



The Legislature
of the
State of New Mexico

49th Legislature, First Session

LAWS 2009

CHAPTER 198

SENATE BILL 226, as amended

Introduced by

SENATOR TIMOTHY M. KELLER
SENATOR VERNON D. ASBILL
SENATOR CYNTHIA NAVA
SENATOR SANDER RUE
SENATOR JOHN M. SAPIEN



Chapter 198

1 AN ACT

2 RELATING TO PUBLIC SCHOOLS; ENACTING A NEW SECTION OF THE
3 PUBLIC SCHOOL CODE AND AMENDING THE PUBLIC SCHOOL INSURANCE
4 AUTHORITY ACT TO PROVIDE FOR THE ADOPTION OF POLICIES
5 RELATING TO VOLUNTEERS AND THE PRIVATE USE OF SCHOOL
6 FACILITIES AND TO PROVIDE FOR LIMITED INSURANCE COVERAGE, IN
7 CERTAIN CIRCUMSTANCES, FOR LIABILITY RELATED TO THE PRIVATE
8 USE OF SCHOOL FACILITIES.

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

13 "22-29-7. AUTHORITY--DUTIES.--In order to effectuate
14 the purposes of the Public School Insurance Authority Act,
15 the authority has the power to:

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

18 B. collect money and provide for the investment of
19 the fund;

20 C. collect all current and historical claims and
21 financial information necessary for effective procurement of
22 lines of insurance coverage;

23 D. promulgate necessary rules, regulations and
24 procedures for implementation of the Public School Insurance
25 Authority Act;

1 E. by rule, establish a policy to be followed by
2 participating members relating to the use of volunteers. The
3 policy shall be distributed to participating members and
4 posted upon the authority's web site;

5 F. by rule, establish a policy to be followed by
6 participating members relating to the use of school
7 facilities by private persons, provided that the policy shall
8 relate only to liability and risk issues and shall not affect
9 the rights and responsibilities of local school boards to
10 determine how, when and by whom school district facilities
11 are used. The policy shall be distributed to participating
12 members and posted upon the authority's web site;

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

19 (1) no more than one million dollars
20 (\$1,000,000) shall be paid for each occurrence; and

21 (2) the coverage shall only apply if the
22 participating member was following the policy adopted by the
23 authority pursuant to Subsection F of this section;

24 H. negotiate new insurance policies covering
25 additional or lesser benefits as determined appropriate by

1 the authority, but the authority shall maintain all coverage
2 levels required by federal and state law for each
3 participating member. In the event it is practical to
4 self-insure wholly a particular line of coverage, the
5 authority may do so;

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

16 J. purchase, renovate, equip and furnish a
17 building for the board."

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

20 "PRIVATE USE OF SCHOOL FACILITIES--POLICY--INSURANCE.--

21 The local school board of a school district that is not a
22 participant under the Public School Insurance Authority Act:

23 A. shall, by rule, establish a policy to be
24 followed relating to the use of volunteers. The policy shall
25 be distributed to each school in the district and posted upon

1 the school district's web site;

2 B. shall, by rule, establish a policy to be
3 followed relating to the use of school facilities by private
4 persons. The policy shall be distributed to each school in
5 the district and posted upon the school district's web site;
6 and

7 C. may insure, by negotiated policy,
8 self-insurance or any combination thereof, against claims of
9 bodily injury, personal injury or property damage related to
10 the use of school facilities by private persons; provided
11 that the coverage shall be for no more than one million
12 dollars (\$1,000,000) for each occurrence."

13 Section 3. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2010. _____

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Diane D. Denish

Diane D. Denish, President
Senate

Lepore M. Naranjo

Lepore M. Naranjo, Chief Clerk
Senate

Ben Lujan

Ben Lujan, Speaker
House of Representatives

Stephen R. Arias

Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this 7th day of April, 2009

Bill Richardson

Governor Bill Richardson
State of New Mexico