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SENATE BILL 106

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

GLORIA HOWES

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR BACKGROUND CHECKS ON  
EMPLOYEES OF PUBLIC SCHOOLS, APPLICANTS FOR EMPLOYMENT WITH  
PUBLIC SCHOOLS AND APPLICANTS FOR A CERTIFICATE; GRANTING THE  
STATE BOARD OF EDUCATION SUBPOENA POWER; REQUIRING SCHOOL  
DISTRICT SUPERINTENDENTS TO REPORT CONVICTIONS OF A FELONY OR A  
MISDEMEANOR INVOLVING MORAL TURPITUDE; CHANGING THE BOARD'S  
POWER TO REFUSE, RENEW, SUSPEND OR REVOKE PUBLIC EMPLOYMENT OR  
LICENSE; MAKING AN APPROPRIATION.

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] BACKGROUND CHECKS. --

A. An applicant for initial certification or for  
renewal of certification shall provide to the department of

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1 education a copy of the applicant's federal bureau of  
2 investigation record through fingerprint identification. The  
3 applicant shall pay for the cost of obtaining the federal bureau  
4 of investigation record. The department of education shall  
5 implement the provisions of this section on or before July 1,  
6 1998.

7 B. Local school boards shall develop policies and  
8 procedures addressing employment background checks. Such  
9 policies and procedures may include requiring applicants for  
10 employment or employees of the local school board to provide the  
11 applicant's or employee's federal bureau of investigation  
12 record. Applicants or employees shall pay for the cost of  
13 obtaining the federal bureau of investigation record. Local  
14 school boards may require that contractors whose employees are  
15 in direct contact with students ensure that the employees of  
16 such contractors provide their federal bureau of investigation  
17 records to the employer. The department of education is  
18 authorized to release copies of federal bureau of investigation  
19 records on file with the department of education to a local  
20 school board that requires that applicants for employment or  
21 employees provide such records. "

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

24 "[NEW MATERIAL] KNOWN CONVICTION--REPORTING REQUIREMENT--  
25 IMMUNITY FROM LIABILITY--PENALTY FOR FAILURE TO REPORT.--

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1           A. A school district superintendent shall report to  
2 the department of education any known arrest or conviction of a  
3 certified school employee of a felony or a misdemeanor involving  
4 moral turpitude.

5           B. A school employee who in good faith reports any  
6 known arrest or conviction of a certified school employee of a  
7 felony or a misdemeanor involving moral turpitude shall not be  
8 held liable for civil damages as a result of the report.

9           C. The state board may suspend or revoke a  
10 certificate held by a certified school administrator who fails  
11 to report any known arrest or conviction of a certified school  
12 employee of a felony or a misdemeanor involving moral turpitude  
13 in accordance with Subsection A of this section. "

14           Section 3. Section 22-10-22 NMSA 1978 (being Laws 1967,  
15 Chapter 16, Section 124, as amended) is amended to read:

16           "22-10-22. SUSPENSION AND REVOCATION OF CERTIFICATES--  
17 SUBPOENA POWER--APPEAL. --

18           A. The state board may suspend or revoke a  
19 certificate held by a certified school instructor or  
20 administrator for incompetency, immorality or [for] any other  
21 good and just cause.

22           B. A certificate may be suspended or revoked only  
23 according to the following procedure:

24                   (1) the state board serving written notice of  
25 the suspension or revocation on the person holding the

1 certificate in accordance with the law for service of process in  
2 civil actions. The notice of the suspension or revocation shall  
3 state the grounds for the suspension or revocation of the  
4 certificate. The notice of the suspension or revocation shall  
5 ~~[also designate a place, time and date, not less than thirty~~  
6 ~~days from the date of the service of the notice of the suspen-~~  
7 ~~sion or revocation, for a hearing]~~ include instructions for  
8 requesting a hearing before the state board;

9 (2) the state board or its designated hearing  
10 officer conducting a hearing ~~[which]~~ that provides the person  
11 holding the certificate, or his attorney, an opportunity to  
12 present evidence or arguments on all pertinent issues. A  
13 transcript shall be made of the entire hearing conducted by the  
14 state board or its designated hearing officer; and

15 (3) the state board rendering a written  
16 decision in accordance with the law and based upon evidence  
17 presented and admitted at the hearing. The written decision  
18 shall include findings of fact and conclusions of law and shall  
19 be based upon the findings of fact and the conclusions of law.  
20 A written copy of the decision of the state board shall be  
21 served upon the person holding the certificate within sixty days  
22 from the date of the hearing. Service of the written copy of  
23 the decision shall be in accordance with the law for service of  
24 process in civil actions or by certified mail to the person's  
25 address of record.

