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SENATE BILL 755

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

L. Skip Vernon

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

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

underscored material = new
[bracketed material] = delete

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5 March 1, 1999

6
7 Mr. President:

8
9 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
10 referred
11

12
13 SENATE BILL 755

14
15 has had it under consideration and reports same with
16 recommendation that it DO NOT PASS, but that

17
18 SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR

19 SENATE BILL 755

20 DO PASS, and further recommends that it now be referred to the
21 COMMITTEES' COMMITTEE.

22
23 Respectfully submitted,

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25 . 127638. 1

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Shannon Robinson, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Ingle, Stockard, Smith

Absent: None

S0755PA1

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 755

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
ENACTING THE 1999 CHARTER SCHOOLS ACT; PROVIDING FOR THE
ESTABLISHMENT AND OPERATION OF CHARTER SCHOOLS; AMENDING,
REPEALING AND ENACTING SECTIONS OF THE NMSA 1978; MAKING
APPROPRIATIONS.

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

Section 1. A new section of the Public School Code is
enacted to read:

"NEW MATERIAL SHORT TITLE.--Sections 1 through 15 of
this act may be cited as the "1999 Charter Schools Act". "

Section 2. A new section of the Public School Code is
enacted to read:

"NEW MATERIAL DEFINITIONS.--As used in the 1999 Charter
Schools Act:

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A. "charter school" means a conversion school or start-up school within a school district authorized by the local school board to operate as a charter school;

B. "conversion school" means an existing public school within a school district authorized by the local school board to become a charter school;

C. "governing body" means the governing structure of a charter school as set forth in the school's charter; and

D. "start-up school" means a public school developed by one or more parents, teachers or community members authorized by the local school board of the school district in which the school is located to become a charter school."

Section 3. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] PURPOSE. --The 1999 Charter Schools Act is enacted to enable individual schools to restructure their educational curriculum to encourage the use of different and innovative teaching methods that are based on reliable research and effective practices or have been replicated successfully in schools with diverse characteristics; to allow the development of different and innovative forms of measuring student learning and achievement; to address the needs of all students, including those determined to be at risk; to create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site; to improve student achievement; to provide parents and students with an educational alternative to create new, innovative and more flexible ways of educating children

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1 within the public school system; to encourage parental and
2 community involvement in the public school system; to develop
3 and use site-based budgeting; and to hold charter schools
4 accountable for meeting state board minimum educational
5 standards and fiscal requirements. "

6 Section 4. A new section of the Public School Code is
7 enacted to read:

8 "[NEW MATERIAL] CHARTER SCHOOLS' RIGHTS AND
9 RESPONSIBILITIES-- OPERATION. --

10 A. A charter school shall be subject to all federal
11 and state laws and constitutional provisions prohibiting
12 discrimination on the basis of disability, race, creed, color,
13 gender, national origin, religion, ancestry or need for
14 special education services.

15 B. Notwithstanding the provisions of Section 22-1-4
16 NMSA 1978, a start-up school shall enroll students on a first-
17 come, first-served basis; thereafter, a start-up school shall
18 establish a waiting list starting with priorities on a first-
19 come, first-served basis. As classroom space becomes
20 available, persons highest on the waiting list shall be
21 notified and given the opportunity to enroll.

22 C. A charter school shall be administered and
23 governed by a governing body in the manner set forth in the
24 charter.

25 D. A charter school shall be responsible for its own

1 operation, including preparation of a budget, contracting for
2 services and personnel matters.

3 E. A charter school may negotiate or contract with a
4 local school district, a university or college or any third
5 party for the use of a facility, its operation and
6 maintenance, and the provision of any service or activity that
7 the charter school is required to perform in order to carry
8 out the educational program described in its charter.

9 F. In no event shall a charter school be required to
10 pay rent for space that is deemed available, as negotiated by
11 contract, in school district facilities; provided that the
12 facilities can be made available at no cost to the district.
13 All costs for the operation and maintenance of the facilities
14 used by the charter school shall be subject to negotiation
15 between the charter school and the district.

16 G. A charter school may negotiate with a local
17 school district to provide transportation to students eligible
18 for transportation under the provisions of the Public School
19 Code.

20 H. A charter school may negotiate with a local
21 school district for capital expenditures.

22 I. A charter school shall be a nonsectarian,
23 nonreligious and non-home-based public school that operates
24 within a public school district.

25 J. Except as otherwise provided in the Public School

1 Code, a charter school shall not charge tuition or have
2 admission requirements.

3 K. A charter school shall be subject to the
4 provisions of Sections 22-1-6 and 22-2-8 NMSA 1978.

5 L. A charter school may acquire, pledge and dispose
6 of property; provided that upon termination of the charter,
7 all assets of the charter school shall revert to the local
8 school board that authorized the charter.

9 M A charter school may accept or reject any
10 charitable gift, grant, devise or bequest; provided that no
11 such gift, grant, devise or bequest shall be accepted if
12 subject to any condition contrary to law or to the terms of
13 the charter. The particular gift, grant, devise or bequest
14 shall be considered an asset of the charter school to which it
15 is given.

16 N. A charter school may contract, sue or be sued. A
17 local school board that approves a charter school shall not be
18 liable for any acts or omissions of the charter school.

19 O. A charter school shall comply with all state and
20 federal health and safety requirements applicable to public
21 schools. "

22 Section 5. A new section of the Public School Code is
23 enacted to read:

24 "[NEW MATERIAL] CHARTER SCHOOLS--LOCAL SCHOOL BOARD
25 AUTHORITY--STATE BOARD AUTHORITY. --

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1 A. The local school board may waive only locally
2 imposed school district requirements.

3 B. The state board shall waive requirements relating
4 to individual class load and teaching load, length of the
5 school day, staffing patterns, subject areas and the purchase
6 of instructional material. The state board may waive state
7 board requirements or rules and provisions of the Public
8 School Code pertaining to graduation requirements, evaluation
9 standards for school personnel, school principal duties and
10 driver education. Any waivers granted pursuant to this
11 section shall be for the term of the charter granted.

