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HOUSE BILL 332

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Rick Miera

FOR THE PUBLIC SCHOOL CAPITAL OUTLAY OVERSIGHT TASK FORCE

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL  
INSURANCE AUTHORITY ACT TO PROVIDE FOR THE ADOPTION OF POLICIES  
RELATING TO VOLUNTEERS AND THE PRIVATE USE OF SCHOOL FACILITIES  
AND TO PROVIDE FOR LIMITED INSURANCE COVERAGE, IN CERTAIN  
CIRCUMSTANCES, FOR LIABILITY RELATED TO THE PRIVATE USE OF  
SCHOOL FACILITIES; MAKING AN APPROPRIATION.

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

Section 1. Section 22-29-7 NMSA 1978 (being Laws 1986,  
Chapter 94, Section 7, as amended) is amended to read:

"22-29-7. AUTHORITY--DUTIES.--In order to effectuate the  
purposes of the Public School Insurance Authority Act, the  
authority has the power to:

A. enter into professional services and consulting  
contracts or agreements as necessary;

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1           B. collect money and provide for the investment of  
2 the fund;

3           C. collect all current and historical claims and  
4 financial information necessary for effective procurement of  
5 lines of insurance coverage;

6           D. promulgate necessary rules, regulations and  
7 procedures for implementation of the Public School Insurance  
8 Authority Act;

9           E. by rule, establish a policy to be followed by  
10 participating members relating to the use of volunteers. The  
11 policy shall be distributed to participating members and posted  
12 upon the authority's web site;

13           F. by rule, establish a policy to be followed by  
14 participating members relating to the use of school facilities  
15 by private persons. The policy shall be distributed to  
16 participating members and posted upon the authority's web site;

17           G. insure, by negotiated policy, self-insurance or  
18 any combination thereof, participating members against claims  
19 of bodily injury, personal injury or property damage related to  
20 the use of school facilities by private persons; provided that  
21 the coverage shall be subject to the following conditions:

22                   (1) no more than one million dollars  
23 (\$1,000,000) shall be paid for each occurrence; and

24                   (2) the coverage shall only apply if the  
25 participating member was following the policy adopted by the

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1 authority pursuant to Subsection F of this section;

2           ~~[E-]~~ H. negotiate new insurance policies covering  
3 additional or lesser benefits as determined appropriate by the  
4 authority, but the authority shall maintain all coverage levels  
5 required by federal and state law for each participating  
6 member. In the event it is practical to ~~[wholly]~~ self-insure  
7 wholly a particular line of coverage, the authority may do so;

8           ~~[F-]~~ I. procure lines of insurance coverage in  
9 compliance with the provisions of the Health Care Purchasing  
10 Act and the competitive sealed proposal process of the  
11 Procurement Code; provided that any group medical insurance  
12 plan offered pursuant to this section shall include effective  
13 cost-containment measures to control the growth of health care  
14 costs. The board shall report annually by September 1 to  
15 appropriate interim legislative committees on the effectiveness  
16 of the cost-containment measures required by this subsection;  
17 and

18           ~~[G-]~~ J. purchase, renovate, equip and furnish a  
19 building for the board."

20           Section 2. APPROPRIATION.--Two hundred thousand dollars  
21 (\$200,000) is appropriated from the general fund to the public  
22 school insurance fund for expenditure in fiscal year 2010 to  
23 obtain insurance against claims arising from the use of school  
24 facilities by private persons as provided in Subsection G of  
25 Section 22-29-7 NMSA 1978. Any unexpended or unencumbered

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1 balance remaining at the end of fiscal year 2010 shall revert  
2 to the general fund.

3 Section 3. EFFECTIVE DATE.--The effective date of the  
4 provisions of this act is July 1, 2009.