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SENATE BILL 192

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

INTRODUCED BY

Mark L. Boitano

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATION; 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:

A. "charter school" means a conversion school or

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1 start-up school within a school district authorized by the
2 local school board to operate as a charter school;

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

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

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

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

15 "[NEW MATERIAL] PURPOSE. -- The 1999 Charter Schools Act
16 is enacted to enable individual schools to restructure their
17 educational curriculum to encourage the use of different and
18 innovative teaching methods that are based on reliable
19 research and effective practices or have been replicated
20 successfully in schools with diverse characteristics; to allow
21 the development of different and innovative forms of measuring
22 student learning and achievement; to address the needs of all
23 students, including those determined to be at risk; to create
24 new professional opportunities for teachers, including the
25 opportunity to be responsible for the learning program at the

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1 school site; to improve student achievement; to provide
2 parents and students with an educational alternative to create
3 new, innovative and more flexible ways of educating children
4 within the public school system; to encourage parental and
5 community involvement in the public school system; to develop
6 and use site-based budgeting; and to hold charter schools
7 accountable for meeting state board minimum educational
8 standards and fiscal requirements. "

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

11 "[NEW MATERIAL] CHARTER SCHOOLS' RIGHTS AND
12 RESPONSIBILITIES-- OPERATION. --

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

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

25 C. A charter school shall be administered and

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1 governed by a governing body in the manner set forth in the
2 charter.

3 D. A charter school shall be responsible for its
4 own operation, including preparation of a budget, contracting
5 for services and personnel matters.

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

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

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

23 H. A charter school may negotiate with a local
24 school district for capital expenditures.

25 I. A charter school shall be a nonsectarian,

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1 nonreligious and non-home-based public school that operates
2 within a public school district.

3 J. Except as otherwise provided in the Public
4 School Code, a charter school shall not charge tuition or have
5 admission requirements.

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

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

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

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

22 O. A charter school shall comply with all state
23 and federal health and safety requirements applicable to
24 public schools. "

25 Section 5. A new section of the Public School Code is

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1 enacted to read:

2 "[NEW MATERIAL] CHARTER SCHOOLS--LOCAL SCHOOL BOARD
3 AUTHORITY--STATE BOARD AUTHORITY.--

4 A. The local school board may waive only locally
5 imposed school district requirements.

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

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

19 D. No local school board shall require any
20 employee of the school district to be employed in a charter
21 school.

22 E. No local school board shall require any student
23 residing within the geographic boundary of its district to
24 enroll in a charter school.

25 F. A student who is suspended or expelled from a

1 charter school shall be deemed to be suspended or expelled
2 from the school district in which the student resides. "

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

5 "[NEW MATERIAL] CHARTER SCHOOL REQUIREMENTS--APPLICATION
6 PROCESS--AUTHORIZATION. --

7 A. The local school board shall have the authority
8 to approve the establishment of a charter school within the
9 local school district in which it is located.

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

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

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

25 E. The local school board shall receive and review

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1 all applications for charter schools. The local school board
2 shall not charge application fees. If the board finds the
3 charter school application is incomplete, the board shall
4 request the necessary information from the charter applicant.

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

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

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

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

3 "[NEW MATERIAL] CHARTER SCHOOL APPLICATION APPEAL--
4 PROCEDURES. --

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

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

23 (1) within sixty days after receipt of the
24 notice of appeal, the state board, at a public hearing that
25 may be held in the school district in which the proposed

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1 charter school has applied for a charter, shall review the
2 decision of the local school board and make its findings. If
3 the state board finds that the local school board's decision
4 was contrary to the best interests of the students, school
5 district or community, the state board shall remand the
6 decision to the local school board with written instructions
7 for approval of the charter. The instructions shall include
8 specific recommendations concerning approval of the charter.
9 The decision of the state board shall be final and not subject
10 to appeal; and

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

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

23 (1) violate any federal or state laws
24 concerning civil rights;

25 (2) violate any court order;

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1 (3) threaten the health and safety of
2 students within the school district; or

3 (4) violate the provisions of Section 11 of
4 the 1999 Charter Schools Act, prescribing the permissible
5 number of charter schools.