12 C. A charter school shall be a public school,
13 accredited by the state board and shall be accountable to the
14 school district's local school board for purposes of ensuring
15 compliance with applicable laws, rules and charter provisions.

16 D. No local school board shall require any employee
17 of the school district to be employed in a charter school.

18 E. No local school board shall require any student
19 residing within the geographic boundary of its district to
20 enroll in a charter school.

21 F. A student who is suspended or expelled from a
22 charter school shall be deemed to be suspended or expelled
23 from the school district in which the student resides. "

24 Section 6. A new section of the Public School Code is
25 enacted to read:

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1 "[NEW MATERIAL] CHARTER SCHOOL REQUIREMENTS-- APPLICATION
2 PROCESS-- AUTHORIZATION. --

3 A. The local school board shall have the authority
4 to approve the establishment of a charter school within the
5 local school district in which it is located.

6 B. A charter school applicant shall apply to a local
7 school board for a charter. An applicant shall only submit an
8 application in the district in which the school is located.
9 Applications shall be submitted by October 1 to be eligible
10 for consideration for the following school year. The October
11 1 deadline may be waived upon agreement of the applicant and
12 the local school board.

13 C. An application for a start-up school may be made
14 by one or more teachers, parents or community members.

15 D. An application for a conversion school shall
16 include a petition of support signed by not less than sixty-
17 five percent of the employees in the school. Additionally, a
18 petition in support of the charter school signed by a majority
19 of the households whose children are enrolled in a proposed
20 conversion school must accompany the application.

21 E. The local school board shall receive and review
22 all applications for charter schools. The local school board
23 shall not charge application fees. If the board finds the
24 charter school application is incomplete, the board shall
25 request the necessary information from the charter applicant.

1 F. The local school board shall hold at least one
 2 meeting to obtain information and community input to assist
 3 the local school board in its decision whether to grant a
 4 charter school application. The local school board shall rule
 5 on the application for a charter school in a public meeting
 6 within sixty days after receiving the application. If not
 7 ruled upon within sixty days, the charter application will be
 8 automatically reviewed by the state board in accordance with
 9 the provisions of Section 7 of the 1999 Charter Schools Act.
 10 The charter applicant and the local school board may, however,
 11 jointly waive the deadlines set forth in this section.

12 G. If the local school board denies a charter school
 13 application or imposes conditions that are unacceptable to the
 14 charter applicant, the charter applicant may appeal the
 15 decision to the state board pursuant to Section 7 of the 1999
 16 Charter Schools Act.

17 H. If a local school board denies a charter school
 18 application, it shall state its reasons for the denial. If a
 19 local school board grants a charter, it shall send a copy of
 20 the approved charter to the department of education within
 21 fifteen days after granting the charter."

22 Section 7. A new section of the Public School Code is
 23 enacted to read:

24 "[NEW MATERIAL] CHARTER SCHOOL APPLICATION APPEAL--
 25 PROCEDURES.--

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1 A. The state board, upon receipt of a notice of
2 appeal or upon its own motion, shall review decisions of any
3 local school board concerning charter schools in accordance
4 with the provisions of this section.

5 B. A charter applicant or governing body of a
6 charter school that wishes to appeal a decision of a local
7 school board concerning the denial, nonrenewal or revocation
8 of a charter school or the imposition of conditions that are
9 unacceptable to the charter school or charter school applicant
10 shall provide the state board with a notice of appeal within
11 thirty days after the local school board's decision. The
12 charter school applicant or governing body of the charter
13 school bringing the appeal shall limit the grounds of the
14 appeal to the grounds for denial, nonrenewal or revocation
15 specified by the local school board. The notice shall include
16 a brief statement of the reasons the charter school applicant
17 contends the local school board's decision was in error. The
18 appeal and review process shall be as follows:

19 (1) within sixty days after receipt of the
20 notice of appeal, the state board, at a public hearing that
21 may be held in the school district in which the proposed
22 charter school has applied for a charter, shall review the
23 decision of the local school board and make its findings. If
24 the state board finds that the local school board's decision
25 was contrary to the best interests of the students, school

1 district or community, the state board shall remand the
2 decision to the local school board with written instructions
3 for approval of the charter. The instructions shall include
4 specific recommendations concerning approval of the charter.
5 The decision of the state board shall be final and not subject
6 to appeal; and

7 (2) within thirty days following the remand of
8 a decision by the state board, the local school board, at a
9 public hearing, shall approve the charter.

10 C. The state board, on its own motion, may review a
11 local school board's decision to grant a charter. Within
12 sixty days after the making of a motion to review by the state
13 board, the board, at a public hearing that may be held in the
14 district in which the proposed charter school has applied for
15 a charter, shall review the decision of the local school board
16 and determine whether the decision was arbitrary and
17 capricious or whether the establishment or operation of the
18 proposed charter school would:

19 (1) violate any federal or state laws
20 concerning civil rights;

21 (2) violate any court order;

22 (3) threaten the health and safety of students
23 within the school district; or

24 (4) violate the provisions of Section 11 of the
25 1999 Charter Schools Act, prescribing the permissible number

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1 of charter schools.

2 D. If the state board determines that the charter
3 would violate the provisions set forth in Subsection C of this
4 section, the state board shall remand the decision to the
5 local school board with instructions to deny the charter
6 application. The state board may extend the time lines
7 established in this section for good cause. The decision of
8 the state board shall be final and not subject to appeal."

