

1 SENATE BILL 264

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Gerald Ortiz y Pino

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10 AN ACT

11 RELATING TO LIBRARIES; OUTLINING PROVISIONS EFFECTIVE ON THE
12 PASSAGE OF A PROPOSED AMENDMENT TO THE CONSTITUTION OF NEW
13 MEXICO TO SUPPORT THE PRESERVATION, DEVELOPMENT AND
14 ESTABLISHMENT OF RURAL LIBRARIES THROUGHOUT THE STATE AND, IN
15 LIEU OF THAT AMENDMENT, ALTERNATIVE PROVISIONS FOR THAT
16 PURPOSE; CREATING THE RURAL LIBRARIES ENDOWMENT FUND AND THE
17 RURAL LIBRARIES PROGRAM FUND; CREATING THE RURAL LIBRARIES
18 GRANT PROGRAM; NAMING BENEFICIARIES OF THE RURAL LIBRARIES
19 ENDOWMENT FUND PROPOSED FOR CREATION BY THAT CONSTITUTIONAL
20 AMENDMENT; REPEALING THE RURAL LIBRARIES DEVELOPMENT ACT;
21 MAKING APPROPRIATIONS.

22
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

24 SECTION 1. A new section of Chapter 18 NMSA 1978 is
25 enacted to read:

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1 "[NEW MATERIAL] RURAL LIBRARIES ENDOWMENT FUND--

2 DISTRIBUTIONS.--

3 A. The "rural libraries endowment fund" is created
4 in the state treasury to support the preservation, development
5 and establishment of rural libraries throughout the state by
6 providing funding for rural libraries' operational and capital
7 needs and funding for the delivery of specialized services to
8 rural libraries.

9 B. The rural libraries endowment fund consists of
10 appropriations and donations to the fund and all income from
11 investment of the fund. The state investment officer shall
12 invest money in the fund as money in the fund described in
13 Article 12, Section 7 of the constitution of New Mexico is
14 invested.

15 C. Distributions of money from the rural libraries
16 endowment fund shall be:

17 (1) in the following gross amounts:

18 (a) for fiscal year 2022 and each of the
19 following five fiscal years, the difference, if positive,
20 between all fund investment income yielded through the
21 immediately preceding calendar year and all fund distributions,
22 up to five percent of the year-end market value of the fund for
23 the immediately preceding calendar year; and

24 (b) for fiscal year 2028 and each
25 subsequent fiscal year, the average of fund investment income

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1 yielded in the immediately preceding five calendar years, up to
2 five percent of the year-end market value of the fund for the
3 immediately preceding calendar year; and

4 (2) in the following proportions:

5 (a) ninety-five percent of the gross
6 distribution to the rural libraries program fund for grants
7 through the rural libraries grant program; and

8 (b) five percent of the gross
9 distribution to the cultural affairs department for the state's
10 delivery of specialized services to rural libraries."

11 SECTION 2. A new section of Chapter 18 NMSA 1978 is
12 enacted to read:

13 "[NEW MATERIAL] RURAL LIBRARIES GRANT PROGRAM--SPECIALIZED
14 SERVICES.--

15 A. The "rural libraries grant program" is created.
16 Through that program, the state librarian shall annually
17 disburse, in the form of grants directly benefiting developing
18 rural libraries and established rural libraries and grants for
19 the establishment of developing rural libraries in cities,
20 towns and villages without libraries, money from the rural
21 libraries program fund. The state librarian shall endeavor
22 each year to disburse the full amount available for rural
23 libraries grants. The portion, if any, of that amount not
24 disbursed shall be made available for the next award of grants.

25 B. The state librarian shall use money allocated

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1 for specialized services to rural libraries from the rural
2 libraries endowment fund distribution to provide specialized
3 services to rural libraries."

4 SECTION 3. A new section of Chapter 18 NMSA 1978 is
5 enacted to read:

6 "[NEW MATERIAL] RURAL LIBRARIES PROGRAM FUND CREATED.--The
7 "rural libraries program fund" is created in the state
8 treasury. The fund consists of distributions from the rural
9 libraries endowment fund that are designated for the rural
10 libraries grant program and appropriations, gifts, interest and
11 other money attributed to the fund. Money in the fund shall
12 not revert at the end of a fiscal year. Money in the fund may
13 be appropriated by the legislature to carry out the provisions
14 of Sections 1 through 4 of this 2019 act. Expenditures from
15 the fund shall be made upon warrant of the secretary of finance
16 and administration pursuant to vouchers signed by the state
17 librarian or the state librarian's authorized representative."