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

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

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

- 19 A. the mission statement of the charter school;
- 20 B. the goals, objectives and student performance
21 standards to be achieved by the charter school;

- 22 C. a description of the charter school's
23 educational program, student performance standards and
24 curriculum that must meet or exceed the state board of
25 education's educational standards and must be designed to

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1 enable each student to achieve those standards;

2 D. a description of the way a charter school's
3 educational program will meet the individual needs of the
4 students, including those students determined to be at risk;

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

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

17 G. evidence that the fiscal management of the
18 charter school complies with all applicable federal and state
19 laws and regulations relative to fiscal procedures;

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

23 I. a description of the governing body and
24 operation of the charter school, including how the governing
25 body will be selected, the nature and extent of parental,

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1 professional educator and community involvement in the
2 governance and operation of the school and the relationship
3 between the governing body and the local school board;

4 J. an explanation of the relationship that will
5 exist between the proposed charter school and its employees,
6 including evidence that the terms and conditions of employment
7 have been addressed with affected employees and their
8 recognized representatives, if any;

9 K. the employment and student discipline policies
10 of the proposed charter school;

11 L. an agreement between the charter school and the
12 local school board regarding their respective legal liability
13 and applicable insurance coverage;

14 M. a description of how the charter school plans
15 to meet the transportation and food service needs of its
16 students;

17 N. a description of the waivers that the charter
18 school is requesting from the local school board and the state
19 board and the charter school's plan for addressing these
20 waiver requests;

21 O. a description of the facilities the charter
22 school plans to use; and

23 P. any other information reasonably required by
24 the local school board. "

25 Section 9. A new section of the Public School Code is

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1 enacted to read:

2 "[NEW MATERIAL] CHARTER SCHOOL--CONTRACT CONTENTS--
3 RULES. --

4 A. An approved charter application shall be a
5 contract between the charter school and the local school
6 board.

7 B. The contract between the charter school and the
8 local school board shall reflect all agreements regarding the
9 release of the charter school from school district policies.

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

22 D. Upon approval of the charter by the local
23 school board, the charter school shall be waived from the
24 Public School Code provisions relating to individual class
25 load and teaching load requirements, length of school day,

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1 staffing patterns, subject areas and purchase of instructional
2 materials.

3 E. The charter school shall participate in the
4 public school insurance authority.

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

8 G. The charter shall include procedures agreed
9 upon by the charter school and the local school board for the
10 resolution of disputes between the charter school and the
11 local school board.

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

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

19 "[NEW MATERIAL] CHARTER SCHOOLS--EMPLOYEE OPTIONS--HIRING
20 AND FIRING. --

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

25 B. An employee of a conversion school who was

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1 previously an employee of the school district in which the
2 conversion school is located shall be considered to be on a
3 one-year leave of absence from the school district. The leave
4 of absence shall commence on the initial date of employment
5 for the charter school. Upon request of the employee, the one-
6 year leave of absence shall be renewed for up to two
7 additional one-year periods, absent good cause.

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

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

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

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

- 25 (1) the employee's notice of intent to

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1 return is submitted to the school district within three years
2 after ceasing employment with the school district; and

3 (2) if the employee is a teacher, a position
4 for which the teacher is certified or is qualified to become
5 certified is available. If the employee is not a teacher, a
6 position for which the employee is qualified is available.

7 G. An employee who is on leave of absence and
8 employed by a charter school and is discharged or terminated
9 for just cause by the charter school shall be considered
10 discharged or terminated by the school district.

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

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

23 "[NEW MATERIAL] CHARTER SCHOOLS-- MAXIMUM NUMBER
24 ESTABLISHED. --

25 A. Local school boards shall authorize the

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1 approval of both conversion and start-up charter schools
2 within their school districts.