9 Section 8. A new section of the Public School Code is
10 enacted to read:

11 "[NEW MATERIAL] CHARTER APPLICATION--CONTENTS. --The
12 charter school application, whether for a start-up school or a
13 conversion school, shall be a proposed agreement between the
14 local school board and the charter school and shall include:

- 15 A. the mission statement of the charter school;
16 B. the goals, objectives and student performance
17 standards to be achieved by the charter school;
18 C. a description of the charter school's educational
19 program, student performance standards and curriculum that
20 must meet or exceed the state board of education's educational
21 standards and must be designed to enable each student to
22 achieve those standards;
23 D. a description of the way a charter school's
24 educational program will meet the individual needs of the
25 students, including those students determined to be at risk;

1 E. a description of the charter school's plan for
2 evaluating student performance, the types of assessments that
3 will be used to measure student progress toward achievement of
4 the state's standards and the school's student performance
5 standards, the time line for achievement of the standards and
6 the procedures for taking corrective action in the event that
7 student performance falls below the standards;

8 F. evidence that the plan for the charter school is
9 economically sound, including a proposed budget for the term
10 of the charter and a description of the manner in which the
11 annual audit of the financial and administrative operations of
12 the charter school is to be conducted;

13 G. evidence that the fiscal management of the
14 charter school complies with all applicable federal and state
15 laws and regulations relative to fiscal procedures;

16 H. evidence of a plan for the displacement of
17 students, teachers and other employees who will not attend or
18 be employed in the conversion school;

19 I. a description of the governing body and operation
20 of the charter school, including how the governing body will
21 be selected, the nature and extent of parental, professional
22 educator and community involvement in the governance and
23 operation of the school and the relationship between the
24 governing body and the local school board;

25 J. an explanation of the relationship that will

1 exist between the proposed charter school and its employees,
2 including evidence that the terms and conditions of employment
3 have been addressed with affected employees and their
4 recognized representatives, if any;

5 K. the employment and student discipline policies of
6 the proposed charter school;

7 L. an agreement between the charter school and the
8 local school board regarding their respective legal liability
9 and applicable insurance coverage;

10 M a description of how the charter school plans to
11 meet the transportation and food service needs of its
12 students;

13 N. a description of the waivers that the charter
14 school is requesting from the local school board and the state
15 board and the charter school's plan for addressing these
16 waiver requests;

17 O. a description of the facilities the charter
18 school plans to use; and

19 P. any other information reasonably required by the
20 local school board. "

21 Section 9. A new section of the Public School Code is
22 enacted to read:

23 " [NEW MATERIAL] CHARTER SCHOOL-- CONTRACT CONTENTS--
24 RULES. --

25 A. An approved charter application shall be a

1 contract between the charter school and the local school
2 board.

3 B. The contract between the charter school and the
4 local school board shall reflect all agreements regarding the
5 release of the charter school from school district policies.

6 C. The contract between the charter school and the
7 local school board shall reflect all requests for release of
8 the charter school from state board rules or the Public School
9 Code. Within ten days after the contract is approved by the
10 local school board, any request for release from state board
11 rules or the Public School Code shall be delivered by the
12 local school board to the state board. If the state board
13 grants the request, it shall notify the local school board and
14 the charter school of its decision. If the state board denies
15 the request, it shall notify the local school board and the
16 charter school that the request is denied and specify the
17 reasons for denial.

18 D. Upon approval of the charter by the local school
19 board, the charter school shall be waived from the Public
20 School Code provisions relating to individual class load and
21 teaching load requirements, length of school day, staffing
22 patterns, subject areas and purchase of instructional
23 materials.

24 E. The charter school shall participate in the
25 public school insurance authority.

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1 F. Any revision or amendment to the terms of the
2 contract may be made only with the approval of the local
3 school board and the governing body of the charter school.

4 G. The charter shall include procedures agreed upon
5 by the charter school and the local school board for the
6 resolution of disputes between the charter school and the
7 local school board.

8 H. The charter shall include procedures that shall
9 be agreed upon by the charter school and the local school
10 board in the event that such board determines that the charter
11 shall be revoked pursuant to the provisions of Section 12 of
12 the 1999 Charter Schools Act. "

13 Section 10. A new section of the Public School Code is
14 enacted to read:

15 "[NEW MATERIAL] CHARTER SCHOOLS--EMPLOYEE OPTIONS--HIRING
16 AND FIRING. --

17 A. Notwithstanding the provisions of Section 22-5-4
18 NMSA 1978, a charter school shall hire its own employees. The
19 provisions of the School Personnel Act shall otherwise apply
20 to such employees.

21 B. An employee of a conversion school who was
22 previously an employee of the school district in which the
23 conversion school is located shall be considered to be on a
24 one-year leave of absence from the school district. The leave
25 of absence shall commence on the initial date of employment

1 for the charter school. Upon request of the employee, the one-
 2 year leave of absence shall be renewed for up to two
 3 additional one-year periods, absent good cause.

4 C. The time during which an employee is on a leave
 5 of absence shall be counted for longevity credit on the school
 6 district's salary schedule.

7 D. During the period of time that an employee is on
 8 a leave of absence from the school district and is actively
 9 employed by the charter school, the charter school shall
 10 continue the retirement or other benefits previously granted
 11 to the employee.

12 E. A leave of absence shall not be considered a
 13 break in service with the school district with which an
 14 employee was previously employed.

15 F. An employee who is on a leave of absence and
 16 actively teaching at a charter school and who submits a notice
 17 of intent to return to the school district in which the
 18 employee was employed immediately prior to employment in the
 19 charter school shall be given employment preference by the
 20 school district if:

21 (1) the employee's notice of intent to return
 22 is submitted to the school district within three years after
 23 ceasing employment with the school district; and

24 (2) if the employee is a teacher, a position
 25 for which the teacher is certified or is qualified to become

1 certified is available. If the employee is not a teacher, a
2 position for which the employee is qualified is available.

3 G. An employee who is on leave of absence and
4 employed by a charter school and is discharged or terminated
5 for just cause by the charter school shall be considered
6 discharged or terminated by the school district.

7 H. Employees of a charter school shall have the same
8 right to organize and bargain collectively with the governing
9 body of the charter school as other public school employees
10 pursuant to the Public Employee Bargaining Act. The governing
11 body and the employees' exclusive representative shall bargain
12 in good faith. Agreements reached between the governing body
13 and the exclusive representative shall be incorporated into a
14 written collective bargaining agreement if requested by the
15 governing body and the exclusive representative. "

16 Section 11. A new section of the Public School Code is
17 enacted to read:

18 "[NEW MATERIAL] CHARTER SCHOOLS-- MAXIMUM NUMBER
19 ESTABLISHED. --

20 A. Local school boards shall authorize the approval
21 of both conversion and start-up charter schools within their
22 school districts.

