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HOUSE BILL 683

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

INTRODUCED BY

Gail C. Beam

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

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.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 "22-2-6.3. DEFINITIONS. -- As used in the Public School  
9 Insurance Authority Act:

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

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

14 C. "director" means the director of the public  
15 school insurance authority;

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

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

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

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1 authority;

2 G. "risk-related coverage" means coverage which  
3 includes but is not limited to property and casualty, general  
4 liability, auto and fleet, [~~workmen's~~] workers' compensation  
5 and other casualty insurance; and

6 H. "school district" means a school district as  
7 defined in Subsection [~~J~~] K of Section 22-1-2 NMSA 1978,  
8 excluding any school district with a student enrollment in  
9 excess of sixty thousand students. "

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

12 "22-2B-1. SHORT TITLE. -- [~~Sections 1 through 6 of this~~  
13 ~~act~~] Chapter 22, Article 2B NMSA 1978 may be cited as the  
14 "Regional Cooperative Education Act". "

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

17 "22-2B-2. DEFINITIONS. --As used in the Regional  
18 Cooperative Education Act:

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

21 B. "cooperative" means a regional education  
22 cooperative [~~and~~

23 C. [~~"fund" means an educational cooperative fund~~]. "

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

1 "22-2B-3. REGIONAL EDUCATION COOPERATIVES AUTHORIZED. --

2 A. The state board may authorize the existence and  
3 operation of "regional education cooperatives". Upon  
4 authorization by the state board, local school boards may join  
5 with other local school boards or other state-supported  
6 educational institutions to form cooperatives for the purpose  
7 of providing education-related services. [~~to qualified school-~~  
8 ~~age residents of participating educational entities. Regional~~  
9 ~~education]~~ Cooperatives shall be deemed individual state  
10 agencies administratively attached to the department of  
11 education; provided that:

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

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

22 (3) pursuant to the rules of the state board,  
23 the state superintendent may, after considering the factors  
24 specified in Section 22-8-38 NMSA 1978, designate a  
25 cooperative as a board of finance with which all funds

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1 appropriated or distributed to it shall be deposited. If such  
2 a designation is not made or if such a designation is  
3 suspended by the state superintendent, the money appropriated  
4 or to be distributed to a cooperative shall be deposited with  
5 the state treasurer. Unexpended or unencumbered balances in  
6 the account of a cooperative shall not revert.

7 B. The state board shall, by [~~regulation~~] rule,  
8 establish minimum criteria for the establishment and operation  
9 of cooperatives. The state board shall also establish  
10 procedures for oversight of cooperatives to ensure compliance  
11 with state board [~~regulation. Regional education~~] rule.  
12 Cooperatives shall be exempt from the provisions of the  
13 Personnel Act. "

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

16 "22-10-3.3. BACKGROUND CHECKS. --

17 A. An applicant for initial certification shall be  
18 fingerprinted and shall provide two fingerprint cards or the  
19 equivalent electronic fingerprints to the department of  
20 education to obtain the applicant's federal bureau of  
21 investigation record. Convictions of felonies or misdemeanors  
22 contained in the federal bureau of investigation record shall  
23 be used in accordance with the Criminal Offender Employment  
24 Act. Other information contained in the federal bureau of  
25 investigation record, if supported by independent evidence,

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1 may form the basis for the denial, suspension or revocation of  
2 a certificate for good and just cause. Records and any  
3 related information shall be privileged and shall not be  
4 disclosed to a person not directly involved in the  
5 certification or employment decisions affecting the specific  
6 applicant. The applicant for initial certification shall pay  
7 for the cost of obtaining the federal bureau of investigation  
8 record.

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

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

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

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

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 March 3, 1999

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8 Mr. Speaker:

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10 Your EDUCATION COMMITTEE, to whom has been referred

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12 HOUSE BILL 683

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

16 1. On page 4, line 5, after the period strike the  
17 quotation mark.

18  
19 2. On page 4, between lines 5 and 6, insert the following  
20 new subsection:

21  
22 "C. When the parties determine that it is in the  
23 best interest of the state, the director of the property control  
24 division and the governing body of state property, otherwise  
25 exempted pursuant to Subsection A of this section, may enter  
into an agreement pursuant to the Joint Powers Agreements Act

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FIRST SESSION, 1999

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for the director to exercise such control and jurisdiction over  
the state property as is specified in the agreement."".

Respectfully submitted,

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Rick Mi era, Chair man

Adopted \_\_\_\_\_

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

(Chi ef Clerk)

(Chi ef Clerk)

Date \_\_\_\_\_

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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The roll call vote was 15 For 0 Against

Yes: 15

Excused: Mi era

Absent: None

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FIRST SESSION, 1999

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March 14, 1999

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Mr. President:

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Your EDUCATION COMMITTEE, to whom has been referred

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HOUSE BILL 683, as amended

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has had it under consideration and reports same with  
recommendation that it DO PASS.

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Respectfully submitted,

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Cynthia Nava, Chairman

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

3 Adopted \_\_\_\_\_

4 (Chief Clerk)

(Chief Clerk)

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7 Date \_\_\_\_\_

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The roll call vote was 8 For 0 Against

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Yes: 8

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No: 0

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Excused: Garcia, Lopez

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Absent: None

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