3 B. No more than fifteen start-up schools and five
4 conversion schools may be established per year. The number of
5 charter school slots remaining in that year shall be
6 transferred to succeeding years up to a maximum of seventy-
7 five start-up schools and twenty-five conversion schools in
8 any five-year period. The state board shall promptly notify
9 the local school board of each school district when the limits
10 set forth in this section have been reached. "

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

13 "[NEW MATERIAL] CHARTER SCHOOLS--TERM-RENEWAL OF
14 CHARTER--GROUNDS FOR NONRENEWAL OR REVOCATION.--

15 A. A charter school may be approved for an initial
16 term of five years. A charter may be renewed for successive
17 periods of five years each. Approvals of less than five years
18 can be agreed to between the charter school and the local
19 school board.

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

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1 date.

2 C. A charter school renewal application submitted
3 to the local school board shall contain:

4 (1) a report on the progress of the charter
5 school in achieving the goals, objectives, student performance
6 standards, state board minimum educational standards and other
7 terms of the initial approved charter application, including
8 the accountability requirements set forth in Section 22-1-6
9 NMSA 1978;

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

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

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

21 (5) a petition in support of the charter
22 school renewing its charter status signed by a majority of the
23 households whose children are enrolled in the charter school.

24 D. A charter may be revoked or not renewed by the
25 local school board if the board determines that the charter

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1 school did any of the following:

2 (1) committed a material violation of any of
3 the conditions, standards or procedures set forth in the
4 charter;

5 (2) failed to meet or make substantial
6 progress toward achievement of the state board minimum
7 educational standards or student performance standards
8 identified in the charter application;

9 (3) failed to meet generally accepted
10 standards of fiscal management; or

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

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

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

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

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

22 A. The amount of funding allocated to the charter
23 school shall be not less than ninety-eight percent of the
24 school-generated program cost.

25 B. That portion of money from state or federal

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1 programs generated by students enrolled in a charter school
2 shall be allocated to charter schools serving students
3 eligible for that aid. Any other public school program not
4 offered by the charter school shall not be entitled to the
5 share of money generated by a charter school program.

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

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

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

16 A. The "charter schools stimulus fund" is created
17 in the state treasury. Money in the fund is appropriated to
18 the department of education to provide financial support to
19 charter schools, whether start-up or conversion, for initial
20 start-up costs and initial costs associated with renovating or
21 remodeling existing buildings and structures for expenditure
22 in fiscal year 2000 and subsequent fiscal years. The fund
23 shall consist of money appropriated by the legislature and
24 grants, gifts, devises and donations from any public or
25 private source. The department of education shall administer

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1 the fund in accordance with rules adopted by the state board.
2 The department of education may use up to three percent of the
3 fund for administrative costs. Money in the fund shall not
4 revert to the general fund at the end of a fiscal year.

5 B. If the charter school receives an initial grant
6 and fails to begin operating a charter school within the next
7 eighteen months, the charter school shall immediately
8 reimburse the fund. "

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

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

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

2 "[NEW MATERIAL] CHARTER SCHOOLS-- SAVINGS CLAUSE. -- The
3 state board may extend for a period of two years the charter
4 of any school for which the state board has granted a charter
5 prior to the effective date of this act. Any further
6 extensions of the charter shall be governed by the provisions
7 of the 1999 Charter Schools Act. "

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

10 "13-1-99. EXCLUDED FROM CENTRAL PURCHASING THROUGH THE
11 STATE PURCHASING AGENT. -- Excluded from the requirement of
12 procurement through the state purchasing agent but not from
13 the requirements of the Procurement Code are the following:

- 14 A. procurement of professional services;
- 15 B. small purchases having a value not exceeding
16 two hundred fifty dollars (\$250);
- 17 C. emergency procurement;
- 18 D. procurement of highway construction or
19 reconstruction by the state highway and transportation
20 department;
- 21 E. procurement by the judicial branch of state
22 government;
- 23 F. procurement by the legislative branch of state
24 government;
- 25 G. procurement by the boards of regents of state

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1 educational institutions named in Article 12, Section 11 of
2 the constitution of New Mexico;

3 ~~[H. procurement of information processing~~
4 ~~resources procured through the commission on information and~~
5 ~~communication management;~~

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

9 ~~[J.]~~ I. purchases from the instructional material
10 fund;