23 B. No more than fifteen start-up schools and five
24 conversion schools may be established per year. The number of
25 charter school slots remaining in that year shall be

1 transferred to succeeding years up to a maximum of seventy-
 2 five start-up schools and twenty-five conversion schools in
 3 any five-year period. The state board shall promptly notify
 4 the local school board of each school district when the limits
 5 set forth in this section have been reached. "

6 Section 12. A new section of the Public School Code is
 7 enacted to read:

8 "NEW MATERIAL CHARTER SCHOOLS--TERM-RENEWAL OF
 9 CHARTER--GROUNDS FOR NONRENEWAL OR REVOCATION.--

10 A. A charter school may be approved for an initial
 11 term of five years. A charter may be renewed for successive
 12 periods of five years each. Approvals of less than five years
 13 can be agreed to between the charter school and the local
 14 school board.

15 B. No later than January 1 of the year prior to the
 16 year in which the charter expires, the governing body of a
 17 charter school may submit a renewal application to the local
 18 school board. The local school board shall rule in a public
 19 hearing on the renewal application no later than March 1 of
 20 the year in which the charter expires, or on a mutually agreed
 21 date.

22 C. A charter school renewal application submitted to
 23 the local school board shall contain:

24 (1) a report on the progress of the charter
 25 school in achieving the goals, objectives, student performance

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1 standards, state board minimum educational standards and other
2 terms of the initial approved charter application, including
3 the accountability requirements set forth in Section 22-1-6
4 NMSA 1978;

5 (2) a financial statement that discloses the
6 costs of administration, instruction and other spending
7 categories for the charter school that is understandable to
8 the general public, that will allow comparison of costs to
9 other schools or comparable organizations and that is in a
10 format required by the state board;

11 (3) contents of the charter application set
12 forth in Section 8 of the 1999 Charter Schools Act;

13 (4) a petition in support of the charter school
14 renewing its charter status signed by not less than sixty-five
15 percent of the employees in the charter school; and

16 (5) a petition in support of the charter school
17 renewing its charter status signed by a majority of the
18 households whose children are enrolled in the charter school.

19 D. A charter may be revoked or not renewed by the
20 local school board if the board determines that the charter
21 school did any of the following:

22 (1) committed a material violation of any of
23 the conditions, standards or procedures set forth in the
24 charter;

25 (2) failed to meet or make substantial progress

1 toward achievement of the state board minimum educational
2 standards or student performance standards identified in the
3 charter application;

4 (3) failed to meet generally accepted standards
5 of fiscal management; or

6 (4) violated any provision of law from which
7 the charter school was not specifically exempted.

8 E. If a local school board revokes or does not renew
9 a charter, the local school board shall state in writing its
10 reasons for the revocation or nonrenewal.

11 F. A decision to revoke or not to renew a charter
12 may be appealed by the governing body of the charter school
13 pursuant to Section 7 of the 1999 Charter Schools Act. "

14 Section 13. A new section of the Public School Code is
15 enacted to read:

16 "[NEW MATERIAL] CHARTER SCHOOL FINANCING. --

17 A. The amount of funding allocated to the charter
18 school shall be not less than ninety-eight percent of the
19 school-generated program cost.

20 B. That portion of money from state or federal
21 programs generated by students enrolled in a charter school
22 shall be allocated to charter schools serving students
23 eligible for that aid. Any other public school program not
24 offered by the charter school shall not be entitled to the
25 share of money generated by a charter school program.

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1 C. All services centrally or otherwise provided by
2 the local school district, including custodial, maintenance
3 and media services, libraries and warehousing shall be subject
4 to negotiation between the charter school and the local school
5 district. Any services for which a charter school contracts
6 with a school district shall be provided by the district at a
7 reasonable cost. "

8 Section 14. A new section of the Public School Code is
9 enacted to read:

10 "[NEW MATERIAL] CHARTER SCHOOLS STIMULUS FUND CREATED. --

11 A. The "charter schools stimulus fund" is created in
12 the state treasury. Money in the fund is appropriated to the
13 department of education to provide financial support to
14 charter schools, whether start-up or conversion, for initial
15 start-up costs and initial costs associated with renovating or
16 remodeling existing buildings and structures for expenditure
17 in fiscal year 2000 and subsequent fiscal years. The fund
18 shall consist of money appropriated by the legislature and
19 grants, gifts, devises and donations from any public or
20 private source. The department of education shall administer
21 the fund in accordance with rules adopted by the state board.
22 The department of education may use up to three percent of the
23 fund for administrative costs. Money in the fund shall not
24 revert to the general fund at the end of a fiscal year.

25 B. If the charter school receives an initial grant

1 and fails to begin operating a charter school within the next
 2 eighteen months, the charter school shall immediately
 3 reimburse the fund. "

4 Section 15. A new section of the Public School Code is
 5 enacted to read:

6 "[NEW MATERIAL] CHARTER SCHOOL RESERVE FUND. --The
 7 "charter school reserve fund" is created in the state
 8 treasury. Money in the fund is appropriated to the department
 9 of education for allocation to school districts whose students
 10 have transferred to charter schools in fiscal year 2000 and
 11 subsequent fiscal years. The fund shall consist of money
 12 appropriated by the legislature. The department of education
 13 shall distribute money from the fund pursuant to Section
 14 22-8-23.2 NMSA 1978. The department of education shall
 15 administer the fund in accordance with the rules adopted by
 16 the state board. The department of education may use up to
 17 three percent of the fund for administrative costs. Money in
 18 the fund shall not revert to the general fund at the end of
 19 the fiscal year. "

20 Section 16. A new section of the Public School Code is
 21 enacted to read:

22 "[NEW MATERIAL] CHARTER SCHOOLS--SAVINGS CLAUSE. --The
 23 state board may extend for a period of two years the charter
 24 of any school for which the state board has granted a charter
 25 prior to the effective date of this act. Any further

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1 extensions of the charter shall be governed by the provisions
2 of the 1999 Charter Schools Act. "

3 Section 17. Section 13-1-99 NMSA 1978 (being Laws 1984,
4 Chapter 65, Section 72, as amended) is amended to read:

5 "13-1-99. EXCLUDED FROM CENTRAL PURCHASING THROUGH THE
6 STATE PURCHASING AGENT. -- Excluded from the requirement of
7 procurement through the state purchasing agent but not from
8 the requirements of the Procurement Code are the following:

- 9 A. procurement of professional services;
- 10 B. small purchases having a value not exceeding two
11 hundred fifty dollars (\$250);
- 12 C. emergency procurement;
- 13 D. procurement of highway construction or
14 reconstruction by the state highway and transportation
15 department;
- 16 E. procurement by the judicial branch of state
17 government;
- 18 F. procurement by the legislative branch of state
19 government;
- 20 G. procurement by the boards of regents of state
21 educational institutions named in Article 12, Section 11 of
22 the constitution of New Mexico;
- 23 ~~[H. procurement of information processing resources~~
24 ~~procured through the commission on information and~~
25 ~~communication management;~~

~~F.~~ H. procurement by the state fair commission of tangible personal property, services and construction under five thousand dollars (\$5,000);

~~J.~~ I. purchases from the instructional material fund;

~~K.~~ J. procurement by all local public bodies;

~~L.~~ K. procurement by regional education cooperatives; ~~and~~

L. procurement by charter schools; and

M procurement by each state health care institution that provides direct patient care and that is, or a part of which is, medicaid certified and participating in the New Mexico medicaid program "

Section 18. Section 22-2-6.3 NMSA 1978 (being Laws 1986, Chapter 94, Section 3, as amended) is amended to read:

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

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

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

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

~~E.~~ D. "director" means the director of the public

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1 school insurance authority;

2 ~~[D.]~~ E. "educational entities" means state
3 educational institutions as enumerated in Article 12, Section
4 11 of the constitution of New Mexico and other state diploma,
5 degree-granting and certificate-granting post-secondary
6 educational institutions;

7 ~~[E.]~~ F. "fund" means the public school insurance
8 fund;

9 ~~[F.]~~ G. "group health insurance" means coverage
10 which 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 ~~[G.]~~ H. "risk-related coverage" means coverage which
15 includes but is not limited to property and casualty, general
16 liability, auto and fleet, ~~[workmen's]~~ workers' compensation
17 and other casualty insurance; and

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

22 Section 19. Section 22-2-6.6 NMSA 1978 (being Laws 1986,
23 Chapter 94, Section 6, as amended) is amended to read:

24 "22-2-6.6. FUND CREATED- - BUDGET REVIEW - PREMIUMS. - -

25 A. There is created the "public school insurance

1 fund". All income earned on the fund shall be credited to the
 2 fund. The fund is appropriated to the authority to carry out
 3 the provisions of the Public School Insurance Authority Act.
 4 Any [~~funds~~] money remaining in the fund at the end of each
 5 fiscal year shall not revert to the general fund.

6 B. The board shall determine which money in the fund
 7 constitutes the long-term reserves of the authority. The
 8 state investment officer shall invest the long-term reserves
 9 of the authority in accordance with the provisions of Sections
 10 6-8-1 through 6-8-16 NMSA 1978. The state treasurer shall
 11 invest the money in the fund that does not constitute the
 12 long-term reserves of the fund in accordance with the
 13 applicable provisions of Chapter 6, Article 10 NMSA 1978.

14 C. All appropriations [~~of funds~~] shall be subject to
 15 budget review through the department of education, the state
 16 budget division of the department of finance and
 17 administration and the legislative finance committee.

18 D. The authority shall provide that premiums are
 19 collected from school districts and charter schools
 20 participating in the authority sufficient to provide the
 21 required insurance coverage and to pay the expenses of the
 22 authority. All premiums shall be credited to the fund.

23 E. Any reserves remaining at the termination of an
 24 insurance contract shall be disbursed to the individual school
 25 districts, charter schools and other participating entities on

1 a pro rata basis.

2 F. Disbursements from the fund for purposes other
3 than procuring and paying for insurance or insurance-related
4 services, including but not limited to third-party
5 administration, premiums, claims and cost containment
6 activities, shall be made only upon warrant drawn by the
7 secretary of finance and administration pursuant to vouchers
8 signed by the director or his designee; provided that the
9 chairman of the board may sign vouchers if the position of
10 director is vacant. "

11 Section 20. Section 22-2-6.9 NMSA 1978 (being Laws 1986,
12 Chapter 94, Section 9, as amended) is amended to read:

13 "22-2-6.9. PARTICIPATION--WAIVERS. --

14 A. [~~A school district~~] School districts and charter
15 schools shall participate in the authority, unless the school
16 district or charter school is granted a waiver by the board.

17 B. In determining whether a waiver should be
18 granted, the board shall establish minimum benefit and
19 financial standards for the desired line of coverage. These
20 minimum benefit and financial standards and the proposed time
21 schedule for responsive offers shall be sent to all school
22 districts and charter schools at the time the request for
23 proposals for the desired line of coverage is issued. Any
24 school district or charter school seeking a waiver of coverage
25 shall match the minimum benefit and financial standards set

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1 forth in the request for proposals for the desired line of
2 coverage. School districts and charter schools shall submit
3 documentation of their proposals matching the board's minimum
4 benefit and financial requirements prior to the deadline
5 established by the board. The authority has the power to
6 approve or disapprove a waiver of participation based on the
7 documentation submitted by the school district or charter
8 school regarding the benefit and financial standards
9 established by the board. The board shall grant a waiver to a
10 school district or charter school that requests a waiver and
11 that has met the minimum benefit and financial standards
12 within the time schedule established by the board. Once the
13 board awards the insurance contract, no school district or
14 charter school shall be granted a waiver for the entire term
15 of the contract.

16 C. Any school district or charter school granted a
17 waiver of participation for health insurance shall be required
18 to petition for participation in other kinds of group
19 insurance coverage and shall be required to meet the
20 requirements established by the authority prior to
21 participation in other kinds of group insurance coverage. A
22 school district or charter school which has been granted a
23 waiver shall be prohibited from participating in the coverage
24 for which a waiver was granted for the entire term of the
25 authority's insurance contract. Provided, however, that if

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1 the authority contracts for a line or lines of coverage for a
2 period of eight years, the board may establish procedures and
3 preconditions for authorizing a school district or charter
4 school which has been granted a waiver to again participate in
5 the coverage after the expiration of the first four years of
6 coverage.