Underscored material = new  
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1                   C. The secretary of the state board or its  
2 designated hearing officer may subpoena witnesses, require their  
3 attendance and giving of testimony and require the production of  
4 books, papers and records in connection with a hearing held  
5 pursuant to the provisions of Subsection B of this section.  
6 Also, the state board may apply to the district court for the  
7 issuance of subpoenas and subpoenas duces tecum in the name of  
8 and on behalf of the state board.

9                   [~~C.~~] D. Any person aggrieved by a decision of the  
10 state board after a hearing pursuant to this section may appeal  
11 the decision to the court of appeals by filing a notice of  
12 appeal with the clerk of the court within thirty days after  
13 service of a written copy of the decision of the state board on  
14 the person. The cost of transcripts on appeal, including one  
15 copy for the use of the state board, shall be borne by the  
16 appellant. Upon appeal, the court of appeals shall affirm the  
17 decision of the state board unless the decision is found to be:

- 18                                 (1) arbitrary, capricious or unreasonable;
- 19                                 (2) not supported by substantial evidence; or
- 20                                 (3) otherwise not in accordance with law. "

21                   Section 4. Section 28-2-4 NMSA 1978 (being Laws 1974,  
22 Chapter 78, Section 4, as amended) is amended to read:

23                   "28-2-4. POWER TO REFUSE, RENEW, SUSPEND OR REVOKE PUBLIC  
24 EMPLOYMENT OR LICENSE. --

25                   A. Any board or other agency having jurisdiction

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1 over employment by the state or any of its political  
2 subdivisions or the practice of any trade, business or  
3 profession may refuse to grant or renew or may suspend or revoke  
4 any public employment or license or other authority to engage in  
5 the public employment, trade, business or profession for any one  
6 or any combination of the following causes:

7 (1) where the applicant, employee or licensee  
8 has been convicted of a felony or a misdemeanor involving moral  
9 turpitude and the criminal conviction directly relates to the  
10 particular employment, trade, business or profession;

11 (2) where the applicant, employee or licensee  
12 has been convicted of a felony or a misdemeanor involving moral  
13 turpitude and the criminal conviction does not directly relate  
14 to the particular employment, trade, business or profession, if  
15 the board or other agency determines after investigation that  
16 the person so convicted has not been sufficiently rehabilitated  
17 to warrant the public trust; or

18 (3) where the applicant or employee has been  
19 convicted of homicide, kidnapping, trafficking in controlled  
20 substances, criminal sexual penetration or related sexual  
21 offenses or child abuse and the applicant or employee has  
22 applied for reinstatement, renewal or issuance of a teaching  
23 certificate, regardless of rehabilitation.

24 B. The board or other agency shall explicitly state  
25 in writing the reasons for a decision [~~which~~] that prohibits the

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1 person from engaging in the employment, trade, business or  
2 profession if the decision is based in whole or in part on  
3 conviction of any crime described in Paragraphs (1) and (3) of  
4 Subsection A of this section. Completion of probation or parole  
5 supervision or expiration of a period of three years after final  
6 discharge or release from any term of imprisonment without any  
7 subsequent conviction shall create a presumption of sufficient  
8 rehabilitation for purposes of Paragraph (2) of Subsection A of  
9 this section. "

10 Section 5. APPROPRIATION. --Sixty thousand dollars  
11 (\$60,000) is appropriated from the general fund to the state  
12 department of public education for expenditure in fiscal year  
13 1998 for the purpose of implementing and managing the criminal  
14 background check program. Any unexpended or unencumbered  
15 balance remaining at the end of fiscal year 1998 shall revert to  
16 the general fund.