11 ~~[K.]~~ J. procurement by all local public bodies;

12 ~~[L.]~~ K. procurement by regional education
13 cooperatives; ~~[and]~~

14 L. procurement by charter schools; and

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

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

21 "22-2-6.3. DEFINITIONS.--As used in the Public School
22 Insurance Authority Act:

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

25 B. "board" means the board of directors of the

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1 public school insurance authority;

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

5 [~~C.~~] D. "director" means the director of the
6 public school insurance authority;

7 [~~D.~~] E. "educational entities" means state
8 educational institutions as enumerated in Article 12, Section
9 11 of the constitution of New Mexico and other state diploma,
10 degree-granting and certificate-granting post-secondary
11 educational institutions;

12 [~~E.~~] F. "fund" means the public school insurance
13 fund;

14 [~~F.~~] G. "group health insurance" means coverage
15 which includes but is not limited to life insurance,
16 accidental death and dismemberment, medical care and
17 treatment, dental care, eye care and other coverages as
18 determined by the authority;

19 [~~G.~~] H. "risk-related coverage" means coverage
20 which includes but is not limited to property and casualty,
21 general liability, auto and fleet, [~~workmen's~~] workers'
22 compensation and other casualty insurance; and

23 [~~H.~~] I. "school district" means a school district
24 as defined in Subsection [~~J~~] K of Section 22-1-2 NMSA 1978,
25 excluding any school district with a student enrollment in

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1 excess of sixty thousand students. "

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

4 "22-2-6.6. FUND CREATED-- BUDGET REVIEW - PREMIUMS. --

5 A. There is created the "public school insurance
6 fund". All income earned on the fund shall be credited to the
7 fund. The fund is appropriated to the authority to carry out
8 the provisions of the Public School Insurance Authority Act.
9 Any [~~funds~~] money remaining in the fund at the end of each
10 fiscal year shall not revert to the general fund.

11 B. The board shall determine which money in the
12 fund constitutes the long-term reserves of the authority. The
13 state investment officer shall invest the long-term reserves
14 of the authority in accordance with the provisions of Sections
15 6-8-1 through 6-8-16 NMSA 1978. The state treasurer shall
16 invest the money in the fund that does not constitute the
17 long-term reserves of the fund in accordance with the
18 applicable provisions of Chapter 6, Article 10 NMSA 1978.

19 C. All appropriations [~~of funds~~] shall be subject
20 to budget review through the department of education, the
21 state budget division of the department of finance and
22 administration and the legislative finance committee.

23 D. The authority shall provide that premiums are
24 collected from school districts and charter schools
25 participating in the authority sufficient to provide the

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1 required insurance coverage and to pay the expenses of the
2 authority. All premiums shall be credited to the fund.

3 E. Any reserves remaining at the termination of an
4 insurance contract shall be disbursed to the individual school
5 districts, charter schools and other participating entities on
6 a pro rata basis.

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

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

18 "22-2-6.9. PARTICIPATION--WAIVERS. --

19 A. [~~A school district~~] School districts and
20 charter schools shall participate in the authority, unless the
21 school district or charter school is granted a waiver by the
22 board.

23 B. In determining whether a waiver should be
24 granted, the board shall establish minimum benefit and
25 financial standards for the desired line of coverage. These

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

22 C. Any school district or charter school granted a
23 waiver of participation for health insurance shall be required
24 to petition for participation in other kinds of group
25 insurance coverage and shall be required to meet the

. 125091. 3

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1 requirements established by the authority prior to
2 participation in other kinds of group insurance coverage. A
3 school district or charter school which has been granted a
4 waiver shall be prohibited from participating in the coverage
5 for which a waiver was granted for the entire term of the
6 authority's insurance contract. Provided, however, that if
7 the authority contracts for a line or lines of coverage for a
8 period of eight years, the board may establish procedures and
9 preconditions for authorizing a school district or charter
10 school which has been granted a waiver to again participate in
11 the coverage after the expiration of the first four years of
12 coverage.

