

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 8

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

AN ACT

RELATING TO PUBLIC SCHOOLS; MAKING LOCALLY CHARTERED AND STATE-
CHARTERED CHARTER SCHOOLS ELIGIBLE TO RECEIVE A PRORATED SHARE
OF EDUCATION TECHNOLOGY EQUIPMENT PURCHASED BY A SCHOOL
DISTRICT THROUGH A LEASE-PURCHASE ARRANGEMENT UNDER PROVISIONS
OF THE EDUCATION TECHNOLOGY EQUIPMENT ACT; ALLOWING LOCAL
SCHOOL BOARDS TO SUBMIT TO LOCAL VOTERS THE QUESTION OF
CREATING DEBT; REQUIRING LOCAL SCHOOL BOARDS TO ABIDE BY THE
MAJORITY VOTE ON THE QUESTION.

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

SECTION 1. Section 6-15A-1 NMSA 1978 (being Laws 1997,
Chapter 193, Section 1) is amended to read:

"6-15A-1. SHORT TITLE.--~~[Sections 1 through 16 of this~~
~~act]~~ Chapter 6, Article 15A NMSA 1978 may be cited as the
"Education Technology Equipment Act"."

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underscored material = new
[bracketed material] = delete

1 SECTION 2. Section 6-15A-3 NMSA 1978 (being Laws 1997,
2 Chapter 193, Section 3, as amended) is amended to read:

3 "6-15A-3. DEFINITIONS.--As used in the Education
4 Technology Equipment Act:

5 A. "debt" means an obligation payable from
6 ad valorem property tax revenues or the general fund of a
7 school district and that may be secured by the full faith and
8 credit of a school district and a pledge of its taxing powers;

9 B. "department" means the public education
10 department;

11 [~~B.~~] C. "education technology equipment" means
12 tools used in the educational process that constitute learning
13 and administrative resources and may include:

14 (1) closed-circuit television systems;
15 educational television and radio broadcasting; cable
16 television, satellite, copper and fiber-optic transmission;
17 computer, network connection devices; digital communications
18 equipment (voice, video and data); servers; switches; portable
19 media such as discs and drives to contain data for electronic
20 storage and playback; and purchase or lease of software
21 licenses or other technologies and services, maintenance,
22 equipment and computer infrastructure information, techniques
23 and tools used to implement technology in schools and related
24 facilities; [~~and~~]

25 (2) improvements, alterations and

1 modifications to, or expansions of, existing buildings or
 2 personal property necessary or advisable to house or otherwise
 3 accommodate any of the tools listed in Paragraph (1) of this
 4 subsection; and

5 (3) expenditures for technical support and
 6 training expenses of school district employees who administer
 7 education technology projects funded by a lease-purchase
 8 arrangement and may include training by contractors;

9 D. "eligible charter school" means a locally
 10 chartered or state-chartered charter school located within the
 11 geographic boundaries of a school district:

12 (1) that timely provides the information
 13 necessary to identify the lease-purchase education technology
 14 equipment needed in the charter school to be included in the
 15 local school board resolution for lease-purchase of education
 16 technology equipment; and

17 (2) for which the proposed lease-purchase of
 18 education technology equipment is included in the school
 19 district's approved technology master plan;

20 [~~G.~~] E. "lease-purchase arrangement" means a
 21 financing arrangement constituting debt of a school district
 22 pursuant to which periodic lease payments composed of principal
 23 and interest components are to be paid to the holder of the
 24 lease-purchase arrangement and pursuant to which the owner of
 25 the education technology equipment may retain title to or a

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1 security interest in the equipment and may agree to release the
2 security interest or transfer title to the equipment to the
3 school district for nominal consideration after payment of the
4 final periodic lease payment. "Lease-purchase arrangement"
5 also means any debt of the school district incurred for the
6 purpose of acquiring education technology equipment pursuant to
7 the Education Technology Equipment Act whether designated as a
8 general obligation lease, note or other instrument evidencing a
9 debt of the school district;

10 ~~[D-]~~ F. "local school board" means the governing
11 body of a school district; and

12 ~~[E-]~~ G. "school district" means an area of land
13 established as a political subdivision of the state for the
14 administration of public schools and segregated geographically
15 for taxation and bonding purposes."

16 **SECTION 3.** A new section of the Education Technology
17 Equipment Act is enacted to read:

18 "[NEW MATERIAL] CHARTER SCHOOLS--RECEIPT OF EDUCATION
19 TECHNOLOGY EQUIPMENT.--On or after July 1, 2015, a school
20 district that assumes a debt through a lease-purchase
21 arrangement under the provisions of the Education Technology
22 Equipment Act shall provide, to each eligible charter school in
23 the school district, education technology equipment equal in
24 value to an amount based upon the net proceeds from the debt
25 after payment of the cost of issuing the debt through a lease-

1 purchase arrangement prorated by the number of students
 2 enrolled in the school district and in eligible charter schools
 3 as reported on the first reporting date of the prior school
 4 year; provided that, in the case of an approved eligible
 5 charter school that had not commenced classroom instruction in
 6 the prior school year, the estimated full-time-equivalent
 7 enrollment in the first year of instruction, as shown in the
 8 approved charter school application, shall be used to determine
 9 the amount, subject to adjustment after the first reporting
 10 date."

11 SECTION 4. Section 6-15A-14 NMSA 1978 (being Laws 1997,
 12 Chapter 193, Section 14) is amended to read:

13 "6-15A-14. CUMULATIVE AND COMPLETE AUTHORITY.--The
 14 Education Technology Equipment Act shall be deemed to provide
 15 an additional and alternative method for acquiring education
 16 technology equipment [~~authorized thereby~~] and shall be regarded
 17 as supplemental and additional to powers conferred by other
 18 laws and shall not be regarded as a derogation of any powers
 19 now existing. The Education Technology Equipment Act shall be
 20 deemed to provide complete authority for acquiring education
 21 technology equipment and entering into lease-purchase
 22 arrangements [~~contemplated thereby and~~]. No other approval of
 23 any state agency or officer, except as provided [~~therein~~] in
 24 that act, shall be required with respect to any lease-purchase
 25 arrangements, and the local school board acting [~~thereunder~~]

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1 pursuant to provisions of that act need not comply with the
2 requirements of any other law applicable to the issuance of
3 debt by school districts; provided, however, that a local
4 school board may submit to a vote of qualified electors of the
5 school district the question of creating debt by entering into
6 a lease-purchase arrangement; and provided further that the
7 local school board shall abide by the vote of the majority of
8 those persons voting on the question."

9 **SECTION 5. EFFECTIVE DATE.**--The effective date of the
10 provisions of this act is July 1, 2015.