18 SECTION 4. A new section of Chapter 18 NMSA 1978 is
19 enacted to read:

20 "[NEW MATERIAL] DEFINITIONS.--As used in Sections 1
21 through 4 of this 2019 act, and to the extent allowed by law:

22 A. "developing rural library" means a rural library
23 whose library staff, whether salaried or volunteer, is
24 dedicated to delivering library services to the public for at
25 least fifteen hours per week and on at least two days each

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1 week;

2 B. "established rural library" means a rural
3 library:

4 (1) with permanent, salaried staff; and

5 (2) that offers library services to the public
6 for at least twenty-five hours per week;

7 C. "rural library" means a library that is
8 established:

9 (1) through an ordinance or legal resolution
10 adopted by a political subdivision of the state and is located
11 in a municipality with a population at the time of the
12 library's establishment of three thousand or less or is located
13 in an unincorporated area of the state;

14 (2) by a legal resolution of a tribal
15 government in New Mexico and is located in a census designated
16 place with a population at the time of the library's
17 establishment of three thousand or less; or

18 (3) as a corporation with tax-exempt status
19 pursuant to Section 501(c)(3) of the United States Internal
20 Revenue Code of 1986 and is located in a municipality with a
21 population at the time of the library's establishment of three
22 thousand or less or is located in an unincorporated area of the
23 state; and

24 D. "specialized services" means professional
25 development opportunities, program support, information

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1 technology support and other capacity-building services, as
2 defined by the state librarian."

3 SECTION 5. A new section of Chapter 18 NMSA 1978 is
4 enacted to read:

5 "[NEW MATERIAL] SHORT TITLE.--Sections 5 through 10 of
6 this act may be cited as the "Rural Libraries Endowment Act"."

7 SECTION 6. A new section of Chapter 18 NMSA 1978 is
8 enacted to read:

9 "[NEW MATERIAL] PURPOSE.--The purpose of the Rural
10 Libraries Endowment Act is to implement the amendment to the
11 constitution of New Mexico creating an endowment to support the
12 preservation, development and establishment of rural libraries
13 throughout the state."

14 SECTION 7. A new section of Chapter 18 NMSA 1978 is
15 enacted to read:

16 "[NEW MATERIAL] DEFINITIONS.--As used in the Rural
17 Libraries Endowment Act:

18 A. "developing rural library" means a rural library
19 whose library staff, whether salaried or volunteer, is
20 dedicated to delivering library services to the public for at
21 least fifteen hours per week and on at least two days each
22 week;

23 B. "established rural library" means a rural
24 library:

25 (1) with permanent, salaried staff; and

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1 (2) that offers library services to the public
2 for at least twenty-five hours per week;

3 C. "rural library" means a library that is
4 established:

5 (1) through an ordinance or legal resolution
6 adopted by a political subdivision of the state and is located
7 in a municipality with a population at the time of the
8 library's establishment of three thousand or less or is located
9 in an unincorporated area of the state;

10 (2) by a legal resolution of a tribal
11 government in New Mexico and is located in a census designated
12 place with a population at the time of the library's
13 establishment of three thousand or less; or

14 (3) as a corporation with tax-exempt status
15 pursuant to Section 501(c)(3) of the United States Internal
16 Revenue Code of 1986 and is located in a municipality with a
17 population at the time of the library's establishment of three
18 thousand or less or is located in an unincorporated area of the
19 state; and

20 D. "specialized services" means professional
21 development opportunities, program support, information
22 technology support and other capacity-building services, as
23 defined by the state librarian."

24 SECTION 8. A new section of Chapter 18 NMSA 1978 is
25 enacted to read:

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1 "[NEW MATERIAL] RURAL LIBRARIES ENDOWMENT FUND

2 BENEFICIARIES.--

3 A. The beneficiaries of the rural libraries
4 endowment fund are:

5 (1) the Albert W. Thompson memorial library in
6 Clayton;

7 (2) the Bayard public library in Bayard;

8 (3) the Capitan public library in Capitan;

9 (4) the Carrizozo community public library and
10 archive in Carrizozo;

11 (5) the Columbus village library in Columbus;

12 (6) the Cuba public library in Cuba;

13 (7) the David Cargo library in Mora;

14 (8) the David F. Cargo library in Villanueva;

