14 plans, specifications, contracts, books and other papers
15 connected with state buildings over which he exercises
16 control;

17 (4) secure copies of all documents of title
18 to all real property under his control held in the name of
19 the state or for the use of the state, and index [~~such~~] those
20 documents so that the status of real property held by the
21 state under his control can be readily ascertained;

22 (5) control the lease or rental of space in
23 private buildings by state executive agencies other than the
24 state land office;

25 (6) preserve, repair, clean, heat and light
the buildings and improvements under his control which are
located within the exterior boundaries of the city of Santa

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1 Fe, either with his own staff or by contract with private
2 firms;

3 (7) care for and beautify the grounds and
4 premises under his control which are located within the
5 exterior boundaries of the city of Santa Fe, either with his
6 own staff or by contract with private firms;

7 (8) make rules and regulations for the
8 conduct of all persons in and about such buildings and
9 grounds necessary and proper for the safety, care and
10 preservation of the buildings and grounds and for the safety
11 and convenience of the persons while they are in and about
12 the buildings and grounds;

13 (9) have the power to sell state buildings
14 and real property under his control in accordance with
15 Sections 13-6-2 and 13-6-3 NMSA 1978. Any such sale shall be
16 by quitclaim deed;

17 (10) have the power to purchase title
18 insurance or a title opinion in conjunction with the sale of
19 state buildings or land; and

20 (11) have the power to enter into contracts
21 for the improvement, alteration and reconstruction of the
22 state buildings under his control, including the executive
23 mansion, and for the design and construction of additional
24 buildings, to the extent funds are available.

25 B. The provisions of this section shall be subject
to federal law or regulation if the buildings or property
were purchased with federal funds.

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1 C. When the parties determine that it is in the
2 best interest of the state, the director of the property
3 control division and the governing body of state property,
4 otherwise exempted pursuant to Subsection A of this section,
5 may enter into an agreement pursuant to the Joint Powers
6 Agreements Act for the director to exercise such control and
7 jurisdiction over the state property as is specified in the
8 agreement."

9 Section 2. Section 22-2-6.3 NMSA 1978 (being Laws 1986,
10 Chapter 94, Section 3, as amended) is amended to read:

11 "22-2-6.3. DEFINITIONS.--As used in the Public School
12 Insurance Authority Act:

13 A. "authority" means the public school insurance
14 authority;

15 B. "board" means the board of directors of the
16 public school insurance authority;

17 C. "charter school" means a school organized as a
18 charter school pursuant to the provisions of the 1999 Charter
19 Schools Act;

20 D. "director" means the director of the public
21 school insurance authority;

22 E. "educational entities" means state educational
23 institutions as enumerated in Article 12, Section 11 of the
24 constitution of New Mexico and other state diploma, degree-
25 granting and certificate-granting post-secondary educational
institutions and regional education cooperatives;

F. "fund" means the public school insurance fund;

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1 G. "group health insurance" means coverage [~~which~~]
2 that includes [~~but is not limited to~~] life insurance,
3 accidental death and dismemberment, medical care and
4 treatment, dental care, eye care and other coverages as
5 determined by the authority;

6 H. "risk-related coverage" means coverage [~~which~~]
7 that includes [~~but is not limited to~~] property and casualty,
8 general liability, auto and fleet, workers' compensation and
9 other casualty insurance; and

10 I. "school district" means a school district as
11 defined in Subsection K of Section 22-1-2 NMSA 1978,
12 excluding any school district with a student enrollment in
13 excess of sixty thousand students."

14 Section 3. Section 22-2B-1 NMSA 1978 (being Laws 1993,
15 Chapter 232, Section 1) is amended to read:

16 "22-2B-1. SHORT TITLE.--~~[Sections 1 through 6 of this~~
17 ~~act]~~ Chapter 22, Article 2B NMSA 1978 may be cited as the
18 "Regional Cooperative Education Act"."

19
20 Section 4. Section 22-2B-2 NMSA 1978 (being Laws 1993,
21 Chapter 232, Section 2) is amended to read:

22 "22-2B-2. DEFINITIONS.--As used in the Regional
23 Cooperative Education Act:

24 A. "council" means a regional education
25 coordinating council; and

 B. "cooperative" means a regional education
cooperative [~~and~~

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1 C. ~~"fund" means an educational cooperative fund]."~~