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

23 E. Educational entities may petition the authority
24 for permission to participate in the insurance coverage
25 provided by the authority. To protect the stability of the

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1 fund, the authority shall establish reasonable terms and
2 conditions for participation by educational entities.

3 F. A participating school district or charter
4 school may separately provide for coverage additional to that
5 offered by the authority.

6 G. The local school districts, charter schools or
7 the authority, as appropriate, may provide for marketing and
8 servicing to be done by licensed insurance agents or brokers
9 who should receive reasonable compensation for their
10 services. "

11 Section 21. Section 22-2-6.10 NMSA 1978 (being Laws
12 1989, Chapter 373, Section 5) is amended to read:

13 "22-2-6.10. GROUP INSURANCE CONTRIBUTIONS. --

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

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

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

24 (3) sixty-five percent of the cost of the
25 insurance of an employee whose annual salary is twenty

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1 thousand dollars (\$20,000) or more but less than twenty-five
2 thousand dollars (\$25,000); or

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

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

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

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1 "22-8-6. BUDGETS--SUBMISSION--FAILURE TO SUBMIT.--

2 A. Prior to April 15 of each year, each local
3 school board shall submit to the department an estimated
4 budget for the school district and any charter schools in the
5 district for the ensuing fiscal year. Upon written approval
6 of the state superintendent, the date for the submission of
7 the estimated budget as required by this section may be
8 extended to a later date fixed by the state superintendent.

9 B. The estimated budget required by this section
10 may include:

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

14 (2) estimates of the cost of contracts for
15 the transportation of students for terms extending up to four
16 years.

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

. 125091. 3

1 generated at that charter school and approximate anticipated
2 disbursements and expenditures at each charter school.

3 D. If a local school board fails to submit a
4 budget pursuant to this section, the department shall prepare
5 the estimated budget for the school district for the ensuing
6 fiscal year. A local school board shall be considered as
7 failing to submit a budget pursuant to this section if the
8 budget submitted exceeds the total projected resources of the
9 school district or if the budget submitted does not comply
10 with the law or the manual of accounting and budgeting of the
11 department. "

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

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

. 125091. 3

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1 school shall submit to the local school board a school-based
2 budget. The budget shall be based upon the projected number
3 of program units generated by that charter school and its
4 students, using the at-risk index and the training and
5 experience index of the district. The budget shall be
6 submitted to the local school board for approval or amendment.
7 The approval or amendment authority of the local school board
8 relative to the charter school budget is limited to ensuring
9 that sound fiscal practices are followed in the development of
10 the budget and that the charter school budget is within the
11 allotted resources. The local school board shall have no veto
12 authority over individual line items within the charter
13 school's proposed budget, but shall approve or disapprove the
14 budget in its entirety. Upon final approval of the local
15 budget by the local school board, the individual charter
16 school budget shall be included separately in the budget
17 submission to the department of education required pursuant to
18 the Public School Finance Act and the 1999 Charter Schools
19 Act."

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

24 "22-8-15. ALLOCATION LIMITATION. --

25 A. The department shall determine the allocations

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1 to each school district from each of the distributions of the
2 public school fund, subject to the limits established by law.

3 B. The local school board in each [~~local~~] school
4 district with authorized charter schools shall allocate the
5 appropriate distributions of the public school fund to
6 individual charter schools pursuant to each charter school's
7 school-based budget approved by the local school board and the
8 department. [~~The local school board may retain an amount not~~
9 ~~to exceed the school district's administrative cost relevant~~
10 ~~to that charter school.~~

11 C. ~~The local school board in each local school~~
12 ~~district with authorized charter schools shall establish an~~
13 ~~individual charter school account to receive public school~~
14 ~~fund disbursements for each charter school.] The appropriate
15 distribution of the public school fund shall flow to the
16 charter school within five days after the school district's
17 receipt of the state equalization guarantee for that month. "~~

18 Section 25. Section 22-8-23.2 NMSA 1978 (being Laws
19 1993, Chapter 237, Section 2) is amended to read:

20 "22-8-23.2. NEW DISTRICT ADJUSTMENT--ADDITIONAL PROGRAM
21 UNITS. --

22 A. A newly created school district is eligible for
23 additional program units. The number of additional program
24 units to which a newly created school district is entitled
25 under this subsection is the number of units computed in the

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1 following manner:

2 $(MEM \text{ for current year}) \times .147 = \text{Units}$

3 where MEM is equal to the total district membership, including
4 early childhood education full-time equivalent membership and
5 special education membership.

