

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 632

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

PHILLIP J. MALOOF

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING AND ENACTING SECTIONS OF
THE NMSA 1978 TO AUTHORIZE SCHOOL DISTRICTS TO LEASE ADVERTISING
SPACE ON SCHOOL BUSES TO COMMERCIAL VENDORS.

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

Section 1. Section 22-16-2 NMSA 1978 (being Laws 1967,
Chapter 16, Section 220, as amended) is amended to read:

"22-16-2. STATE TRANSPORTATION DIVISION--DUTIES. --Subject
to the policies of the state board, the state transportation
division of the department of education shall:

- A. establish standards for school bus
transportation;
- B. establish standards for school bus design and
operation pursuant to provisions of Section 22-16-11 NMSA 1978;
- C. establish procedures pertaining to the resolution

Underscored material = new
[bracketed material] = delete

1 of transportation issues in areas where local school districts
2 are engaged in school district boundary disputes;

3 D. enforce those regulations adopted by the state
4 board relating to school bus transportation;

5 E. audit records of school bus contractors or school
6 district-owned bus operations in accordance with regulations
7 promulgated by the state transportation director; [~~and~~]

8 F. establish standards and certify for safety,
9 vehicles that are defined as school buses by the Motor Vehicle
10 Code; and

11 G. establish regulations for the purpose of
12 permitting commercial advertisements on school buses. "

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

15 "[NEW MATERIAL] BUS ADVERTISEMENTS AUTHORIZED- - LIMITATIONS
16 AND RESTRICTIONS. - -

17 A. The state transportation division of the
18 department of education shall authorize local school boards to
19 sell advertising space on the interior and exterior of school
20 buses. The local school board shall develop guidelines for the
21 type of advertisements that will be permitted. There shall be
22 no advertisements that involve:

23 (1) obscenity, sexual material, gambling,
24 tobacco, alcohol, political campaigns or causes, religion or
25 promoting the use of drugs; or

. 114480. 2

Underscored material = new
[bracketed material] = delete

1 (2) general content that is harmful or
2 inappropriate for school buses as determined by the department
3 of education.

4 B. All school bus advertisements shall be painted on
5 the bus in a manner that does not interfere with national and
6 state requirements for school bus markings, lights and signs.
7 The commercial advertiser that contracts with the school
8 district for the use of the space for advertisements shall be
9 required to pay the cost of painting the advertisements on the
10 bus and shall pay for its removal after the term of the contract
11 has expired.

12 C. The right to sell advertising space on school
13 buses shall be within the sole discretion of the local school
14 board, except as required by Section 3 of this act.

15 D. An officer or employee of a school district or of
16 the department of education who fails to comply with the
17 obligations or restrictions created by this act shall be subject
18 to discipline, including the possibility of being terminated
19 from employment, and shall be subject to civil liability due to
20 the noncompliance. A school bus owner-operator that fails to
21 comply with the obligations or restrictions created by this act
22 is in breach of contract and the contract is subject to
23 cancellation after notice and hearing before the director of the
24 state transportation division. "

25 Section 3. A new section of the Public School Code is

Underscored material = new
[bracketed material] = delete

1 enacted to read:

2 "[NEW MATERIAL] SCHOOL BUS TITLE--LEASING SPACE. --

3 A. All school bus owner-operators that have legal
4 title to school buses used and operated pursuant to an existing
5 bus service contract with a school district may lease space on
6 their buses to the school district for the purpose of selling
7 commercial advertisements. In exchange for leasing the space,
8 the school bus owner-operators shall receive ten percent of the
9 total value of the amount of the contract between the school
10 district and the commercial advertiser.

11 B. The amount of space that will be available for
12 commercial advertisements on school buses shall be established
13 by regulations of the department of education consistent with
14 national and state requirements for school bus markings, lights
15 and signs.

16 C. Space for advertising on school buses owned by
17 the department of education shall be provided to school
18 districts without cost for the purpose of selling advertising
19 space to commercial advertisers."

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

22 "[NEW MATERIAL] SOLICITATION--LEASE--RENT PAYMENT. --

23 A. A school district shall be permitted to solicit
24 offers from commercial advertisers for the use of space on the
25 school buses that service their school district. The school

. 114480. 2

Underscored material = new
[bracketed material] = delete

1 district may enter into a lease agreement with a commercial
2 advertiser for the use of any designated advertising space on a
3 school bus that services the school district.