2 Section 5. Section 22-2B-3 NMSA 1978 (being Laws 1993,
3 Chapter 232, Section 3) is amended to read:

4 "22-2B-3. REGIONAL EDUCATION COOPERATIVES AUTHORIZED.--

5 A. The state board may authorize the existence and
6 operation of "regional education cooperatives". Upon
7 authorization by the state board, local school boards may
8 join with other local school boards or other state-supported
9 educational institutions to form cooperatives for the purpose
10 of providing education-related services. ~~[to qualified~~
11 ~~school age residents of participating educational entities.~~
12 ~~Regional education]~~ Cooperatives shall be deemed individual
13 state agencies administratively attached to the department of
14 education; provided that:

15 (1) pursuant to the rules of the state
16 board, cooperatives may own, and have control and management
17 over, buildings and land independent of the director of the
18 property control division of the general services department;

19 (2) cooperatives shall not submit budgets to
20 the department of finance and administration but shall submit
21 them to the department of education. The state board shall,
22 by rule, determine the provisions of the Public School
23 Finance Act relating to budgets and expenditures that are
24 applicable to cooperatives; and

25 (3) pursuant to the rules of the state
board, the state superintendent may, after considering the
factors specified in Section 22-8-38 NMSA 1978, designate a

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1 cooperative as a board of finance with which all funds
2 appropriated or distributed to it shall be deposited. If
3 such a designation is not made or if such a designation is
4 suspended by the state superintendent, the money appropriated
5 or to be distributed to a cooperative shall be deposited with
6 the state treasurer. Unexpended or unencumbered balances in
7 the account of a cooperative shall not revert.

8 B. The state board shall, by regulation, establish
9 minimum criteria for the establishment and operation of
10 cooperatives. The state board shall also establish
11 procedures for oversight of cooperatives to ensure compliance
12 with state board [~~regulation. Regional education~~] rule.
13 Cooperatives shall be exempt from the provisions of the
14 Personnel Act."

15 Section 6. Section 22-10-3.3 NMSA 1978 (being Laws
16 1997, Chapter 238, Section 1, as amended) is amended to read:

17 "22-10-3.3. BACKGROUND CHECKS.--

18 A. An applicant for initial certification shall be
19 fingerprinted and shall provide two fingerprint cards or the
20 equivalent electronic fingerprints to the department of
21 education to obtain the applicant's federal bureau of
22 investigation record. Convictions of felonies or
23 misdemeanors contained in the federal bureau of investigation
24 record shall be used in accordance with the Criminal Offender
25 Employment Act. Other information contained in the federal
bureau of investigation record, if supported by independent
evidence, may form the basis for the denial, suspension or

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1 revocation of a certificate for good and just cause. Records
2 and any related information shall be privileged and shall not
3 be disclosed to a person not directly involved in the
4 certification or employment decisions affecting the specific
5 applicant. The applicant for initial certification shall pay
6 for the cost of obtaining the federal bureau of investigation
7 record.

8 B. Local school boards and regional education
9 cooperatives shall develop policies and procedures to require
10 background checks on an applicant who has been offered
11 employment, a contractor or a contractor's employee with
12 unsupervised access to students at a public school, including
13 a charter school. An applicant for employment who has been
14 initially certified within twelve months of applying for
15 employment with a local school board, regional education
16 cooperative or a charter school shall not be required to
17 submit to another background check if the department of
18 education has copies of his federal bureau of investigation
19 records on file. An applicant who has been offered
20 employment, a contractor or a contractor's employee with
21 unsupervised access to students at a public school, including
22 a charter school, shall provide two fingerprint cards or the
23 equivalent electronic fingerprints to the local school board
24 or regional education cooperative to obtain his federal
25 bureau of investigation record. The applicant, contractor or
contractor's employee who has been offered employment
~~[contractor or contractor's employee]~~ by a regional education

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1 cooperative or at a public school, including a charter
2 school, may be required to pay for the cost of obtaining a
3 background check. At the request of a local school board,
4 regional education cooperative or charter school, the
5 department of education is authorized to release copies of
6 federal bureau of investigation records that are on file with
7 the department of education and that are not more than twelve
8 months old. Convictions of felonies or misdemeanors
9 contained in the federal bureau of investigation record shall
10 be used in accordance with the Criminal Offender Employment
11 Act; provided that other information contained in the federal
12 bureau of investigation record, if supported by independent
13 evidence, may form the basis for the employment decisions for
14 good and just cause. Records and any related information
15 shall be privileged and shall not be disclosed to a person
16 not directly involved in the employment decision affecting
17 the specific applicant who has been offered employment,
18 contractor or contractor's employee with unsupervised access
19 to students at a public school, including a charter school.

20 C. The department of education shall implement the
21 provisions of Subsection A of this section on or before
22 July 1, 1998."

23 Section 7. REPEAL.--Section 22-2B-6 NMSA 1978 (being
24 Laws 1993, Chapter 232, Section 6) is repealed.