6 B. A school district whose membership decreases as
7 a result of the establishment of a newly created school
8 district or a charter school is eligible for additional
9 program units. The number of additional program units to
10 which that district is entitled under this subsection is the
11 number of units computed in the following manner:

12 (1) in the case of creating a new school
13 district:

14 $(\text{district MEM for prior year} - \text{MEM for current year})$
15 $\times .17 = \text{Units}$

16 where MEM is equal to the total district membership, including
17 early childhood education full-time equivalent membership and
18 special education membership; or

19 (2) in the case of creating a new charter
20 school:

21 $(\text{district MEM for prior year} - \text{MEM for current year less}$
22 $\text{charter school MEM}) \times .17 = \text{Units.}$

23 C. As used in this section, "newly created school
24 district" or "charter school" means a local school district or
25 charter school not in existence during the immediately

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1 preceding school year. "

2 Section 26. Section 22-10-3.3 NMSA 1978 (being Laws
3 1997, Chapter 238, Section 1, as amended) is amended to read:

4 "22-10-3.3. BACKGROUND CHECKS. --

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

22 B. Local school boards shall develop policies and
23 procedures to require background checks on an applicant who
24 has been offered employment, a contractor or a contractor's
25 employee with unsupervised access to students at a public

. 125091. 3

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

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1 just cause. Records and any related information shall be
2 privileged and shall not be disclosed to a person not directly
3 involved in the employment decision affecting the specific
4 applicant who has been offered employment, contractor or
5 contractor's employee with unsupervised access to students at
6 a public school, including a charter school.

7 C. The department of education shall implement the
8 provisions of Subsection A of this section on or before July
9 1, 1998. "

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

12 "22-11-2. DEFINITIONS. --As used in the Educational
13 Retirement Act:

14 A. "member" means any employee, except for a
15 participant coming within the provisions of the Educational
16 Retirement Act;

17 B. "regular member" means:

18 (1) a person regularly employed as a
19 teaching, nursing or administrative employee of a state
20 educational institution, except for:

21 (a) a participant; or

22 (b) ~~[all employees]~~ any employee of a
23 general hospital or outpatient ~~[clinics]~~ clinic thereof
24 operated by a state educational institution named in Article
25 12, Section 11 of the constitution of New Mexico;

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

5 (3) a person regularly employed as a
6 teaching, nursing or administrative employee of a technical
7 and vocational institute created pursuant to the Technical and
8 Vocational Institute Act;

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

16 (5) a person regularly employed by the
17 department of education or the board holding a standard or
18 substandard certificate issued by the state board at the time
19 of commencement of [~~such~~] the employment;

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

22 (7) a person regularly employed by the New
23 Mexico activities association holding a standard certificate
24 issued by the state board at the time of commencement of
25 [~~such~~] the employment; [~~or~~]

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1 (8) a person regularly employed by a regional
2 education cooperative holding a standard certificate issued by
3 the state board at the time of commencement of [~~such~~] the
4 employment; or

5 (9) a person regularly employed by a charter
6 school holding a standard or substandard certificate issued by
7 the state board at the time of commencement of the employment.