1 FORTY-THIRD LEGISLATURE SEC/SB 106/a  
2 FIRST SESSION, 1997

3  
4 February 27, 1997

5  
6 Mr. President:

7  
8 Your EDUCATION COMMITTEE, to whom has been referred

9  
10 SENATE BILL 106

11  
12 has had it under consideration and reports same with  
13 recommendation that it DO NOT PASS, but that

14  
15 SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
16 SENATE BILL 106

17  
18 DO PASS, amended as follows:

19  
20 1. On page 2, line 18, after the word "procedures" strike the  
21 word "addressing" and insert "to require".

22  
23 2. On page 5, line 25, after the word "board" insert "with the  
24 approval of the state board".,

25  
and thence referred to the JUDICIARY COMMITTEE.



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Respectfully submitted,

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\_\_\_\_\_  
Cynthia Nava, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

No: 0

Excused: Duran

Absent: None

S0106ED1

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 106

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR BACKGROUND CHECKS OF  
APPLICANTS FOR AN INITIAL CERTIFICATION; REQUIRING SCHOOL  
DISTRICT SUPERINTENDENTS TO REPORT CONVICTIONS OF A FELONY OR A  
MISDEMEANOR INVOLVING MORAL TURPITUDE; ALLOWING LOCAL SCHOOL  
BOARDS TO RUN EMPLOYEE BACKGROUND CHECKS; AMENDING SECTIONS  
22-10-22 AND 28-2-4 NMSA 1978 (BEING LAWS 1967, CHAPTER 16,  
SECTION 124 AND LAWS 1974, CHAPTER 78, SECTION 4, AS AMENDED);  
ENACTING NEW SECTIONS OF THE PUBLIC SCHOOL CODE; MAKING AN  
APPROPRIATION.

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] BACKGROUND CHECKS. --

A. An applicant for initial certification shall be

Underscored material = new  
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1 fingerprinted and shall provide to the department of education a  
2 copy of the applicant's federal bureau of investigation record.  
3 The use of the federal bureau of investigation record shall be  
4 limited to conviction of a felony or misdemeanor as described in  
5 Sections 28-2-1 through 28-2-6 NMSA 1978; provided that other  
6 information contained in the federal bureau of investigation  
7 record, if supported by independent evidence, can form the basis  
8 for the denial, suspension or revocation of a certificate for  
9 good and just cause. Such records and any related information  
10 shall be privileged and shall not be disclosed to individuals  
11 not directly involved in the certification or employment  
12 decisions affecting the specific applicants or employees. The  
13 applicant shall pay for the cost of obtaining the federal bureau  
14 of investigation record. The department of education shall  
15 implement the provisions of this section on or before July 1,  
16 1998.

17 B. Local school boards shall develop policies and  
18 procedures addressing employment background checks. Such  
19 policies and procedures may include requiring applicants who  
20 have been offered employment by the local school board to  
21 provide the applicant's federal bureau of investigation record.  
22 Applicants may be required to pay for the cost of obtaining a  
23 background check. Local school boards may require that  
24 contractors whose employees are in direct contact with students  
25 ensure that the employees of such contractors provide their  
federal bureau of investigation records to the employer. The  
department of education is authorized to release copies of  
federal bureau of investigation records on file with the

1 department of education to a local school board that requires that  
2 applicants who have been offered employment provide such records.  
3 The use of the federal bureau of investigation record shall be  
4 limited to conviction of a felony or misdemeanor as described in  
5 Sections 28-2-1 through 28-2-6 NMSA 1978; provided that other  
6 information contained in the federal bureau of investigation  
7 record, if supported by independent evidence, can form the basis  
8 for the employment decisions for good and just cause. Such records  
9 and any information related thereto shall be privileged and shall  
10 not be disclosed to individuals not directly involved in the  
11 certification or employment decisions affecting the specific  
12 applicants or employees."

