

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 139

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

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

underscored material = new
[bracketed material] = delete

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

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

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

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

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

underscored material = new
[bracketed material] = delete

1 (6) preserve, repair, clean, heat and light
2 the buildings and improvements under his control [~~which~~] that
3 are located within the exterior boundaries of the city of
4 Santa Fe, either with his own staff or by contract with
5 private firms;

6 (7) care for and beautify the grounds and
7 premises under his control [~~which~~] that are located within the
8 exterior boundaries of the city of Santa Fe, either with his
9 own staff or by contract with private firms;

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

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

20 (10) have the power to purchase title
21 insurance or a title opinion in conjunction with the sale of
22 state buildings or land; and

23 (11) have the power to enter into contracts
24 for the improvement, alteration and reconstruction of the
25 state buildings under his control, including the executive

underscored material = new
[bracketed material] = delete

1 mansion, and for the design and construction of additional
2 buildings, to the extent funds are available.

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

6 C. If the parties determine that it is in the best
7 interest of the state, the director of the property control
8 division of the general services department and the governing
9 body in control of buildings or land otherwise exempted from
10 the director's control pursuant to Paragraph (1) of Subsection
11 A of this section may enter into an agreement pursuant to the
12 Joint Powers Agreements Act to exercise such control and
13 jurisdiction over the buildings or land as is specified in the
14 agreement. "

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

17 "22-2-6.3. DEFINITIONS.--As used in the Public School
18 Insurance Authority Act:

19 A. "authority" means the public school insurance
20 authority;

21 B. "board" means the board of directors of the
22 public school insurance authority;

23 C. "charter school" means a school organized as a
24 charter school pursuant to the provisions of the 1999 Charter
25 Schools Act;

. 134337. 1

underscored material = new
[bracketed material] = delete

1 D. "director" means the director of the public
2 school insurance authority;

3 E. "educational entities" means state educational
4 institutions as enumerated in Article 12, Section 11 of the
5 constitution of New Mexico and other state diploma, degree-
6 granting and certificate-granting post-secondary educational
7 institutions and regional education cooperatives;

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

9 G. "group health insurance" means coverage [~~which~~]
10 that includes [~~but is not limited to~~] life insurance,
11 accidental death and dismemberment, medical care and
12 treatment, dental care, eye care and other coverages as
13 determined by the authority;

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

18 I. "school district" means a school district as
19 defined in Subsection K of Section 22-1-2 NMSA 1978, excluding
20 any school district with a student enrollment in excess of
21 sixty thousand students. "

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

24 "22-2B-1. SHORT TITLE. -- [~~Sections 1 through 6 of this~~
25 act] Chapter 22, Article 2B NMSA 1978 may be cited as the

. 134337. 1

underscored material = new
[bracketed material] = delete

1 "Regional Cooperative Education Act". "

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

4 "22-2B-2. DEFINITIONS. -- As used in the Regional
5 Cooperative Education Act:

6 A. "council" means a regional education
7 coordinating council; and

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

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

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

13 "22-2B-3. REGIONAL EDUCATION COOPERATIVES AUTHORIZED. --

14 A. The state board may authorize the existence and
15 operation of "regional education cooperatives". Upon
16 authorization by the state board, local school boards may join
17 with other local school boards or other state-supported
18 educational institutions to form cooperatives [~~for the purpose~~
19 ~~of providing]~~ to provide education-related services [~~to~~
20 ~~qualified school-age residents of participating educational~~
21 ~~entities. -- Regional education]~~. Cooperatives shall be deemed
22 individual state agencies administratively attached to the
23 department of education; provided that:

24 (1) pursuant to the rules of the state board,
25 cooperatives may own, and have control and management over,

underscored material = new
[bracketed material] = delete

1 buildings and land independent of the director of the property
2 control division of the general services department;

3 (2) cooperatives shall not submit budgets to
4 the department of finance and administration but shall submit
5 them to the department of education. The state board shall,
6 by rule, determine the provisions of the Public School Finance
7 Act relating to budgets and expenditures that are applicable
8 to cooperatives; and

9 (3) pursuant to the rules of the state board,
10 the state superintendent may, after considering the factors
11 specified in Section 22-8-38 NMSA 1978, designate a
12 cooperative as a board of finance with which all funds
13 appropriated or distributed to it shall be deposited. If such
14 a designation is not made or if such a designation is
15 suspended by the state superintendent, the money appropriated
16 or to be distributed to a cooperative shall be deposited with
17 the state treasurer. Unexpended or unencumbered balances in
18 the account of a cooperative shall not revert.

19 B. The state board shall, by ~~[regulation]~~ rule,
20 establish minimum criteria for the establishment and operation
21 of cooperatives. The state board shall also establish
22 procedures for oversight of cooperatives to ensure compliance
23 with state board ~~[regulation.—Regional education]~~ rule.
24 Cooperatives shall be exempt from the provisions of the
25 Personnel Act.

. 134337. 1

underscored material = new
[bracketed material] = delete

1 C. The state board, with full participation by the
2 cooperatives, shall develop a statewide long-range plan for
3 educational and technical assistance activities in public and
4 charter schools served by the cooperatives. The state board
5 and cooperatives shall report on the initial planning
6 activities to the legislative finance committee, the
7 legislative education study committee and the office of the
8 governor by November 15, 2001 and shall provide annual reports
9 thereafter. "

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

12 "22-10-3.3. BACKGROUND CHECKS. --

13 A. An applicant for initial certification shall be
14 fingerprinted and shall provide two fingerprint cards or the
15 equivalent electronic fingerprints to the department of
16 education to obtain the applicant's federal bureau of
17 investigation record. Convictions of felonies or misdemeanors
18 contained in the federal bureau of investigation record shall
19 be used in accordance with the Criminal Offender Employment
20 Act. Other information contained in the federal bureau of
21 investigation record, if supported by independent evidence,
22 may form the basis for the denial, suspension or revocation of
23 a certificate for good and just cause. Records and [any]
24 related information shall be privileged and shall not be
25 disclosed to a person not directly involved in the

. 134337. 1

underscored material = new
[bracketed material] = delete

1 certification or employment decisions affecting the specific
2 applicant. The applicant for initial certification shall pay
3 for the cost of obtaining the federal bureau of investigation
4 record.

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

. 134337. 1

underscored material = new
[bracketed material] = delete

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

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

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