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

15 D. "local administrative unit" means an employing
16 agency however constituted that is directly responsible for
17 the payment of compensation for the employment of members or
18 participants;

19 E. "beneficiary" means a person having an
20 insurable interest in the life of a member or a participant
21 designated by written instrument duly executed by the member
22 or participant and filed with the director to receive a
23 benefit pursuant to the Educational Retirement Act that may be
24 received by someone other than the member or participant;

25 F. "employment" means employment by a local

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1 administrative unit that qualifies a person to be a member or
2 participant;

3 G. "service employment" means employment that
4 qualifies a person to be a regular member;

5 H. "provisional service employment" means
6 employment that qualifies a person to be a provisional member;

7 I. "prior employment" means employment performed
8 prior to the effective date of the Educational Retirement Act
9 that would be service employment or provisional service
10 employment if performed thereafter;

11 J. "service credit" means that period of time with
12 which a member is accredited for the purpose of determining
13 his eligibility for and computation of retirement or
14 disability benefits;

15 K. "earned service credit" means that period of
16 time during which a member was engaged in employment or prior
17 employment with which he is accredited for the purpose of
18 determining his eligibility for retirement or disability
19 benefits;

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

25 M "retirement benefit" means an annuity paid

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1 monthly to members whose employment has been terminated by
2 reason of their age;

3 N. "disability benefit" means an annuity paid
4 monthly to members whose employment has been terminated by
5 reason of a disability;

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

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

8 Q. "director" means the educational retirement
9 director;

10 R. "medical authority" means a medical doctor
11 within the state or as provided in Subsection D of Section
12 22-11-36 NMSA 1978 either designated or employed by the board
13 to examine and report on the physical condition of applicants
14 for or recipients of disability benefits;

15 S. "actuary" means a person trained and regularly
16 engaged in the occupation of calculating present and projected
17 monetary assets and liabilities under annuity or insurance
18 programs;

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

23 U. "contributory employment" means employment for
24 which contributions have been made by both a member and a
25 local administrative unit pursuant to the Educational

. 125091. 3

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1 Retirement Act;

2 V. "qualifying state educational institution"
3 means the university of New Mexico, New Mexico state
4 university, New Mexico institute of mining and technology, New
5 Mexico highlands university, eastern New Mexico university and
6 western New Mexico university;

7 W. "participant" means:

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

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

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

24 Y. "alternative retirement plan" means the
25 retirement plan provided for in Sections 22-11-47 through

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1 22-11-52 NMSA 1978. "

2 Section 28. APPROPRIATIONS. --

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

6 (1) one million dollars (\$1,000,000) for the
7 charter school stimulus fund; and

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

10 B. Any unexpended or unencumbered balance
11 remaining in the funds at the end of fiscal year 2000 shall
12 not revert to the general fund.

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

19 Section 30. REPEAL. -- Sections 22-8A-1 through 22-8A-7
20 (being Laws 1993, Chapter 227, Sections 1 through 7) are
21 repealed.

1 FORTY-FOURTH LEGISLATURE

SB 192/a

2 FIRST SESSION, 1999

6 February 19, 1999

8 Mr. President:

10 Your EDUCATION COMMITTEE, to whom has been referred

12 SENATE BILL 192

14 has had it under consideration and reports same with

16 recommendation that it DO PASS, amended as follows:

18 1. On page 17, strike Subsection H and insert in lieu thereof the following subsection:

20 "H. Employees of a charter school shall have the right to
21 organize and bargain collectively with the governing body of the
22 charter school. The governing body and the employees' exclusive
23 representative shall bargain in good faith. Agreements reached
24 between the governing body and the exclusive representative
25 shall be incorporated into a written collaborative bargaining

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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SEC/SB 192

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agreement if requested by the governing body and the exclusive representative.",

and thence referred to the FINANCE COMMITTEE.

Respectfully submitted,

Cynthia Nava, Chairman

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

Date _____

FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

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SEC/SB 192

Page 48

The roll call vote was 6 For 1 Against

Yes: 6

No: Nava

Excused: Duran, Jennings, Rodriguez

Absent: None

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1 FORTY- FOURTH LEGI SLATURE
2 FIRST SESSI ON, 1999

3 SEC/SB 192

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6 FORTY- FOURTH LEGI SLATURE
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11 February 25, 1999
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13 Mr. Presi dent:

14
15 Your FI NANCE COMMI TTEE, to whom has been referred
16

17 SENATE BILL 449, as amended
18

19 has had it under consideration and reports same with
20 recommendation that it DO PASS.
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22
23 Respectfully submi tted,
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FORTY- FOURTH LEGI SLATURE
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SEC/SB 192