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

15 "[NEW MATERIAL] KNOWN CONVICTION--REPORTING REQUIREMENT--  
16 LIMITED IMMUNITY FROM LIABILITY--PENALTY FOR FAILURE TO REPORT.--

17 A. A school district superintendent shall report to the  
18 department of education any known conviction of a felony or  
19 misdemeanor involving moral turpitude of a certified school  
20 employee that results in any type of action against the school  
21 employee.

22 B. The state board may suspend or revoke a certificate  
23 held by a certified school administrator who fails to report a  
24 criminal conviction involving moral turpitude of a certified school  
25 employee in accordance with Subsection A of this section.

1           C. An individual who in good faith reports any known  
2 conviction of a felony or misdemeanor involving moral turpitude of  
3 a school employee shall not be held liable for civil damages as a  
4 result of the report; provided that the person being accused shall  
5 have the right to sue for any damages sustained as a result of  
6 negligent or intentional reporting of inaccurate information or the  
7 disclosure of any information to an unauthorized person."

8           Section 3. Section 22-10-22 NMSA 1978 (being Laws 1967,  
9 Chapter 16, Section 124, as amended) is amended to read:

10           "22-10-22. SUSPENSION AND REVOCATION OF CERTIFICATES--  
11 APPEAL.--

12           A. The state board may suspend or revoke a certificate  
13 held by a certified school instructor or administrator for  
14 incompetency, immorality or ~~[for]~~ any other good and just cause.

15           B. A certificate may be suspended or revoked only  
16 according to the following procedure:

17           (1) the state board serving written notice of the  
18 suspension or revocation on the person holding the certificate in  
19 accordance with the law for service of process in civil actions.  
20 The notice of the suspension or revocation shall state the grounds  
21 for the suspension or revocation of the certificate. The notice of  
22 the suspension or revocation shall ~~[also designate a place, time~~  
23 ~~and date, not less than thirty days from the date of the service of~~  
24 ~~the notice of the suspension or revocation, for a hearing]~~ describe  
25 the rights of the person holding the certificate and include

1 instructions for requesting a hearing before the state board. Such  
2 hearing shall be requested within thirty days of receipt of the  
3 notice of suspension or revocation. If a hearing is requested, the  
4 hearing shall be held not less than thirty and not more than ninety  
5 days from the date of the request for the hearing;

6 (2) the state board or its designated hearing  
7 officer conducting a hearing which provides the person holding the  
8 certificate, or his attorney, an opportunity to present evidence or  
9 arguments on all pertinent issues. A transcript shall be made of  
10 the entire hearing conducted by the state board or its designated  
11 hearing officer; and

12 (3) the state board rendering a written decision in  
13 accordance with the law and based upon evidence presented and  
14 admitted at the hearing. The written decision shall include  
15 findings of fact and conclusions of law and shall be based upon the  
16 findings of fact and the conclusions of law. A written copy of the  
17 decision of the state board shall be served upon the person holding  
18 the certificate within sixty days from the date of the hearing.  
19 Service of the written copy of the decision shall be in accordance  
20 with the law for service of process in civil actions or by  
21 certified mail to the person's address of record.

22 C. The secretary of the state board or its designated  
23 hearing officer may subpoena witnesses, require their attendance  
24 and giving of testimony and require the production of books, papers  
25 and records in connection with a hearing held pursuant to the

1 provisions of Subsection B of this section. Also, the state board  
 2 may apply to the district court for the issuance of subpoenas and  
 3 subpoenas duces tecum in the name of and on behalf of the state  
 4 board.

5 [C-] D. Any person aggrieved by a decision of the state  
 6 board after a hearing pursuant to this section may appeal the  
 7 decision to the court of appeals by filing a notice of appeal with  
 8 the clerk of the court within thirty days after service of a  
 9 written copy of the decision of the state board on the person. The  
 10 cost of transcripts on appeal, including one copy for the use of  
 11 the state board, shall be borne by the appellant. Upon appeal, the  
 12 court of appeals shall affirm the decision of the state board  
 13 unless the decision is found to be:

- 14 (1) arbitrary, capricious or unreasonable;
- 15 (2) not supported by substantial evidence; or
- 16 (3) otherwise not in accordance with law."