15 (9) the David F. Cargo El Valle de Anton Chico
16 library in Anton Chico;

17 (10) the Eagle Nest public library in Eagle
18 Nest;

19 (11) El Rito public library in El Rito;

20 (12) the Eleanor Daggett memorial library in
21 Chama;

22 (13) the Embudo valley library and community
23 center in Dixon;

24 (14) the Estancia public library in Estancia;

25 (15) the Eunice public library in Eunice;

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- 1 (16) the Fort Sumner public library in Fort
2 Sumner;
- 3 (17) the Fred Macaron library in Springer;
- 4 (18) the Gila valley library in Gila;
- 5 (19) the Glenwood community library in
6 Glenwood;
- 7 (20) the Hatch public library in Hatch;
- 8 (21) the Irene S. Sweetkind public library in
9 Cochiti Lake;
- 10 (22) the Jemez Springs public library in Jemez
11 Springs;
- 12 (23) the Magdalena public library in
13 Magdalena;
- 14 (24) the Michael Nivison public library in
15 Cloudcroft;
- 16 (25) the Moise memorial library in Santa Rosa;
- 17 (26) the Moriarty community library in
18 Moriarty;
- 19 (27) the Mountainair public library in
20 Mountainair;
- 21 (28) the Placitas community library in
22 Placitas;
- 23 (29) the pueblo de Abiquiu library and
24 cultural center in Abiquiu;
- 25 (30) the Pueblo de Cochiti library in the

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- 1 Pueblo of Cochiti;
- 2 (31) the P'oe Tsawa community library in Ohkay
- 3 Owingeh;
- 4 (32) the Pueblo of Pojoaque public library in
- 5 the Pueblo of Pojoaque;
- 6 (33) the Pueblo of San Ildefonso library in
- 7 the Pueblo of San Ildefonso;
- 8 (34) the Questa public library in Questa;
- 9 (35) the Red River public library in Red
- 10 River;
- 11 (36) the Reserve public library in Reserve;
- 12 (37) the Rio Abajo community library in La
- 13 Joya;
- 14 (38) the Sandia Pueblo learning resource
- 15 center in the Pueblo of Sandia;
- 16 (39) the Santa Clara Pueblo community library
- 17 in the Pueblo of Santa Clara;
- 18 (40) the Shuter library of Angel Fire in Angel
- 19 Fire;
- 20 (41) the Talpa community center library in
- 21 Ranchos de Taos;
- 22 (42) the Tatum community library in Tatum;
- 23 (43) the Taytsugeh Oweengeh library in the
- 24 Pueblo of Tesuque;
- 25 (44) the Torreon community library in the

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1 Torreon-Star Lake Chapter of the Navajo Nation;

2 (45) the Truchas community library in Truchas;

3 (46) the Tularosa public library in Tularosa;

4 (47) the Vallecitos community center and
5 library in Vallecitos;

6 (48) the village of Corona public library in
7 Corona;

8 (49) the Vista Grande public library in
9 Eldorado; and

10 (50) the Zia enrichment library in the Pueblo
11 of Zia.

12 B. A beneficiary listed in Subsection A of this
13 section shall annually certify to the state librarian that it
14 qualifies for a distribution from the rural libraries endowment
15 fund. The state librarian shall require that funds distributed
16 to a rural library pursuant to this section be subject to
17 appropriate reporting and auditing requirements.

18 C. Money distributed from the rural libraries
19 endowment fund for distribution to the beneficiaries of the
20 rural libraries endowment fund shall be distributed by the
21 state librarian to each beneficiary listed in Subsection A of
22 this section that has made the certification required pursuant
23 to Subsection B of this section, in an equal amount to each
24 beneficiary."

25 SECTION 9. A new section of Chapter 18 NMSA 1978 is

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1 enacted to read:

2 "[NEW MATERIAL] RURAL LIBRARIES GRANT PROGRAM--SPECIALIZED
3 SERVICES.--

4 A. The "rural libraries grant program" is created.
5 Through that program, the state librarian shall annually
6 disburse, in the form of grants to developing rural libraries
7 and established rural libraries and grants for the
8 establishment of developing rural libraries in cities, towns
9 and villages without libraries, money from the rural libraries
10 program fund. A beneficiary of the rural libraries endowment
11 fund is ineligible for a rural libraries grant. The state
12 librarian shall endeavor each year to disburse the full amount
13 available for rural libraries endowment fund grants. The
14 portion, if any, of that amount not disbursed shall be made
15 available for the next award of grants.

