

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** CS/SB 147a

**51st Legislature, 1st Session, 2013**

**Tracking Number:** .192918.1

**Short Title:** Education Technology Definitions

**Sponsor(s):** Senator Jacob Candelaria and Others

**Analyst:** Sarah Amador-Guzman

**Date:** March 20, 2013

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**SENATE EDUCATION COMMITTEE SUBSTITUTE FOR SENATE BILL 147**

**AS AMENDED**

**The Senate Education Committee amendments increase the limitation on purchasing and installing education technology to 30 percent from 15 percent of the total revenue received from the annual levy.**

**Original Bill Summary:**

CS/SB 147 defines two terms – “education technology equipment” and “education technology” – as used in several places in the *Public School Code*. More specifically, the bill amends the *Education Technology Equipment Act* to define the term “education technology equipment” as:

1. closed-circuit television systems;
2. educational television and radio broadcasting and cable television;
3. satellite, copper wire, and fiber-optic transmission;
4. network connection devices and digital communications equipment, including voice, video, and data equipment;
5. computer hardware and software, including software licenses, data storage fees, and other technologies and services;
6. local and remote servers;
7. other computer infrastructure;
8. portable media such as discs and drives that contain data for electronic storage and playback;
9. maintenance equipment;
10. any other techniques and tools used to implement technology in schools and related facilities; and
11. improvements, alterations, and modifications to, or expansions of, existing buildings or personal property necessary or advisable to house or otherwise accommodate any of the tools listed in the subsection.

CS/SB 147 also amends the *Technology for Education Act* to define the term “education technology” as:

- equipment and tools used in the educational process that constitute learning and administrative resources to implement education technology in classrooms, library and media centers and other learning environments; and
- may include the 11 components listed above.

CS/SB 147 also amends the *Public School Capital Improvements Act* (SB 9), and the *Public School Buildings Act* (HB 33) to define the term “education technology” as:

- equipment and tools used in the educational process that constitute learning and administrative resources and may include the 11 components listed above; and
- components listed in the *Technology for Education Act*.

Additionally, language is added to both the *Public School Capital Improvements Act* (SB 9), and the *Public School Buildings Act* (HB 33) that expenditures on “education technology” “shall not exceed fifteen percent of the total revenue received from the annual levy.”

### **Fiscal Impact:**

CS/SB 147 does not contain an appropriation.

### **Substantive Issues:**

Among its provisions, CS/SB 147:

- provides uniform definitions of the terms “education technology” and “education technology equipment” as used throughout the *Public School Code*;
- expands the allowable expenditures in current law for *Public School Buildings Act* (HB 33), and *Public School Capital Improvements Act* (SB 9) funds<sup>1</sup>.

According to the Public School Facilities Authority bill analysis, of the original SB 147:

- expands use of *Public School Capital Improvements Act* (SB 9) from the “purchasing of computer software and hardware for student use” to various equipment and tools used in the educational process that constitute learning and administrative resources” defined in the definition of education technology;
- adds permissive use of proceeds from the *Public School Buildings Act* (HB 33) to purchase education technology, including computers and software;
- expands use for “education technology” that may diminish capacity to fund other capital improvements or other allowable uses of the various funding sources; and
- expands the use of *Public School Capital Improvements Act* (SB 9) and *Public School Buildings Act* (HB 33) funds, which is a concern because a portion of these funds are used by districts for facility maintenance and oversight.

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<sup>1</sup> HB 33 and SB 9 funds are bond generated revenues, which require the sale of bonds and require voter approval.

## **Background:**

### ***Education Technology Equipment Act***

The purpose of the *Education Technology Equipment Act* is to implement the provision of Article 9, Section 11 of the Constitution of New Mexico, which declares that a school district may create a debt by entering into a lease-purchase arrangement to acquire education technology equipment without submitting the proposition to a vote of the qualified electors of the school district.

### ***Technology for Education Act***

The purpose of the *Technology for Education Act* is to:

- establish the Education Technology Bureau within the Public Education Department (PED) (*no longer in existence*);
- create the Council on Technology in Education with 17 members appointed by PED for terms of four years; and
- create the Educational Technology Fund in the state treasury.

### ***Public School Capital Improvements Act***

The purpose of the *Public School Capital Improvements Act* (SB 9) or commonly referred to as the “two-mill levy,” is to create a funding mechanism that allows districts to ask local voters to approve a property levy of up to two mills for a maximum of six years. Funds generated through imposition of the two-mill levy must be used for:

- building, remodeling, making additions to, providing equipment for, or furnishing public school buildings;
- purchasing or improving public school grounds;
- maintaining public school buildings or public school grounds, including the purchasing or repairing of maintenance equipment, participating in the facility information management system as required by the *Public School Capital Outlay Act* and including payments under contract with regional education cooperatives for maintenance support services and expenditures for technical training and certification for maintenance and facilities management personnel, but excluding salary expenses of school district employees;
- purchasing activity vehicles for transporting students to extracurricular activities; and
- purchasing computer software and hardware for student use in public school classrooms.

### ***Public School Buildings Act***

The purpose of the *Public School Buildings Act* (HB 33) allows districts to impose a tax not to exceed 10-mills for a maximum of six years on the net taxable value of property upon approval of qualified voters. Subject to certain limitations, these funds are to be used for:

- building, remodeling, making additions to, providing equipment for, or furnishing public school buildings;
- payments made pursuant to a financing agreement between a school district or a charter school for the leasing of a building or other real property with an option to purchase for a price that is reduced according to payments made;

- purchasing or improving public school grounds;
- purchasing activity vehicles for transporting students to and from extracurricular activities, provided that this authorization for expenditure does not apply to school districts with a student MEM greater than 60,000; or
- administering the projects undertaken pursuant to items 1 and 3 of this section, including expenditures for facility maintenance software, project management software, project oversight, and district personnel specifically related to administration of projects funded by the *Public School Buildings Act*, provided that expenditures pursuant to this subsection do not exceed 5.0 percent of the total project costs.

### ***Charter Schools***

Current provisions in the *Public School Buildings Act* began requiring as of July 1, 2007, that a resolution submitted to the qualifying electors must include capital improvement funding for a locally chartered or state-chartered charter school located within the school district, if:

- the charter school timely provides the necessary information to the school district for inclusion on the resolution that identifies the capital improvements of the charter school for which the revenue proposed to be produced will be used; and
- capital improvements are included in the five-year facilities plan.

### **Original Committee Referrals:**

SPAC/SEC/HEC

### **Related Bills:**

HB 264 *School District Building Systems Needs*

CS/HB 289 *Local Proceeds for School District Employees*