4 B. In a lease agreement with a commercial
5 advertiser, the school district shall establish the rental
6 amount, schedule and term. The term of any lease agreement
7 shall not be for a period longer than the time remaining on the
8 school district's bus service contract with a school bus
9 operator who owns the bus that is the subject of the lease
10 agreement.

11 C. A school district shall not enter into a lease
12 agreement with a commercial advertiser that seeks to display an
13 advertisement that is prohibited by local school board
14 guidelines. "

15 Section 5. A new section of the Public School Code is
16 enacted to read:

17 " [NEW MATERIAL] DISTRIBUTION OF PROCEEDS. -- The funds
18 raised from commercial advertisers pursuant to a lease agreement
19 for the use of advertising space on a school bus by a school
20 district shall be distributed into the educational technology
21 fund, except for the required payment made to school bus owner-
22 operators. Forty percent of the proceeds raised shall be
23 distributed to school districts consistent with Section 22-15A-9
24 NMSA 1978, and the remaining portion shall be distributed
25 according to Section 7 of this act. "

. 114480. 2

1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

3 SB 632/a

4
5
6 February 26, 1997

7
8 Mr. President:

9
10 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
11 whom has been referred

12
13 SENATE BILL 632, as amended

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

17
18
19 1. On page 3, lines 2 and 3, strike "department of
20 education" and insert in lieu thereof "state board".

21
22 Respectfully submitted,

23
24
25 _____
Roman M. Maes, III, Chairman

FORTY- SECOND LEGI SLATURE
SECOND SESSI ON, 1996

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

%%%

Page 8

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

Date _____

The roll call vote was 6 For 1 Against

Yes: 6

No: McKi bben

Excused: Fi del , Howes, Robi nson

Absent: None

S0632CT1

. 117617. 1

. 114480. 2

Underscored material = new
[bracketed material] = delete

FORTY-THIRD LEGISLATURE

FIRST SESSION

February 28, 1997

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 632, as amended

Amendment sponsored by Senator Sue F. Wilson

1. On page 1, line 13, after "VENDORS" insert "; CREATING A FUND".

2. Strike Senate Education Committee Amendments 10 and 11.

3. On page 5, strike lines 17 through 25 and insert in lieu thereof the following new sections:

"[NEW MATERIAL] SCHOOL BUS ADVERTISING FUND.--The "school bus advertising fund" is created in the state treasury and shall be administered by the department of education. The fund shall

117923.1

Underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FORTY-THIRD LEGISLATURE
FIRST SESSION

SFI/SB 632, aa

Page 10

consist of money raised pursuant to this act. Balances in the fund at the end of any fiscal year shall not revert to the general fund. Income from investment of the fund shall be credited to the fund."

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

"[NEW MATERIAL] DISTRIBUTION. --

A. Funds raised from commercial advertisement shall be distributed from the school bus advertising fund after the required payment is made to school bus private owners.

B. Sixty percent of the proceeds raised shall be distributed to each school district to use in accordance with the school district's technology plan in amounts proportionate to the amount that each school district contributed to the school bus advertising fund.

C. Forty percent of the proceeds raised shall be

. 117923.1

Underscored material = new
[bracketed material] = delete

FORTY-THIRD LEGISLATURE
FIRST SESSION

SF1/SB 632, aa

Page 11

distributed on a per membership basis of middle and junior high schools by the state superintendent to school districts for extracurricular activities. If a school district does not expend money from the school bus advertising fund for extracurricular activities, it shall revert back to the fund.

D. School districts shall report to the department of education on how the funds were used in the technology plans and for extracurricular activities. "".

4. Renumber the succeeding section accordingly.

5. On page 6, strike lines 8 through 24.

6. On page 6, between lines 7 and 8, insert the following section:

"Section 8. TEMPORARY PROVISION. --The state department of public education may request budget increases in fiscal year 1998 for the school bus advertising fund. "

. 117923.1

Underscored material = new
[bracketed material] = delete

FORTY-THIRD LEGISLATURE
FIRST SESSION

SF1/SB 632, aa

Page 12

Sue F. Wilson

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

Date _____

117923.1

Underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

State of New Mexico
House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 15, 1997

Mr. Speaker:

Your EDUCATION COMMITTEE, to whom has been referred

SENATE BILL 632, as amended

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

Respectfully submitted,

Samuel F. Vigil, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HEC/SB 632, aa

Page 14

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 2 Against

Yes: 6

No: Gonzales, Vigil

Excused: McSherry, Nicely, Weeks, W. C. Williams, Wright

Absent: None

M \S0632

Underscored material = new
~~[bracketed material] = delete~~