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HOUSE BILL 508

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

INTRODUCED BY

James Roger Madalena

AN ACT

RELATING TO SCHOOL LIBRARY MATERIALS; PROVIDING FOR  
DISTRIBUTION OF SCHOOL LIBRARY MATERIALS TO GOVERNMENTALLY  
CONTROLLED SCHOOLS.

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

Section 1. Section 22-15C-2 NMSA 1978 (being Laws 2003,  
Chapter 149, Section 2, as amended) is amended to read:

"22-15C-2. DEFINITIONS.--As used in the School Library  
Material Act:

A. "additional student" means a student in the  
certified forty-day membership of the current year for a school  
district or state institution above the number certified in the  
forty-day membership of the prior year for the school district  
or state institution;

B. "bureau" means the instructional material bureau

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1 of the department;

2 C. "bureau of Indian education" means the bureau of  
3 Indian education of the United States department of the  
4 interior;

5 [~~G.~~] D. "fund" means the school library material  
6 fund;

7 E. "governmentally controlled school" means a  
8 bureau of Indian education school that is governmentally owned  
9 and controlled, is located in New Mexico, provides instruction  
10 for first through twelfth grades and is not sectarian or  
11 denominational;

12 [~~D.~~] F. "library material processing" means  
13 cataloging of school library material, including in electronic  
14 format, according to nationally accepted standards, and the  
15 application of bar code labels and call-number classification  
16 labels to the material;

17 [~~E.~~] G. "membership" means the total enrollment of  
18 qualified students on the fortieth day of the school year  
19 entitled to the free use of school library material pursuant to  
20 the School Library Material Act;

21 [~~F.~~] H. "qualified student" means a public school  
22 or governmentally controlled school student who:

23 (1) has not graduated from high school;

24 (2) is regularly enrolled in one-half or more  
25 of the minimum course requirements approved by the department

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1 for public school students or by the bureau of Indian education  
2 for students enrolled in a governmentally controlled school;  
3 and

4 (3) in terms of age:

5 (a) is at least five years of age prior  
6 to 12:01 a.m. on September 1 of the school year; or

7 [~~4~~] (b) is at least three years of age  
8 at any time during the school year and is receiving special  
9 education services pursuant to regulation of the department;

10 [~~G-~~] I. "school library material" means books and  
11 other educational media, including online reference and  
12 periodical databases, that are made available in a school  
13 library to students for circulation and use in the library; and

14 [~~H-~~] J. "school district" includes state-chartered  
15 charter schools."

16 Section 2. Section 22-15C-3 NMSA 1978 (being Laws 2003,  
17 Chapter 149, Section 3) is amended to read:

18 "22-15C-3. SCHOOL LIBRARY MATERIAL FUND--CREATION.--The  
19 "school library material fund" is created in the state  
20 treasury. The purpose of the fund is to provide an account  
21 from which the department [~~of education~~] may distribute money  
22 to school districts [~~and~~], state institutions and  
23 governmentally controlled schools to pay for the cost of  
24 purchasing school library material. The cost of purchasing  
25 school library material may include shipping and handling

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1 charges for the delivery of school library material. The fund  
2 shall consist of appropriations, gifts, grants, donations and  
3 bequests. Money in the fund [~~shall be~~] is appropriated to the  
4 department [~~of education~~] to pay for the cost of purchasing  
5 school library material. Disbursements from the fund shall be  
6 by warrant of the secretary of finance and administration upon  
7 vouchers signed by the [~~state superintendent or his~~] secretary  
8 or the secretary's designated representative. Money in the  
9 fund shall not revert to the general fund at the end of a  
10 fiscal year."

11 Section 3. Section 22-15C-4 NMSA 1978 (being Laws 2003,  
12 Chapter 149, Section 4) is amended to read:

13 "22-15C-4. ADMINISTRATION OF THE SCHOOL LIBRARY MATERIAL  
14 FUND--BUREAU--DUTIES.--Subject to the policies and rules of the  
15 [~~state board~~] department, the bureau shall:

16 A. administer the provisions of the School Library  
17 Material Act;

18 B. enforce rules for the handling, safekeeping and  
19 distribution of school library material and money from the  
20 fund;

21 C. enforce inventory and accounting procedures to  
22 be followed by school districts, [~~and~~] state institutions and  
23 governmentally controlled schools; and

24 D. withdraw or withhold the privilege of  
25 participating in the free use of school library material in

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1 case of noncompliance with the provisions of the School Library  
2 Material Act or rules adopted pursuant to that act."

3 Section 4. Section 22-15C-5 NMSA 1978 (being Laws 2003,  
4 Chapter 149, Section 5) is amended to read:

5 "22-15C-5. STUDENTS ELIGIBLE--DISTRIBUTION.--

6 A. A qualified student or person eligible to become  
7 a qualified student attending a public school [øæ], a state  
8 institution or a governmentally controlled school in a grade  
9 from the first through the twelfth grade of instruction is  
10 entitled to the free use of school library material. A student  
11 enrolled in an early childhood education program as defined in  
12 Section 22-13-3 NMSA 1978 is also entitled to the free use of  
13 school library material.