7 D. Any school district or charter school granted a
8 waiver of participation for [~~workmen's~~] workers' compensation
9 shall be required to petition for participation in other risk-
10 related coverages and shall be required to meet the
11 requirements established by the authority prior to
12 participation in other kinds of risk-related coverages. A
13 school district or charter school which has been granted a
14 waiver shall be prohibited from participating in the coverage
15 for which a waiver was granted for the entire term of the
16 authority's insurance contract.

17 E. Educational entities may petition the authority
18 for permission to participate in the insurance coverage
19 provided by the authority. To protect the stability of the
20 fund, the authority shall establish reasonable terms and
21 conditions for participation by educational entities.

22 F. A participating school district or charter school
23 may separately provide for coverage additional to that offered
24 by the authority.

25 G. The local school districts, charter schools or

1 the authority, as appropriate, may provide for marketing and
2 servicing to be done by licensed insurance agents or brokers
3 who should receive reasonable compensation for their
4 services. "

5 Section 21. Section 22-2-6.10 NMSA 1978 (being Laws
6 1989, Chapter 373, Section 5) is amended to read:

7 "22-2-6.10. GROUP INSURANCE CONTRIBUTIONS. - -

8 A. Group insurance contributions for school
9 districts, charter schools and participating entities in the
10 [~~public school insurance~~] authority shall be made as follows:

11 (1) seventy-five percent of the cost of the
12 insurance of an employee whose annual salary is less than
13 fifteen thousand dollars (\$15,000);

14 (2) seventy percent of the cost of the
15 insurance of an employee whose annual salary is fifteen
16 thousand dollars (\$15,000) or more but less than twenty
17 thousand dollars (\$20,000);

18 (3) sixty-five percent of the cost of the
19 insurance of an employee whose annual salary is twenty
20 thousand dollars (\$20,000) or more but less than twenty-five
21 thousand dollars (\$25,000); or

22 (4) sixty percent of the cost of the insurance
23 of an employee whose annual salary is twenty-five thousand
24 dollars (\$25,000) or more.

25 B. Whenever a school district, charter school or

1 participating entity in the [~~public school insurance~~]
2 authority offers to its employees alternative health plan
3 benefit options, including but not limited to health
4 maintenance organizations, preferred provider organizations or
5 panel doctor plans, the school district, charter school or
6 participating entity may pay an amount on behalf of the
7 employee and family member for the indemnity health insurance
8 plan sufficient to result in equal employee monthly costs to
9 the cost of the health maintenance organization plans,
10 preferred provider organizations plans or panel doctor plans,
11 regardless of the percentage limitations in the Public School
12 Insurance Authority Act. School districts, charter schools
13 and participating entities in the [~~public schools insurance~~]
14 authority may pay up to one hundred percent of the first fifty
15 thousand dollars (\$50,000) of term life insurance."

16 Section 22. Section 22-8-6 NMSA 1978 (being Laws 1967,
17 Chapter 16, Section 60, as amended by Laws 1993, Chapter 224,
18 Section 2 and also by Laws 1993, Chapter 227, Section 9) is
19 amended to read:

20 "22-8-6. BUDGETS--SUBMISSION--FAILURE TO SUBMIT.--

21 A. Prior to April 15 of each year, each local school
22 board shall submit to the department an estimated budget for
23 the school district and any charter schools in the district
24 for the ensuing fiscal year. Upon written approval of the
25 state superintendent, the date for the submission of the

1 estimated budget as required by this section may be extended
2 to a later date fixed by the state superintendent.

3 B. The estimated budget required by this section may
4 include:

5 (1) estimates of the cost of insurance policies
6 for periods up to five years if a lower rate may be obtained
7 by purchasing insurance for the longer term; or

8 (2) estimates of the cost of contracts for the
9 transportation of students for terms extending up to four
10 years.

11 C. ~~[The estimated budget required by this section
12 shall include a proposed breakdown for charter schools in the
13 local school district, by individual charter school, of the
14 membership projected for each charter school, the total
15 program units generated at that charter school and approximate
16 anticipated disbursements and expenditures at each charter
17 school.]~~ The estimated budget required by this section shall
18 include a budget for each charter school of the membership
19 projected for each charter school, the total program units
20 generated at that charter school and approximate anticipated
21 disbursements and expenditures at each charter school.

22 D. If a local school board fails to submit a budget
23 pursuant to this section, the department shall prepare the
24 estimated budget for the school district for the ensuing
25 fiscal year. A local school board shall be considered as

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1 failing to submit a budget pursuant to this section if the
2 budget submitted exceeds the total projected resources of the
3 school district or if the budget submitted does not comply
4 with the law or the manual of accounting and budgeting of the
5 department. "

6 Section 23. Section 22-8-6.1 NMSA 1978 (being Laws 1993,
7 Chapter 227, Section 8) is amended to read:

8 "22-8-6.1. CERTAIN SCHOOL DISTRICT BUDGETS. -- [~~In those~~
9 ~~school districts with authorized charter schools, each charter~~
10 ~~school shall submit to the local school board a school-based~~
11 ~~budget. The budget shall be based upon the projected total~~
12 ~~MEM at that school and the projected number of program units~~
13 ~~generated by students at that individual school. The budget~~
14 ~~shall be submitted to the local school board for approval or~~
15 ~~amendment. Upon final approval of the budget by the local~~
16 ~~school board, the individual school budget shall be included~~
17 ~~in the budget submission to the department of education~~
18 ~~required pursuant to the Public School Finance Act and~~
19 ~~required pursuant to the Charter Schools Act.] Each charter
20 school shall submit to the local school board a school-based
21 budget. The budget shall be based upon the projected number
22 of program units generated by that charter school and its
23 students, using the at-risk index and the training and
24 experience index of the district. The budget shall be
25 submitted to the local school board for approval or amendment.~~

1 The approval or amendment authority of the local school board
 2 relative to the charter school budget is limited to ensuring
 3 that sound fiscal practices are followed in the development of
 4 the budget and that the charter school budget is within the
 5 allotted resources. The local school board shall have no veto
 6 authority over individual line items within the charter
 7 school's proposed budget, but shall approve or disapprove the
 8 budget in its entirety. Upon final approval of the local
 9 budget by the local school board, the individual charter
 10 school budget shall be included separately in the budget
 11 submission to the department of education required pursuant to
 12 the Public School Finance Act and the 1999 Charter Schools
 13 Act. "

14 Section 24. Section 22-8-15 NMSA 1978 (being Laws 1967,
 15 Chapter 16, Section 70, as amended by Laws 1993, Chapter 224,
 16 Section 3 and also by Laws 1993, Chapter 227, Section 10) is
 17 amended to read:

18 "22-8-15. ALLOCATION LIMITATION. --

19 A. The department shall determine the allocations to
 20 each school district from each of the distributions of the
 21 public school fund, subject to the limits established by law.

