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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 of the department;

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

D. "fund" means the school library material fund;

E. "governmentally controlled school" means a
bureau of Indian education school that is governmentally
owned and controlled, is located in New Mexico, provides
instruction for first through twelfth grades and is not

1 sectarian or denominational;

2 F. "library material processing" means cataloging
3 of school library material, including in electronic format,
4 according to nationally accepted standards, and the
5 application of bar code labels and call-number classification
6 labels to the material;

7 G. "membership" means the total enrollment of
8 qualified students on the fortieth day of the school year
9 entitled to the free use of school library material pursuant
10 to the School Library Material Act;

11 H. "qualified student" means a public school or
12 governmentally controlled school student who:

13 (1) has not graduated from high school;

14 (2) is regularly enrolled in one-half or
15 more of the minimum course requirements approved by the
16 department for public school students or by the bureau of
17 Indian education for students enrolled in a governmentally
18 controlled school; and

19 (3) in terms of age:

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

22 (b) is at least three years of age at
23 any time during the school year and is receiving special
24 education services pursuant to regulation of the department;

25 I. "school library material" means books and other

1 educational media, including online reference and periodical
2 databases, that are made available in a school library to
3 students for circulation and use in the library; and

4 J. "school district" includes state-chartered
5 charter schools."

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

8 "22-15C-3. SCHOOL LIBRARY MATERIAL FUND--CREATION.--The
9 "school library material fund" is created in the state
10 treasury. The purpose of the fund is to provide an account
11 from which the department may distribute money to school
12 districts, state institutions and governmentally controlled
13 schools to pay for the cost of purchasing school library
14 material. The cost of purchasing school library material may
15 include shipping and handling charges for the delivery of
16 school library material. The fund shall consist of
17 appropriations, gifts, grants, donations and bequests. Money
18 in the fund is appropriated to the department to pay for the
19 cost of purchasing school library material. Disbursements
20 from the fund shall be by warrant of the secretary of finance
21 and administration upon vouchers signed by the secretary or
22 the secretary's designated representative. Money in the fund
23 shall not revert to the general fund at the end of a fiscal
24 year."

25 Section 3. Section 22-15C-4 NMSA 1978 (being Laws 2003, SB 323
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1 Chapter 149, Section 4) is amended to read:

2 "22-15C-4. ADMINISTRATION OF THE SCHOOL LIBRARY
3 MATERIAL FUND--BUREAU--DUTIES.--Subject to the policies and
4 rules of the department, the bureau shall:

5 A. administer the provisions of the School Library
6 Material Act;

7 B. enforce rules for the handling, safekeeping and
8 distribution of school library material and money from the
9 fund;

10 C. enforce inventory and accounting procedures to
11 be followed by school districts, state institutions and
12 governmentally controlled schools; and

13 D. withdraw or withhold the privilege of
14 participating in the free use of school library material in
15 case of noncompliance with the provisions of the School
16 Library Material Act or rules adopted pursuant to that act."

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

19 "22-15C-5. STUDENTS ELIGIBLE--DISTRIBUTION.--

20 A. A qualified student or person eligible to
21 become a qualified student attending a public school, a state
22 institution or a governmentally controlled school in a grade
23 from the first through the twelfth grade of instruction is
24 entitled to the free use of school library material. A
25 student enrolled in an early childhood education program as

1 defined in Section 22-13-3 NMSA 1978 is also entitled to the
2 free use of school library material.

3 B. A school district, a state institution or a
4 governmentally controlled school shall purchase school
5 library material as an agent for the benefit of students
6 entitled to the free use of school library material.

7 C. A school district, a state institution or a
8 governmentally controlled school receiving school library
9 material pursuant to the School Library Material Act is
10 responsible for circulation of the school library material
11 for use by eligible students and for the safekeeping of the
12 school library material."

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

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

17 A. On or before July 1 of each year, the
18 department shall allocate from the fund at least ninety
19 percent of the estimated entitlement for each school
20 district, state institution or governmentally controlled
21 school as determined from the estimated forty-day membership
22 for the next school year to each school district, state
23 institution and governmentally controlled school. The
24 entitlement of a school district, a state institution or a
25 governmentally controlled school is the portion of the total

1 amount of the annual appropriation less a deduction for a
2 reasonable reserve for emergency expenses that its forty-day
3 membership bears to the forty-day membership of the entire
4 state. Additional students shall be counted as six students
5 for the purpose of the allocation.

6 B. On or before January 15 of each year, the
7 department shall recompute each entitlement using the
8 forty-day membership for that year and shall allocate the
9 balance of the annual appropriation adjusting for any
10 over- or under-estimation made in the first allocation.

11 C. The department shall establish procedures to
12 distribute funds directly to school districts, state
13 institutions and governmentally controlled schools.

14 D. A school district, a state institution or a
15 governmentally controlled school that has funds remaining for
16 the purchase of school library material at the end of a
17 fiscal year shall retain those funds for expenditure in
18 subsequent years."

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

21 "22-15C-7. SALE OR LOSS OR RETURN OF SCHOOL LIBRARY
22 MATERIAL.--

23 A. With the approval of the bureau, school library
24 material acquired by a school district, a state institution
25 or a governmentally controlled school pursuant to the School

1 Library Material Act may be sold at a price determined by
2 officials of the school district, state institution or
3 governmentally controlled school. The selling price shall
4 not exceed the cost of school library material to the state.

5 B. A school district, a state institution or a
6 governmentally controlled school may hold a parent, guardian
7 or student responsible for loss, damage or destruction of
8 school library material while the school library material is
9 in the possession of a student. A school district or a
10 governmentally controlled school may withhold the grades,
11 diploma and transcripts of a student responsible for damage
12 or loss of school library material until the parent, guardian
13 or student has paid for the damage or loss. When a parent,
14 guardian or student is unable to pay for the damage or loss,
15 the school district shall work with the parent, guardian or
16 student to develop an alternative program in lieu of payment.
17 Where a parent or guardian is determined to be indigent
18 according to guidelines established by the department, the
19 school district shall bear the cost.

20 C. A school district, a state institution or a
21 governmentally controlled school that has funds remaining for
22 the purchase of school library material at the end of a
23 fiscal year shall retain the funds for expenditure in
24 subsequent years."

1 Chapter 149, Section 8) is amended to read:

2 "22-15C-8. RECORD OF SCHOOL LIBRARY MATERIAL.--A school
3 district, a state institution or a governmentally controlled
4 school shall keep an accurate record of school library
5 material that includes a cost record. A school district, a
6 state institution or a governmentally controlled school shall
7 comply with record-keeping procedures prescribed by the
8 bureau."

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

11 "22-15C-9. ANNUAL REPORT.--Annually, at a time
12 specified by the department, each local school district,
13 state institution or governmentally controlled school
14 acquiring school library material pursuant to the School
15 Library Material Act shall file a report with the
16 department."

17 Section 9. Section 22-15C-10 NMSA 1978 (being Laws
18 2003, Chapter 149, Section 10) is amended to read:

19 "22-15C-10. REPORTS--BUDGETS.--

20 A. Annually, the department shall submit a budget
21 for the next fiscal year to the department of finance and
22 administration showing expenditures for school library
23 material to be paid from the fund, including reasonable
24 shipping and handling charges and library material processing
25 expenses.

1 B. Upon request, the department shall make reports
2 to the public education commission concerning the
3 administration and execution of the School Library Material
4 Act."

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