17 Section 4. Section 28-2-4 NMSA 1978 (being Laws 1974, Chapter  
 18 78, Section 4, as amended) is amended to read:

19 "28-2-4. POWER TO REFUSE, RENEW, SUSPEND OR REVOKE PUBLIC  
 20 EMPLOYMENT OR LICENSE. --

21 A. Any board or other agency having jurisdiction over em-  
 22 ployment by the state or any of its political subdivisions or the  
 23 practice of any trade, business or profession may refuse to grant  
 24 or renew or may suspend or revoke any public employment or license  
 25 or other authority to engage in the public employment, trade,

1 business or profession for any one or any combination of the  
2 following causes:

3 (1) where the applicant, employee or licensee has  
4 been convicted of a felony or a misdemeanor involving moral  
5 turpitude and the criminal conviction directly relates to the  
6 particular employment, trade, business or profession;

7 (2) where the applicant, employee or licensee has  
8 been convicted of a felony or a misdemeanor involving moral  
9 turpitude and the criminal conviction does not directly relate to  
10 the particular employment, trade, business or profession, if the  
11 board or other agency determines after investigation that the  
12 person so convicted has not been sufficiently rehabilitated to  
13 warrant the public trust; or

14 (3) where the applicant or employee has been  
15 convicted of homicide, kidnapping, trafficking in controlled  
16 substances, criminal sexual penetration or related sexual offenses  
17 or child abuse and the applicant or employee has applied for  
18 reinstatement, renewal or issuance of a teaching certificate,  
19 regardless of rehabilitation.

20 B. The board or other agency shall explicitly state in  
21 writing the reasons for a decision which prohibits the person from  
22 engaging in the employment, trade, business or profession if the  
23 decision is based in whole or in part on conviction of any crime  
24 described in Paragraphs (1) and (3) of Subsection A of this  
25 section. Completion of probation or parole supervision or



1 expiration of a period of three years after final discharge or  
2 release from any term of imprisonment without any subsequent  
3 conviction shall create a presumption of sufficient rehabilitation  
4 for purposes of Paragraph (2) of Subsection A of this section. "

5 Section 5. APPROPRIATION. -- One hundred seventy-five thousand  
6 dollars (\$175,000) is appropriated from the general fund to the  
7 state department of public education for expenditure in fiscal year  
8 1998 for the purpose of implementing a criminal records background  
9 check program. Any unexpended or unencumbered balance remaining at  
10 the end of fiscal year 1998 shall revert to the general fund.

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SEC/SB 106

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FORTY-THIRD LEGISLATURE SB 106/a  
FIRST SESSION, 1997

March 10, 1997

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 106, as amended

has had it under consideration and reports same with recommendation  
that it DO PASS, amended as follows:

1. On page 1, line 18, after the semicolon insert "CREATING A  
FUND;".

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

SJC/SEC/SB 106

Page 19

2. On page 1, line 19, strike "APPROPRIATION" and insert in lieu thereof "APPROPRIATIONS".

3. On page 2, strike lines 3 and 4 and insert "Convictions of felonies or misdemeanors contained in the federal bureau of investigation record shall be used in accordance with".

4. On page 2, line 5, strike "; provided that other" and insert ". Other".

5. On page 3, line 5, strike "The use of the", strike all of line 6 and strike line 7 through "described in" and insert in lieu thereof "Convictions of felonies or misdemeanors contained in the federal bureau of investigation record shall be used in accordance with".

6. On page 4, between lines 10 and 11, insert the following:

"Section 3. Section 22-10-4 NMSA 1978 (being Laws 1967, Chapter 16, Section 107) is amended to read:

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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"22- 10- 4. CERTIFICATE FEES. --The state board shall charge a reasonable fee for each application for or the renewal of a certificate. ~~[All fees collected pursuant to this section shall be deposited with the state treasurer for credit to the general fund]~~ This fee may be waived if the applicant meets a standard of indigency as established by the department of education.".

- 7. Renumber the succeeding sections accordingly.
- 8. On page 5, line 7, strike "not less than thirty and".
- 9. On page 8, between lines 7 and 8, insert the following:

"Section 5. [NEW MATERIAL] EDUCATOR CERTIFICATION FUND--  
DISTRIBUTION-- APPROPRIATION. --

A. The "educator certification fund" is created in the state treasury and shall be administered by the state department of public education. The fund shall consist of money collected from application fees for certification or for renewal of certification by the state board of education.

