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SENATE BILL 515

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO TOBACCO SETTLEMENT REVENUES; REQUIRING
APPROPRIATION OF A PORTION OF THE STATE'S SHARE OF TOBACCO
SETTLEMENT REVENUES FOR CERTAIN RURAL HEALTH CARE PURPOSES AND
EDUCATIONAL TECHNOLOGY FOR RURAL SCHOOLS; CREATING A FUND;
MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. [NEW MATERIAL] TOBACCO SETTLEMENT
DISTRIBUTIONS TO STATE--TRANSFER TO CERTAIN FUNDS. --From every
amount distributed to the state pursuant to the master
settlement agreement entered into between tobacco product
manufacturers and the various states, including New Mexico,
and executed November 23, 1998, the state treasurer shall
transfer fourteen percent of the amount to the rural health
care fund for expenditure as provided in Section 2 of this act

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1 and six percent to the educational technology fund for deposit
2 in a separate account for distribution to rural school
3 districts for educational technology as provided in the
4 Technology for Education Act.

5 Section 2. [NEW MATERIAL] RURAL HEALTH CARE FUND
6 ~~CREATED--TOBACCO SETTLEMENT REVENUE--PURPOSES.--~~

7 A. The "rural health care fund" is created in the
8 state treasury and shall consist of tobacco settlement revenue
9 distributed to the fund. Income earned on the fund shall
10 accrue to the fund, and balances at the end of any fiscal year
11 shall not revert. Money in the fund shall be appropriated by
12 the legislature annually as provided in this section.

13 B. Beginning with fiscal year 2000 and for each
14 fiscal year thereafter, the legislature shall appropriate the
15 amount of tobacco settlement revenue distributed to the fund
16 in the prior fiscal year as follows:

17 (1) seventy percent of that amount shall be
18 appropriated to the department of health to provide primary
19 health care services in rural areas of the state pursuant to
20 the provisions of the Rural Primary Health Care Act; and

21 (2) thirty percent of that amount shall be
22 appropriated for substance abuse prevention programs serving
23 residents in rural areas of the state.

24 C. As used in this section:

25 (1) "rural areas" means municipalities with a

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1 population according to the most recent federal decennial
2 census of less than five thousand and the unincorporated areas
3 of counties; and

4 (2) "tobacco settlement revenue" means money
5 distributed to the state pursuant to the master settlement
6 agreement entered into between tobacco product manufacturers
7 and the various states, including New Mexico, and executed
8 November 23, 1998.

9 Section 3. A new section of the Technology for Education
10 Act is enacted to read:

11 "[NEW MATERIAL] EDUCATIONAL TECHNOLOGY FUND--ADDITIONAL
12 DISTRIBUTION FOR RURAL SCHOOL DISTRICTS. --

13 A. Upon annual review and approval of a school
14 district's educational technology plan, the bureau shall
15 determine a distribution from the rural set-aside account in
16 the educational technology fund for each rural school
17 district. This distribution is in addition to any
18 distribution made pursuant to Section 22-15A-9 NMSA 1978.

19 B. On or before July 31 of each year, from the
20 amount of money in the rural set-aside account, the bureau
21 shall distribute to each rural school district an amount equal
22 to ninety percent of the district's estimated additional rural
23 entitlement as determined by the projected membership for the
24 school year. A rural school district's entitlement is that
25 portion of the total amount of the annual rural set-aside

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1 appropriation that the projected membership bears to the
2 projected membership of all rural school districts in the
3 state. Kindergarten membership shall be calculated on a one-
4 half full-time-equivalent basis.

5 C. On or before January 30 of each year, the
6 bureau shall recompute each rural entitlement using the final
7 funded membership for that year and shall allocate the balance
8 of the annual appropriation adjusting for any over- or under-
9 projection of membership.