22 B. The local school board in each [~~local~~] school
 23 district with authorized charter schools shall allocate the
 24 appropriate distributions of the public school fund to
 25 individual charter schools pursuant to each charter school's

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1 school-based budget approved by the local school board and the
2 department. [~~The local school board may retain an amount not~~
3 ~~to exceed the school district's administrative cost relevant~~
4 ~~to that charter school.~~

5 C. ~~The local school board in each local school~~
6 ~~district with authorized charter schools shall establish an~~
7 ~~individual charter school account to receive public school~~
8 ~~fund disbursements for each charter school.] The appropriate
9 distribution of the public school fund shall flow to the
10 charter school within five days after the school district's
11 receipt of the state equalization guarantee for that month. "~~

12 Section 25. Section 22-8-23.2 NMSA 1978 (being Laws
13 1993, Chapter 237, Section 2) is amended to read:

14 "22-8-23.2. NEW DISTRICT ADJUSTMENT-- ADDITIONAL PROGRAM
15 UNITS. --

16 A. A newly created school district is eligible for
17 additional program units. The number of additional program
18 units to which a newly created school district is entitled
19 under this subsection is the number of units computed in the
20 following manner:

21 $(\text{MEM for current year}) \times .147 = \text{Units}$

22 where MEM is equal to the total district membership, including
23 early childhood education full-time equivalent membership and
24 special education membership.

25 B. A school district whose membership decreases as a
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1 result of the establishment of a newly created school district
 2 or a charter school is eligible for additional program units.
 3 The number of additional program units to which that district
 4 is entitled under this subsection is the number of units
 5 computed in the following manner:

6 (1) in the case of creating a new school
 7 district:

8 (district MEM for prior year - MEM for current year)
 9 x .17 = Units

10 where MEM is equal to the total district membership, including
 11 early childhood education full-time equivalent membership and
 12 special education membership; or

13 (2) in the case of creating a new charter
 14 school:

15 (district MEM for prior year - MEM for current year less
 16 charter school MEM) x .17 = Units.

17 C. As used in this section, "newly created school
 18 district" or "charter school" means a local school district or
 19 charter school not in existence during the immediately
 20 preceding school year. "

21 Section 26. Section 22-10-3.3 NMSA 1978 (being Laws
 22 1997, Chapter 238, Section 1, as amended) is amended to read:

23 "22-10-3.3. BACKGROUND CHECKS. --

24 A. An applicant for initial certification shall be
 25 fingerprinted and shall provide two fingerprint cards or the

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1 equivalent electronic fingerprints to the department of
2 education to obtain the applicant's federal bureau of
3 investigation record. Convictions of felonies or misdemeanors
4 contained in the federal bureau of investigation record shall
5 be used in accordance with the Criminal Offender Employment
6 Act. Other information contained in the federal bureau of
7 investigation record, if supported by independent evidence,
8 may form the basis for the denial, suspension or revocation of
9 a certificate for good and just cause. Records and any
10 related information shall be privileged and shall not be
11 disclosed to a person not directly involved in the
12 certification or employment decisions affecting the specific
13 applicant. The applicant for initial certification shall pay
14 for the cost of obtaining the federal bureau of investigation
15 record.

16 B. Local school boards shall develop policies and
17 procedures to require background checks on an applicant who
18 has been offered employment, a contractor or a contractor's
19 employee with unsupervised access to students at a public
20 school, including a charter school. An applicant for
21 employment who has been initially certified within twelve
22 months of applying for employment with a local school board or
23 a charter school shall not be required to submit to another
24 background check if the department of education has copies of
25 his federal bureau of investigation records on file. An

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

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1 C. The department of education shall implement the
2 provisions of Subsection A of this section on or before July
3 1, 1998. "

4 Section 27. Section 22-11-2 NMSA 1978 (being Laws 1967,
5 Chapter 16, Section 126, as amended) is amended to read:

6 "22-11-2. DEFINITIONS. --As used in the Educational
7 Retirement Act:

8 A. "member" means any employee, except for a
9 participant coming within the provisions of the Educational
10 Retirement Act;

11 B. "regular member" means:

12 (1) a person regularly employed as a teaching,
13 nursing or administrative employee of a state educational
14 institution, except for:

15 (a) a participant; or

16 (b) ~~[all employees]~~ any employee of a
17 general hospital or outpatient ~~[clinics]~~ clinic thereof
18 operated by a state educational institution named in Article
19 12, Section 11 of the constitution of New Mexico;

20 (2) a person regularly employed as a teaching,
21 nursing or administrative employee of a junior college or
22 community college created pursuant to Chapter 21, Article 13
23 NMSA 1978;

24 (3) a person regularly employed as a teaching,
25 nursing or administrative employee of a technical and

1 vocational institute created pursuant to the Technical and
2 Vocational Institute Act;

3 (4) a person regularly employed as a teaching,
4 nursing or administrative employee of the New Mexico boys'
5 school, the New Mexico girls' school, the Los Lunas medical
6 center or a school district or as a certified school
7 instructor of a state institution or agency providing an
8 educational program and holding a standard or substandard
9 certificate issued by the state board;

10 (5) a person regularly employed by the
11 department of education or the board holding a standard or
12 substandard certificate issued by the state board at the time
13 of commencement of [~~sueh~~] the employment;

