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HOUSE BILL 19

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Rick Miera

FOR THE PUBLIC SCHOOL CAPITAL OUTLAY OVERSIGHT TASK FORCE

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL INSURANCE AUTHORITY ACT TO PROVIDE FOR THE ADOPTION OF POLICIES RELATING TO VOLUNTEERS AND THE PRIVATE USE OF SCHOOL FACILITIES AND TO PROVIDE FOR LIMITED INSURANCE COVERAGE, IN CERTAIN CIRCUMSTANCES, FOR LIABILITY RELATED TO THE PRIVATE USE OF SCHOOL FACILITIES; MAKING AN APPROPRIATION.

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

Section 1. Section 22-29-7 NMSA 1978 (being Laws 1986, Chapter 94, Section 7, as amended) is amended to read:

"22-29-7. AUTHORITY--DUTIES.--In order to effectuate the purposes of the Public School Insurance Authority Act, the authority has the power to:

A. enter into professional services and consulting contracts or agreements as necessary;

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1 B. collect money and provide for the investment of
2 the fund;

3 C. collect all current and historical claims and
4 financial information necessary for effective procurement of
5 lines of insurance coverage;

6 D. promulgate necessary rules, regulations and
7 procedures for implementation of the Public School Insurance
8 Authority Act;

9 E. by rule, establish a policy to be followed by
10 participating members relating to the use of volunteers. The
11 policy shall be distributed to participating members and posted
12 upon the authority's web site;

13 F. by rule, establish a policy to be followed by
14 participating members relating to the use of school facilities
15 by private persons. The policy shall be distributed to
16 participating members and posted upon the authority's web site;

17 G. insure, by negotiated policy, self-insurance or
18 any combination thereof, participating members against claims
19 of bodily injury, personal injury or property damage related to
20 the use of school facilities by private persons; provided that
21 the coverage shall be subject to the following conditions:

22 (1) no more than one million dollars
23 (\$1,000,000) shall be paid for each occurrence; and

24 (2) the coverage shall only apply if the
25 participating member was following the policy adopted by the

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underscoring material = new
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1 authority pursuant to Subsection F of this section;

2 ~~[E-]~~ H. negotiate new insurance policies covering
3 additional or lesser benefits as determined appropriate by the
4 authority, but the authority shall maintain all coverage levels
5 required by federal and state law for each participating
6 member. In the event it is practical to ~~[wholly]~~ self-insure
7 wholly a particular line of coverage, the authority may do so;

8 ~~[F-]~~ I. procure lines of insurance coverage in
9 compliance with the provisions of the Health Care Purchasing
10 Act and the competitive sealed proposal process of the
11 Procurement Code; provided that any group medical insurance
12 plan offered pursuant to this section shall include effective
13 cost-containment measures to control the growth of health care
14 costs. The board shall report annually by September 1 to
15 appropriate interim legislative committees on the effectiveness
16 of the cost-containment measures required by this subsection;
17 and

18 ~~[G-]~~ J. purchase, renovate, equip and furnish a
19 building for the board."

20 Section 2. APPROPRIATION.--Two hundred thousand dollars
21 (\$200,000) is appropriated from the general fund to the public
22 school insurance fund for expenditure in fiscal year 2009 to
23 obtain insurance against claims arising from the use of school
24 facilities by private persons as provided in Subsection G of
25 Section 22-29-7 NMSA 1978. Any unexpended or unencumbered

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[bracketed material] = delete

1 balance remaining at the end of fiscal year 2009 shall revert
2 to the general fund.

3 Section 3. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2008.