10 D. Each school district receiving a distribution
11 pursuant to the Technology for Education Act is responsible
12 for the purchase, distribution, use and maintenance of
13 educational technology acquired with that money. "

14 Section 4. Section 22-15A-2 NMSA 1978 (being Laws 1994,
15 Chapter 96, Section 2) is amended to read:

16 "22-15A-2. DEFINITIONS. --As used in the Technology for
17 Education Act:

18 A. "bureau" means the education technology bureau
19 in the department of education;

20 B. "chief" means the chief of the bureau;

21 C. "council" means the council on technology in
22 education; [and]

23 D. "educational technology" means tools used in
24 the educational process that constitute learning resources and
25 may include closed circuit television systems, educational

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1 television and radio broadcasting, cable television,
2 satellite, copper and fiber optic transmission, computer,
3 video and audio laser and CD ROM discs, video and audio tapes
4 or other technologies and the training, maintenance, equipment
5 and computer infrastructure information, techniques and tools
6 used to implement technology in classrooms and library and
7 media centers;

8 E. "membership" means the total enrollment of
9 qualified students, as defined in the Public School Finance
10 Act, on the current roll of class or school on a specified
11 day. The current roll is established by the addition of
12 original entries and re-entries minus withdrawals. Withdrawal
13 of students, in addition to students formally withdrawn from
14 the public school, includes students absent from the public
15 school for as many as ten consecutive school days; and

16 F. "rural school district" means a school district
17 with a membership of less than six thousand students. "

18 Section 5. Section 22-15A-8 NMSA 1978 (being Laws 1994,
19 Chapter 96, Section 8) is amended to read:

20 "22-15A-8. EDUCATIONAL TECHNOLOGY FUND--CREATED. --

21 A. The "educational technology fund" is created in
22 the state treasury. Money in the fund is appropriated to the
23 department of education for the purpose of implementing the
24 provisions of the Technology for Education Act. Money in the
25 fund shall be distributed in the manner provided in the

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1 Technology for Education Act.

2 B. Money distributed to the educational technology
3 fund pursuant to Section 1 of this act shall be deposited in a
4 separate account in the fund to be known as the "rural set-
5 aside account". Money in this account is appropriated to the
6 department of education to make distributions to rural school
7 districts for educational technology pursuant to the
8 Technology for Education Act.

9 C. Money in the fund shall only be expended
10 pursuant to warrants issued by the department of finance and
11 administration pursuant to vouchers signed by the chief or the
12 state superintendent. Money in the fund shall not revert at
13 the end of the fiscal year, but shall remain to the credit of
14 the fund. "

15 Section 6. Section 22-15A-9 NMSA 1978 (being Laws 1994,
16 Chapter 96, Section 9) is amended to read:

17 "22-15A-9. EDUCATIONAL TECHNOLOGY FUND-- DISTRIBUTION. --

18 A. Upon annual review and approval of a school
19 district's educational technology plan, the bureau shall
20 determine a separate distribution for each school district
21 from money in the educational technology fund [for each school
22 district], other than money in the rural set-aside account .

23 B. On or before July 31 of each year, the bureau
24 shall distribute money in the educational technology fund
25 directly to each school district in an amount equal to ninety

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1 percent of the district's estimated entitlement as determined
2 by the projected membership for the school year. A school
3 district's entitlement is that portion of the total amount of
4 the annual appropriation that the projected membership bears
5 to the projected membership of the state. Kindergarten
6 membership shall be calculated on a one-half full-time
7 equivalent basis.

8 C. On or before January 30 of each year, the
9 bureau shall recompute each entitlement under this section
10 using the final funded membership for that year and shall
11 allocate the balance of the annual appropriation adjusting for
12 any over- or under-projection of membership.

13 D. Any school district receiving funding pursuant
14 to the Technology for Education Act is responsible for the
15 purchase, distribution, use and maintenance of educational
16 technology.

17 ~~[E. As used in this section, "membership" means~~
18 ~~the total enrollment of qualified students, as defined in the~~
19 ~~Public School Finance Act, on the current roll of class or~~
20 ~~school on a specified day. The current roll is established by~~
21 ~~the addition of original entries and re-entries minus~~
22 ~~withdrawals. Withdrawal of students, in addition to students~~
23 ~~formally withdrawn from the public school, includes students~~
24 ~~absent from the public school for as many as ten consecutive~~
25 ~~school days.] "~~

1 Section 7. **EMERGENCY.** -- It is necessary for the public
2 peace, health and safety that this act take effect
3 **immediately.**

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 March 7, 1999

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8 Mr. President:

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10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
11 referred

12
13 SENATE BILL 515

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15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 FINANCE COMMITTEE.

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19 Respectfully submitted,
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Shannon Robinson, Chairman

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Boitano, Garcia, Howes, Ingle

Absent: None

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