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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.--Chapter 6, Article 15A
NMSA 1978 may be cited as the "Education Technology Equipment
Act"."

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

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

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

B. "department" means the public education
department;

1 C. "education technology equipment" means tools
2 used in the educational process that constitute learning and
3 administrative resources and may include:

4 (1) closed-circuit television systems;
5 educational television and radio broadcasting; cable
6 television, satellite, copper and fiber-optic transmission;
7 computer, network connection devices; digital communications
8 equipment (voice, video and data); servers; switches;
9 portable media such as discs and drives to contain data for
10 electronic storage and playback; and purchase or lease of
11 software licenses or other technologies and services,
12 maintenance, equipment and computer infrastructure
13 information, techniques and tools used to implement
14 technology in schools and related facilities;

15 (2) improvements, alterations and
16 modifications to, or expansions of, existing buildings or
17 personal property necessary or advisable to house or
18 otherwise accommodate any of the tools listed in
19 Paragraph (1) of this subsection; and

20 (3) expenditures for technical support and
21 training expenses of school district employees who administer
22 education technology projects funded by a lease-purchase
23 arrangement and may include training by contractors;

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

(1) that timely provides the information

1 necessary to identify the lease-purchase education technology
2 equipment needed in the charter school to be included in the
3 local school board resolution for lease-purchase of education
4 technology equipment; and

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

8 E. "lease-purchase arrangement" means a financing
9 arrangement constituting debt of a school district pursuant
10 to which periodic lease payments composed of principal and
11 interest components are to be paid to the holder of the
12 lease-purchase arrangement and pursuant to which the owner of
13 the education technology equipment may retain title to or a
14 security interest in the equipment and may agree to release
15 the security interest or transfer title to the equipment to
16 the school district for nominal consideration after payment
17 of the final periodic lease payment. "Lease-purchase
18 arrangement" also means any debt of the school district
19 incurred for the purpose of acquiring education technology
20 equipment pursuant to the Education Technology Equipment Act
21 whether designated as a general obligation lease, note or
22 other instrument evidencing a debt of the school district;

23 F. "local school board" means the governing body
24 of a school district; and

25 G. "school district" means an area of land
established as a political subdivision of the state for the
administration of public schools and segregated

1 geographically for taxation and bonding purposes."

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

4 "CHARTER SCHOOLS--RECEIPT OF EDUCATION TECHNOLOGY
5 EQUIPMENT.--On or after July 1, 2015, a school district that
6 assumes a debt through a lease-purchase arrangement under the
7 provisions of the Education Technology Equipment Act shall
8 provide, to each eligible charter school in the school
9 district, education technology equipment equal in value to
10 an amount based upon the net proceeds from the debt after
11 payment of the cost of issuing the debt through a
12 lease-purchase arrangement prorated by the number of students
13 enrolled in the school district and in eligible charter
14 schools as reported on the first reporting date of the prior
15 school year; provided that, in the case of an approved
16 eligible charter school that had not commenced classroom
17 instruction in the prior school year, the estimated
18 full-time-equivalent enrollment in the first year of
19 instruction, as shown in the approved charter school
20 application, shall be used to determine the amount, subject
21 to adjustment after the first reporting date."

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

24 "6-15A-14. CUMULATIVE AND COMPLETE AUTHORITY.--The
25 Education Technology Equipment Act shall be deemed to provide
an additional and alternative method for acquiring education
technology equipment and shall be regarded as supplemental

1 and additional to powers conferred by other laws and shall
2 not be regarded as a derogation of any powers now existing.
3 The Education Technology Equipment Act shall be deemed to
4 provide complete authority for acquiring education technology
5 equipment and entering into lease-purchase arrangements. No
6 other approval of any state agency or officer, except as
7 provided in that act, shall be required with respect to any
8 lease-purchase arrangements, and the local school board
9 acting pursuant to provisions of that act need not comply
10 with the requirements of any other law applicable to the
11 issuance of debt by school districts; provided, however, that
12 a local school board may submit to a vote of qualified
13 electors of the school district the question of creating debt
14 by entering into a lease-purchase arrangement; and provided
15 further that the local school board shall abide by the vote
16 of the majority of those persons voting on the question."

17 SECTION 5. EFFECTIVE DATE.--The effective date of
18 the provisions of this act is July 1, 2015. _____
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