

AN ACT

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

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

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

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

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

(1) have control over all state buildings
and lands except those under the control and management of
the state highway and transportation department; the state
fair commission; state institutions of higher learning;
regional education cooperatives; the New Mexico school for
the deaf; the New Mexico school for the visually handicapped;
the supreme court; the commissioner of public lands; the
state armory board, in accordance with Section 20-8-3 NMSA
1978; the building in which the legislature is housed, the
adjacent utilities plant and the surrounding grounds; the
museum of New Mexico; and the state library building and
adjacent grounds. The director shall assign the use or
occupancy of state buildings and lands under his control to
the state agency or political subdivision that may make the

best and highest beneficial use of the property;

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

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

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

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

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

(7) care for and beautify the grounds and premises under his control that are located within the exterior boundaries of the city of Santa Fe, either with his

own staff or by contract with private firms;

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

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

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

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

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

C. When the parties determine that it is in the best interest of the state, the director of the property control division and the governing body of state property,

otherwise exempted pursuant to Subsection A of this section, may enter into an agreement pursuant to the Joint Powers Agreements Act for the director to exercise such control and jurisdiction over the state property as is specified in the agreement."

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

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

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

F. "group health insurance" means coverage which includes but is not limited to life insurance, accidental death and dismemberment, medical care and treatment, dental care, eye care and other coverages as determined by the

authority;

G. "risk-related coverage" means coverage which includes but is not limited to property and casualty, general liability, auto and fleet, workers' compensation and other casualty insurance; and

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

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

"22-2B-1. SHORT TITLE.--Chapter 22, Article 2B NMSA 1978 may be cited as the "Regional Cooperative Education Act"."

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

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

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

B. "cooperative" means a regional education cooperative."

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

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

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A. The state board may authorize the existence and operation of "regional education cooperatives". Upon authorization by the state board, local school boards may join with other local school boards or other state-supported educational institutions to form cooperatives for the purpose of providing education-related services. Cooperatives shall be deemed individual state agencies administratively attached to the department of education; provided that:

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

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

(3) pursuant to the rules of the state board, the state superintendent may, after considering the factors specified in Section 22-8-38 NMSA 1978, designate a cooperative as a board of finance with which all funds appropriated or distributed to it shall be deposited. If such a designation is not made or if such a designation is

suspended by the state superintendent, the money appropriated or to be distributed to a cooperative shall be deposited with the state treasurer. Unexpended or unencumbered balances in the account of a cooperative shall not revert.

B. The state board shall, by rule, establish minimum criteria for the establishment and operation of cooperatives. The state board shall also establish procedures for oversight of cooperatives to ensure compliance with state board rule. Cooperatives shall be exempt from the provisions of the Personnel Act."

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

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

A. An applicant for initial certification shall be fingerprinted and shall provide two fingerprint cards or the equivalent electronic fingerprints to the department of education to obtain the applicant's federal bureau of investigation record. Convictions of felonies or misdemeanors contained in the federal bureau of investigation record shall be used in accordance with the Criminal Offender Employment Act. Other information contained in the federal bureau of investigation record, if supported by independent evidence, may form the basis for the denial, suspension or revocation of a certificate for good and just cause. Records and any related information shall be privileged and shall not

be disclosed to a person not directly involved in the certification or employment decisions affecting the specific applicant. The applicant for initial certification shall pay for the cost of obtaining the federal bureau of investigation record.

B. Local school boards and regional education cooperatives shall develop policies and procedures to require background checks on an applicant who has been offered employment, a contractor or a contractor's employee with unsupervised access to students. An applicant for employment who has been initially certified within twelve months of applying for employment with a local school board or regional education cooperative shall not be required to submit to another background check if the department of education has copies of his federal bureau of investigation records on file. An applicant who has been offered employment, a contractor or a contractor's employee with unsupervised access to students shall provide two fingerprint cards or the equivalent electronic fingerprints to the local school board or regional education cooperative to obtain his federal bureau of investigation record. The applicant who has been offered employment, contractor or contractor's employee with unsupervised access to students may be required to pay for the cost of obtaining a background check. At the request of a local school board or regional education cooperative, the

department of education is authorized to release copies of federal bureau of investigation records that are on file with the department of education and that are not more than twelve months old. Convictions of felonies or misdemeanors contained in the federal bureau of investigation record shall be used in accordance with the Criminal Offender Employment Act; provided that other information contained in the federal bureau of investigation record, if supported by independent evidence, may form the basis for the employment decisions for good and just cause. Records and any related information shall be privileged and shall not be disclosed to a person not directly involved in the employment decision affecting the specific applicant who has been offered employment, contractor or contractor's employee with unsupervised access to students.

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

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