B. Money in the fund is appropriated to the state department of public education for the purpose of funding the

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**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

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SJC/SEC/SB 106

Page 21

educator background check program. Money in the fund and any interest that may accrue to the fund shall not revert at the end of the fiscal year but shall remain to the credit of the fund."

10. Renumber the succeeding sections accordingly.

11. On page 8, line 10, strike "the state department of public education" and insert in lieu thereof "educator certification fund"., and thence referred to the FINANCE COMMITTEE.

Respectfully submitted,

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SEC/SB 106

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

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SJC/SEC/SB 106

Page 22

\_\_\_\_\_  
Fernando R. Macias, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Sanchez, Vernon

Absent: None

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1 FORTY-THIRD LEGISLATURE  
2 FIRST SESSION, 1997  
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5 March 15, 1997  
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7 Mr. President:  
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9 Your FINANCE COMMITTEE, to whom has been referred  
10

11 SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
12 SENATE BILL 106  
13

14 has had it under consideration and reports same with recommendation  
15 that it DO PASS, amended as follows:  
16

17 1. On page 1, lines 18 and 19 strike "; MAKING AN  
18 APPROPRIATION".

19 2. On page 8, strike lines 8 through 13, Section 5 in its  
20 entirety.  
21

22 Respectfully submitted,  
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SEC/SB 106

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

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Page 24

\_\_\_\_\_  
Ben D. Altamirano, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Carraro, Eisenstadt, Ingle, Lyons, McKibben

Absent: None

S0106FC1

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**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

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Page 25

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

**March 22, 1997**

SENATE FLOOR AMENDMENT number \_\_\_\_\_ to SENATE BILL 106, as amended

AMENDMENT sponsored by SENATOR RAWSON

1. Strike Senate Judiciary Committee Amendments No. 2 and No. 11.

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SEC/SB 106

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

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Senator Leonard Lee Rawson

Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

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# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 20, 1997

Mr. Speaker:

Your EDUCATION COMMITTEE, to whom has been referred

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 106, as amended

has had it under consideration and reports same with  
recommendation that it DO PASS, amended as follows:

1. Strike Senate Judiciary Committee Amendments 6 and 7.
2. On page 2, line 1, after "provide" insert "two fingerprint cards".
3. On page 2, line 1, strike "a" and insert in lieu thereof a period.
4. On page 2, strike line 2 in its entirety.
5. On page 2, line 25, after "contractors" insert "be

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

SEC/SB 106

HEC/SECS/SB 106, aa

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fingerprinted and".

6. On page 2, line 25, after "provide" insert "two fingerprint cards".

7. On page 2, line 25, strike "their".

8. On page 3, line 1, strike "federal bureau of investigation records to the employer" and insert in lieu thereof "to the local school board".

9. On page 4, between lines 10 and 11, insert the following:

"Section 3. Section 22-10-4 NMSA 1978 (being Laws 1967, Chapter 16, Section 107) is amended to read:

"22-10-4. CERTIFICATE FEES. --The state board [~~may~~] shall charge a reasonable fee for each application for or the renewal of a certificate. [~~All fees collected pursuant to this section shall be deposited with the state treasurer for credit to the general fund~~] This fee may be waived if the applicant meets a standard of indigency as established by the department of education.".

10. Renumber the succeeding sections accordingly.,

and thence referred to the JUDICIARY COMMITTEE.

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

HEC/SECS/SB 106, aa

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Respectfully submitted,

\_\_\_\_\_  
Samuel F. Vigil, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 12 For 0 Against

Yes: 12

Excused: W. C. Williams

Absent: None

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**State of New Mexico  
House of Representatives**

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

**March 21, 1997**

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 106, as amended

has had it under consideration and reports same with  
recommendation that it DO PASS, and thence referred to the  
APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

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Thomas P. Foy, Chairman

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 12 For 0 Against

Yes: 12

Excused: Rios

Absent: None

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