14 B. A school district [øæ], a state institution or a  
15 governmentally controlled school shall purchase school library  
16 material as an agent for the benefit of students entitled to  
17 the free use of school library material.

18 C. A school district [øæ], a state institution or a  
19 governmentally controlled school receiving school library  
20 material pursuant to the School Library Material Act is  
21 responsible for circulation of the school library material for  
22 use by eligible students and for the safekeeping of the school  
23 library material."

24 Section 5. Section 22-15C-6 NMSA 1978 (being Laws 2003,  
25 Chapter 149, Section 6, as amended) is amended to read:

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1 "22-15C-6. DISTRIBUTION OF MONEY FOR SCHOOL LIBRARY

2 MATERIAL.--

3 A. On or before July 1 of each year, the department  
4 shall allocate from the fund at least ninety percent of the  
5 estimated entitlement for each school district [~~or~~], state  
6 institution or governmentally controlled school as determined  
7 from the estimated forty-day membership for the next school  
8 year to each school district, [~~and~~] state institution and  
9 governmentally controlled school. The entitlement of a school  
10 district [~~or~~], a state institution or a governmentally  
11 controlled school is the portion of the total amount of the  
12 annual appropriation less a deduction for a reasonable reserve  
13 for emergency expenses that its forty-day membership bears to  
14 the forty-day membership of the entire state. Additional  
15 students shall be counted as six students for the purpose of  
16 the allocation.

17 B. On or before January 15 of each year, the  
18 department shall recompute each entitlement using the forty-day  
19 membership for that year and shall allocate the balance of the  
20 annual appropriation adjusting for any over- or under-  
21 estimation made in the first allocation.

22 C. The department shall establish procedures to  
23 distribute funds directly to school districts [~~and~~], state  
24 institutions and governmentally controlled schools.

25 D. A school district [~~or~~], a state institution or a

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1 governmentally controlled school that has funds remaining for  
2 the purchase of school library material at the end of a fiscal  
3 year shall retain those funds for expenditure in subsequent  
4 years."

5 Section 6. Section 22-15C-7 NMSA 1978 (being Laws 2003,  
6 Chapter 149, Section 7) is amended to read:

7 "22-15C-7. SALE OR LOSS OR RETURN OF SCHOOL LIBRARY  
8 MATERIAL.--

9 A. With the approval of the bureau, school library  
10 material acquired by a school district [~~or~~], a state  
11 institution or a governmentally controlled school pursuant to  
12 the School Library Material Act may be sold at a price  
13 determined by officials of the school district [~~or~~], state  
14 institution or governmentally controlled school. The selling  
15 price shall not exceed the cost of school library material to  
16 the state.

17 B. A school district [~~or~~], a state institution or a  
18 governmentally controlled school may hold a parent, guardian or  
19 student responsible for loss, damage or destruction of school  
20 library material while the school library material is in the  
21 possession of a student. A school district or a governmentally  
22 controlled school may withhold the grades, diploma and  
23 transcripts of a student responsible for damage or loss of  
24 school library material until the parent, guardian or student  
25 has paid for the damage or loss. When a parent, guardian or

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1 student is unable [~~for~~] to pay for the damage or loss, the  
2 school district shall work with the parent, guardian or student  
3 to develop an alternative program in lieu of payment. Where a  
4 parent or guardian is determined to be indigent according to  
5 guidelines established by the [~~state board~~] department, the  
6 school district shall bear the cost.

7 C. A school district [~~or~~], a state institution or a  
8 governmentally controlled school that has funds remaining for  
9 the purchase of school library material at the end of a fiscal  
10 year shall retain the funds for expenditure in subsequent  
11 years."

12 Section 7. Section 22-15C-8 NMSA 1978 (being Laws 2003,  
13 Chapter 149, Section 8) is amended to read:

14 "22-15C-8. RECORD OF SCHOOL LIBRARY MATERIAL.--A school  
15 district [~~or~~], a state institution or a governmentally  
16 controlled school shall keep an accurate record of school  
17 library material that includes a cost record. A school  
18 district [~~or~~], a state institution or a governmentally  
19 controlled school shall comply with record-keeping procedures  
20 prescribed by the bureau."

21 Section 8. Section 22-15C-9 NMSA 1978 (being Laws 2003,  
22 Chapter 149, Section 9) is amended to read:

23 "22-15C-9. ANNUAL REPORT.--Annually, at a time specified  
24 by the department [~~of education~~], each local school district  
25 [~~and~~], state institution or governmentally controlled school

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1 acquiring school library material pursuant to the School  
2 Library Material Act shall file a report with the department  
3 [~~of education~~]."

4 Section 9. Section 22-15C-10 NMSA 1978 (being Laws 2003,  
5 Chapter 149, Section 10) is amended to read:

6 "22-15C-10. REPORTS--BUDGETS.--

7 A. Annually, the department [~~of education~~] shall  
8 submit a budget for the next fiscal year to the department of  
9 finance and administration showing expenditures for school  
10 library material to be paid from the fund, including reasonable  
11 shipping and handling charges and library material processing  
12 expenses.

13 B. Upon request, the department [~~of education~~]  
14 shall make reports to the [~~state board~~] public education  
15 commission concerning the administration and execution of the  
16 School Library Material Act."

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