14 (6) a member classified as a regular member in
15 accordance with the regulations of the board;

16 (7) a person regularly employed by the New
17 Mexico activities association holding a standard certificate
18 issued by the state board at the time of commencement of
19 [~~sueh~~] the employment; [~~or~~]

20 (8) a person regularly employed by a regional
21 education cooperative holding a standard certificate issued by
22 the state board at the time of commencement of [~~sueh~~] the
23 employment; or

24 (9) a person regularly employed by a charter
25 school holding a standard or substandard certificate issued by

1 the state board at the time of commencement of the employment;

2 C. "provisional member" means a person not eligible
3 to be a regular member but who is employed by a local
4 administrative unit designated in Subsection B of this
5 section; provided, however, that employees of a general
6 hospital or outpatient clinics thereof operated by a state
7 educational institution named in Article 12, Section 11 of the
8 constitution of New Mexico are not provisional members;

9 D. "local administrative unit" means an employing
10 agency however constituted that is directly responsible for
11 the payment of compensation for the employment of members or
12 participants;

13 E. "beneficiary" means a person having an insurable
14 interest in the life of a member or a participant designated
15 by written instrument duly executed by the member or
16 participant and filed with the director to receive a benefit
17 pursuant to the Educational Retirement Act that may be
18 received by someone other than the member or participant;

19 F. "employment" means employment by a local
20 administrative unit that qualifies a person to be a member or
21 participant;

22 G. "service employment" means employment that
23 qualifies a person to be a regular member;

24 H. "provisional service employment" means employment
25 that qualifies a person to be a provisional member;

1 I. "prior employment" means employment performed
2 prior to the effective date of the Educational Retirement Act
3 that would be service employment or provisional service
4 employment if performed thereafter;

5 J. "service credit" means that period of time with
6 which a member is accredited for the purpose of determining
7 his eligibility for and computation of retirement or
8 disability benefits;

9 K. "earned service credit" means that period of time
10 during which a member was engaged in employment or prior
11 employment with which he is accredited for the purpose of
12 determining his eligibility for retirement or disability
13 benefits;

14 L. "allowed service credit" means that period of
15 time during which a member has performed certain nonservice
16 employment with which he may be accredited, as provided in the
17 Educational Retirement Act, for the purpose of computing
18 retirement or disability benefits;

19 M. "retirement benefit" means an annuity paid
20 monthly to members whose employment has been terminated by
21 reason of their age;

22 N. "disability benefit" means an annuity paid
23 monthly to members whose employment has been terminated by
24 reason of a disability;

25 O. "board" means the educational retirement board;

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1 P. "fund" means the educational retirement fund;

2 Q. "director" means the educational retirement
3 director;

4 R. "medical authority" means a medical doctor within
5 the state or as provided in Subsection D of Section 22-11-36
6 NMSA 1978 either designated or employed by the board to
7 examine and report on the physical condition of applicants for
8 or recipients of disability benefits;

9 S. "actuary" means a person trained and regularly
10 engaged in the occupation of calculating present and projected
11 monetary assets and liabilities under annuity or insurance
12 programs;

13 T. "actuarial equivalent" means a sum paid as a
14 current or deferred benefit that is equal in value to a
15 regular benefit, computed upon the basis of interest rates and
16 mortality tables;

17 U. "contributory employment" means employment for
18 which contributions have been made by both a member and a
19 local administrative unit pursuant to the Educational
20 Retirement Act;

21 V. "qualifying state educational institution" means
22 the university of New Mexico, New Mexico state university, New
23 Mexico institute of mining and technology, New Mexico
24 highlands university, eastern New Mexico university and
25 western New Mexico university;

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1 W. "participant" means:

2 (1) a person regularly employed as a faculty or
3 professional employee of a qualifying state educational
4 institution who first becomes employed with [~~such an~~] the
5 educational institution on or after July 1, 1991 and who
6 elects, pursuant to Section 22-11-47 NMSA 1978, to participate
7 in the alternative retirement plan; and

8 (2) a person regularly employed who performs
9 research or other services pursuant to a contract between a
10 qualifying state educational institution and the United States
11 government or any of its agencies who elects, pursuant to
12 Section 22-11-47 NMSA 1978, to participate in the alternative
13 retirement plan, provided that the research or other services
14 are performed outside the state;

15 X. "salary" means the compensation or wages paid to
16 a member or participant by any local administrative unit for
17 services rendered; and

18 Y. "alternative retirement plan" means the
19 retirement plan provided for in Sections 22-11-47 through
20 22-11-52 NMSA 1978. "

21 Section 28. APPROPRIATIONS. --

22 A. The following amounts are appropriated from the
23 general fund to the state department of public education for
24 expenditure in fiscal year 2000 for the following purposes:

25 (1) one million dollars (\$1,000,000) for the

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1 charter school stimulus fund; and

2 (2) one million dollars (\$1,000,000) for the
3 charter school reserve fund.

4 B. Any unexpended or unencumbered balance remaining
5 in the funds at the end of fiscal year 2000 shall not revert
6 to the general fund.

7 Section 29. APPROPRIATION. -- One hundred eighty thousand
8 dollars (\$180,000) is appropriated from the general fund to
9 the state department of public education for transportation
10 expenses incurred by charter schools. Any unexpended or
11 unencumbered balance remaining at the end of fiscal year 2000
12 shall revert to the general fund.

13 Section 30. REPEAL. -- Sections 22-8A-1 through 22-8A-7
14 (being Laws 1993, Chapter 227, Sections 1 through 7) are
15 repealed.

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FORTY- FOURTH LEGI SLATURE
FIRST SESSI ON, 1999

March 5, 1999

Mr. Presi dent:

Your COMMI TTEES' COMMI TTEE, to whom has been referred

SENATE PUBLIC AFFAIRS COMMI TTEE SUBSTITUTE FOR
SENATE BILL 755

has had it under consideration and reports same WITHOUT
RECOMMENDATI ON, and further recom mends that it now be referred to
the FINANCE COMMI TTEE.

Respectfully submi tted,

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SPAC/SB 755

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KEYBOARD(TYPE SLUGS)

Page 50

Manny M. Aragon, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

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