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HOUSE BILL 550

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

INTRODUCED BY

Al Park

AN ACT

RELATING TO PUBLIC SCHOOL DISTRICT CANDIDATES; SUBJECTING LOCAL SCHOOL BOARD MEMBERS TO THE LIMITATIONS OF THE GOVERNMENTAL CONDUCT ACT.

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

Section 1. Section 1-22-3 NMSA 1978 (being Laws 1985, Chapter 168, Section 5, as amended) is amended to read:

"1-22-3. SCHOOL DISTRICT ELECTIONS--QUALIFICATIONS OF CANDIDATES.--

A. A school district election shall be held in each school district to elect qualified persons to membership on a [~~local school~~] board. No person shall become a candidate for membership on a board unless [~~his~~] the person's record of voter registration shows that [~~he~~] the person is a qualified elector of the state, physically resides in the school district in

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1 which ~~[he]~~ the person is a candidate and physically resided in
2 the district on the date of the ~~[school]~~ board's proclamation
3 calling a regular school district election.

4 B. A regular school district election shall be held
5 in each school district on the first Tuesday in February of
6 each odd-numbered year.

7 C. A school district election held at any time
8 other than the date for the regular school district election
9 shall be a special school district election.

10 D. A person elected to a board shall comply with
11 the provisions of the Governmental Conduct Act.

12 ~~[D-]~~ E. Except as otherwise provided in the School
13 Election Law, school district elections shall be called,
14 conducted and canvassed as provided in the Election Code."

15 Section 2. Section 10-16-2 NMSA 1978 (being Laws 1967,
16 Chapter 306, Section 2, as amended) is amended to read:

17 "10-16-2. DEFINITIONS.--As used in the Governmental
18 Conduct Act:

19 A. "business" means a corporation, partnership,
20 sole proprietorship, firm, organization or individual carrying
21 on a business;

22 B. "confidential information" means information
23 that by law or practice is not available to the public;

24 C. "employment" means rendering of services for
25 compensation in the form of salary as an employee;

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1 D. "family" means an individual's spouse, parents,
2 children or siblings, by consanguinity or affinity;

3 E. "financial interest" means an interest held by
4 an individual or the individual's family that is:

5 (1) an ownership interest in business; or

6 (2) any employment or prospective employment
7 for which negotiations have already begun;

8 F. "official act" means an official decision,
9 recommendation, approval, disapproval or other action that
10 involves the use of discretionary authority;

11 G. "public officer or employee" means any person
12 who is not a legislator and who has been elected to, appointed
13 to or hired for:

14 (1) any state office; [~~and~~]

15 (2) a local school board; or

16 (3) who receives compensation in the form of
17 salary or is eligible for per diem or mileage [~~but excludes~~
18 ~~legislators~~];

19 H. "standards" means the conduct required by the
20 Governmental Conduct Act;

21 I. "state agency" means any branch, agency,
22 instrumentality or institution of the state; and

23 J. "substantial interest" means an ownership
24 interest that is greater than twenty percent."

25 Section 3. Section 22-5-4 NMSA 1978 (being Laws 1967,

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1 Chapter 16, Section 28, as amended) is amended to read:

2 "22-5-4. LOCAL SCHOOL BOARDS--POWERS--DUTIES.--A local
3 school board shall have the following powers or duties:

4 A. subject to the rules of the department, develop
5 educational policies for the school district;

6 B. employ a local superintendent for the school
7 district and fix the superintendent's salary;

8 C. review and approve the annual school district
9 budget;

10 D. acquire, lease and dispose of property;

11 E. have the capacity to sue and be sued;

12 F. acquire property by eminent domain pursuant to
13 the procedures provided in the Eminent Domain Code;

14 G. issue general obligation bonds of the school
15 district;

16 H. provide for the repair of and maintain all
17 property belonging to the school district;

18 I. for good cause and upon order of the district
19 court, subpoena witnesses and documents in connection with a
20 hearing concerning any powers or duties of the local school
21 board;

22 J. except for expenditures for salaries, contract
23 for the expenditure of money according to the provisions of the
24 Procurement Code;

25 K. adopt rules pertaining to the administration of

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1 all powers or duties of the local school board;

2 L. accept or reject any charitable gift, grant,
3 devise or bequest. The particular gift, grant, devise or
4 bequest accepted shall be considered an asset of the school
5 district or the public school to which it is given;

6 M. offer and, upon compliance with the conditions
7 of such offer, pay rewards for information leading to the
8 arrest and conviction or other appropriate disciplinary
9 disposition by the courts or juvenile authorities of offenders
10 in case of theft, defacement or destruction of school district
11 property. All such rewards shall be paid from school district
12 funds in accordance with rules promulgated by the department;
13 [~~and~~]

14 N. comply with the provisions of the Governmental
15 Conduct Act; and

16 [~~N.~~] O. give prior approval for any educational
17 program in a public school in the school district that is to be
18 conducted, sponsored, carried on or caused to be carried on by
19 a private organization or agency."