16 B. The state librarian shall use money allocated
17 for specialized services to rural libraries from the rural
18 libraries endowment fund distribution to provide specialized
19 services to rural libraries."

20 SECTION 10. A new section of Chapter 18 NMSA 1978 is
21 enacted to read:

22 "[NEW MATERIAL] RURAL LIBRARIES PROGRAM FUND CREATED.--The
23 "rural libraries program fund" is created in the state
24 treasury. The fund consists of distributions from the rural
25 libraries endowment fund that are designated for the rural

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1 libraries grant program and appropriations, gifts, interest and
2 other money attributed to the fund. Money in the fund shall
3 not revert at the end of a fiscal year. Money in the fund may
4 be appropriated by the legislature to carry out the Rural
5 Libraries Endowment Act. Expenditures from the fund shall be
6 made upon warrant of the secretary of finance and
7 administration pursuant to vouchers signed by the state
8 librarian or the state librarian's authorized representative."

9 SECTION 11. Section 6-8-1 NMSA 1978 (being Laws 1957,
10 Chapter 179, Section 1, as amended) is amended to read:

11 "6-8-1. DEFINITIONS.--As used in Chapter 6, Article 8
12 NMSA 1978:

13 A. "council" means the state investment council;

14 B. "department" means the department of finance and
15 administration;

16 C. "land grant permanent funds" means the permanent
17 school fund established [~~pursuant to the provisions of~~] by
18 Article 12, Section 2 of the constitution of New Mexico and all
19 other permanent funds derived from lands granted or confirmed
20 to the state by the act of congress of June 20, 1910, entitled
21 "An Act To enable the people of New Mexico to form a
22 constitution and state government and be admitted into the
23 Union on an equal footing with the original States...";

24 D. "permanent funds" means the land grant permanent
25 funds, rural libraries endowment fund, severance tax permanent

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1 fund, tobacco settlement permanent fund and water trust fund;

2 E. "secretary" means the secretary of finance and
3 administration;

4 F. "severance tax permanent fund" means the fund
5 established [~~pursuant to the provisions of~~] by Article 8,
6 Section 10 of the constitution of New Mexico;

7 G. "tobacco settlement permanent fund" means the
8 fund established [~~pursuant to the provisions of~~] by Section
9 6-4-9 NMSA 1978; and

10 H. "water trust fund" means the fund established
11 [~~pursuant to the provisions of~~] by Article 16, Section 6 of the
12 constitution of New Mexico."

13 **SECTION 12. APPROPRIATION--FUND TRANSFER.--**

14 A. Fifty million dollars (\$50,000,000) is
15 appropriated from the general fund to the rural libraries
16 endowment fund in fiscal year 2020 to endow the rural libraries
17 endowment fund. Any unexpended or unencumbered balance
18 remaining at the end of a fiscal year shall not revert to any
19 other fund.

20 B. On July 1, 2019, the balance in the rural
21 library development fund is transferred to the rural libraries
22 endowment fund.

23 **SECTION 13. REPEAL.--**Sections 18-15-1 through 18-15-4
24 NMSA 1978 (being Laws 2007, Chapter 83, Sections 1 through 4)
25 are repealed.

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1 SECTION 14. DELAYED REPEAL--REPLACEMENT AND TRANSFER OF
2 FUND.--

3 A. Sections 1 through 4 of this act are repealed
4 upon the effective date of Sections 5 through 10 of this act.

5 B. The fund created by Section 1 of this act is
6 replaced by the constitutionally created rural libraries
7 endowment fund, and money in the repealed fund shall be
8 transferred to the constitutional fund.

9 SECTION 15. EFFECTIVE DATE--CONTINGENT EFFECTIVE DATE.--

10 A. The effective date of the provisions of Sections
11 1 through 4 and 11 through 13 of this act is July 1, 2019.

12 B. The effective date of the provisions of Sections
13 5 through 10 and 14 of this act is the date the secretary of
14 state certifies that the constitution of New Mexico has been
15 amended as proposed by a joint resolution of the fifty-fourth
16 legislature, first session, entitled "PROPOSING TO AMEND THE
17 CONSTITUTION OF NEW MEXICO BY CREATING AN ENDOWMENT TO SUPPORT
18 THE PRESERVATION, DEVELOPMENT AND ESTABLISHMENT OF RURAL
19 LIBRARIES THROUGHOUT THE STATE".