

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 519

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Carlos R. Cisneros

AN ACT

RELATING TO PUBLIC SCHOOLS; MAKING LOCALLY AND STATE-CHARTERED  
CHARTER SCHOOLS ELIGIBLE TO RECEIVE A PRORATED SHARE OF  
EDUCATION TECHNOLOGY EQUIPMENT ACT PROCEEDS.

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"."

**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

underscoring material = new  
[bracketed material] = delete

1 ad valorem property tax revenues or the general fund of a  
2 school district and that may be secured by the full faith and  
3 credit of a school district and a pledge of its taxing powers;

4 B. "education technology equipment" means tools  
5 used in the educational process that constitute learning and  
6 administrative resources and may include:

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

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

22 C. "lease-purchase arrangement" means a financing  
23 arrangement constituting debt of a school district pursuant to  
24 which periodic lease payments composed of principal and  
25 interest components are to be paid to the holder of the lease-

.192542.1

underscored material = new  
[bracketed material] = delete

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

12 D. "local school board" means the governing body of  
13 a school district; and

14 E. "school district" means an area of land  
15 established as a political subdivision of the state for the  
16 administration of public schools and segregated geographically  
17 for taxation and bonding purposes or a locally chartered or a  
18 state-chartered charter school located within the geographic  
19 boundaries of a school district."

20 SECTION 3. Section 6-15A-8 NMSA 1978 (being Laws 2001,  
21 Chapter 203, Section 1) is amended to read:

22 "6-15A-8. AUTHORIZING LEASE-PURCHASE OF EDUCATION  
23 TECHNOLOGY EQUIPMENT--PRELIMINARY RESOLUTION--CONTENTS--  
24 NOTICE--FINAL RESOLUTION OF APPROVAL.--

25 A. If a local school board proposes to lease-

.192542.1

underscoring material = new  
[bracketed material] = delete

1 purchase education technology equipment, it shall comply with  
2 the requirements of this section.

3 B. At a regular meeting or at a special meeting  
4 called for the purpose of considering the lease-purchase of  
5 education technology equipment, a local school board shall:

6 (1) make a determination of the necessity for  
7 lease-purchasing the education technology equipment;

8 (2) determine the estimated cost of the  
9 equipment needed;

10 (3) review a summary of the terms of the  
11 proposed lease-purchase agreement;

12 (4) identify the source of funds for the  
13 lease-purchase payments;

14 (5) if all or part of the funds needed  
15 requires or anticipates the imposition of a property tax,  
16 determine the estimated rate of the tax and what, if any, the  
17 percentage increase in property taxes for real property owners  
18 in the school district;

19 (6) set a date not more than four weeks and  
20 not less than three weeks in the future for a special meeting  
21 to consider a resolution granting final approval to the lease-  
22 purchase of education technology equipment; and

23 (7) direct that notice of the special meeting  
24 be published once each week for the two weeks immediately  
25 preceding the meeting in a newspaper having general circulation

.192542.1

underscored material = new  
[bracketed material] = delete

1 in the school district and that the notice include the  
2 information required in Paragraphs (1) through (5) of this  
3 subsection.

4 C. At the special meeting scheduled pursuant to  
5 Subsection B of this section, the local school board may adopt  
6 a final resolution approving the lease-purchase of education  
7 technology equipment only by an affirmative vote of majority of  
8 all members of the board.

9 D. The local school board shall not adopt a  
10 resolution for or approve a lease-purchase agreement that  
11 exceeds five years.

12 E. After July 1, 2013, a resolution approving the  
13 lease-purchase of education technology equipment pursuant to  
14 Subsections B through D of this section shall include the  
15 lease-purchase of education technology equipment for locally  
16 chartered or state-chartered charter schools located within the  
17 school district if:

18 (1) the charter school timely provides the  
19 necessary information that identifies the lease-purchase of  
20 education technology equipment for use in the charter school to  
21 be included in the board resolution for lease-purchase of  
22 education technology equipment; and

23 (2) the proposed lease-purchase of education  
24 technology equipment is included in the five-year facilities  
25 plan:

.192542.1

1                   (a) of the school district, if the  
2 charter school is a locally chartered school; or

3                   (b) of the charter school, if the  
4 charter school is a state-chartered charter school."

5           SECTION 4. A new section of the Education Technology  
6 Equipment Act is enacted to read:

7           "[NEW MATERIAL] CHARTER SCHOOLS--RECEIPT OF PRORATED  
8 EDUCATION TECHNOLOGY EQUIPMENT ACT FUNDS.--After July 1, 2013,  
9 if a school district assumes debt under the provisions of the  
10 Education Technology Equipment Act, as provided in Section  
11 6-15A-8 NMSA 1978, the amount of revenue from that assumption  
12 of debt to be distributed to each charter school that was  
13 included in the resolution shall be determined each year and  
14 shall be in the same proportion as the average full-time-  
15 equivalent enrollment of the charter school on the first  
16 reporting date of the prior school year is to the total of such  
17 enrollment in the school district; provided that, in the case  
18 of an approved charter school that had not commenced classroom  
19 instruction in the prior school year, the estimated full-time-  
20 equivalent enrollment in the first year of instruction, as  
21 shown in the approved charter school application, shall be  
22 used, subject to adjustment after the first reporting date.  
23 Each year, the department shall certify to the county treasurer  
24 of the county in which the eligible charter schools in the  
25 school district are located the percentage of the revenue to be

.192542.1

underscored material = new  
~~[bracketed material] = delete~~

1 distributed to each charter school. The school district shall  
2 distribute one hundred percent of the charter school's share of  
3 the proceeds from the assumption of debt under terms of the  
4 Education Technology Equipment Act within thirty days from the  
5 assumption of debt."

6 - 7 -  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25