Page 50

Ben D. Altami rano, Chair man

Adopted _____ Not Adopted _____
(Chi ef Clerk) (Chi ef Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

No: 0

Excused: Gri ego, Ingle, Tsosi e, Altami rano

Absent: None

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FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

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SEC/SB 192

Page 51

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FORTY- FOURTH LEGISLATURE

FIRST SESSION

February 28, 1999

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 192, as amended

Amendment sponsored by Senator Mark Boitano

1. On page 1, line 14, strike "; MAKING APPROPRIATIONS".
2. On page 22, strike Section 15 in its entirety.
3. Renumber the succeeding sections accordingly.
4. On pages 35 through 37, strike Section 25 in its entirety.
5. Renumber the succeeding sections accordingly.

128433. 1

FORTY- FOURTH LEGISLATURE
FIRST SESSION

SF1/SB 192/a

Page 53

6. On page 45, strike Sections 28 and 29 in their entirety.

7. Renumber the succeeding section accordingly.

Mark Boitano

Adopted

Not Adopted

(Chief Clerk)

(Chief Clerk)

Date _____

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**FORTY- FOURTH LEGISLATURE
FIRST SESSION**

SF1/SB 192/a

Page 54

**FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999**

March 25, 1999

**SENATE FLOOR AMENDMENT number _____ to SENATE BILL 192, as
amended,**

AMENDMENT sponsored by SENATOR BOITANO

**1. On page 18, line 4, before the period insert
"statewide".**

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**FORTY-FOURTH LEGISLATURE
FIRST SESSION**

SF1/SB 192/a

Page 55

Senator Mark L. Boitano

Adopted _____ **Not Adopted** _____

(Chief Clerk)

(Chief Clerk)

Date _____

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FORTY- FOURTH LEGISLATURE

FIRST SESSION

February 28, 1999

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 192, as amended

Amendment sponsored by Senator Carlos R. Cisneros

1. On page 45, line 20, after "7" insert "and Laws 1992, Chapter 9, Section 30".

Carlos R. Cisneros

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FORTY- FOURTH LEGISLATURE
FIRST SESSION

SF1/SB 192

Page 57

Adopted

Not Adopted

(Chief Clerk)

(Chief Clerk)

Date _____

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 March 15, 1999

7
8 Mr. Speaker:

9
10 Your EDUCATION COMMITTEE, to whom has been referred

11
12 SENATE BILL 192, as amended

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

- 16
17 1. Strike Senate Floor Amendment 3. ,

18 and thence referred to the APPROPRIATIONS AND FINANCE
19 COMMITTEE.

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HEC/SB 192

Page 59

Respectfully submitted,

Rick Miera, Chairman

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

Date _____

The roll call vote was 15 For 0 Against

Yes: 15

Excused: None

Absent: Marquardt

129136.1

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999
3

4 March 19, 1999
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6
7 Mr. Speaker:
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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 SENATE BILL 192, as amended
12

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

16 1. Strike Senate Education Committee Amendment 1.

17 2. On page 13, line 7, strike "have been" and insert in
18 lieu thereof "will be".
19

20 3. On page 17, line 10, after the period insert closing
21 quotation marks and strike lines 11 through 20.
22
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

Page 61

Respectfully submitted,

Max Coll, Chairman

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

Date _____

The roll call vote was 11 For 4 Against

Yes: 11

No: MH Garcia, Pearce, JP Taylor, Saavedra

Excused: Abeyta, Watchman

Absent: None

129298.2

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FORTY- FOURTH LEGISLATURE
FIRST SESSION

March 19, 1999

HOUSE FLOOR AMENDMENT number _____ to SENATE BILL 192, as amended

Amendment sponsored by Representative Danice Picraux

1. On pages 39 through 45, strike Section 27 in its entirety.
2. Renumber the succeeding sections accordingly.

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FORTY- FOURTH LEGISLATURE
FIRST SESSION

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HF1/SB 192, aa

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Adopted _____ Not Adopted _____
(Chi ef Clerk) (Chi ef Clerk)

Date _____

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