

SENATE FLOOR SUBSTITUTE FOR
SENATE BILL 6

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

AN ACT

RELATING TO PUBLIC SCHOOLS; MAKING LOCALLY AND STATE-CHARTERED
CHARTER SCHOOLS ELIGIBLE TO RECEIVE A PRORATED SHARE OF
EDUCATION TECHNOLOGY EQUIPMENT PURCHASED THROUGH ISSUANCE OF
EDUCATIONAL TECHNOLOGY NOTES.

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:

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underscored material = new
[bracketed material] = delete

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

5 B. "department" means the public education
6 department;

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

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

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

25 D. "eligible charter school" means a locally

1 chartered or state-chartered charter school located within the
2 geographic boundaries of a school district that timely provides
3 the necessary information to identify the lease-purchase
4 education technology equipment for use in the charter school to
5 be included in the local school board resolution for lease-
6 purchase of education technology equipment;

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

22 ~~[D.]~~ F. "local school board" means the governing
23 body of a school district; and

24 ~~[E.]~~ G. "school district" means an area of land
25 established as a political subdivision of the state for the

.196846.3

1 administration of public schools and segregated geographically
2 for taxation and bonding purposes."

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

5 "[NEW MATERIAL] CHARTER SCHOOLS--RECEIPT OF EDUCATION
6 TECHNOLOGY EQUIPMENT.--After July 1, 2014, a school district
7 that assumes debt under the provisions of the Education
8 Technology Equipment Act shall provide, to each eligible
9 charter school in the school district, education technology
10 equipment equal in value to an amount based upon the debt
11 prorated by the number of students enrolled in the school
12 district and eligible charter schools as reported on the first
13 reporting date of the prior school year; provided that, in the
14 case of an approved eligible charter school that had not
15 commenced classroom instruction in the prior school year, the
16 estimated full-time-equivalent enrollment in the first year of
17 instruction, as shown in the approved charter school
18 application, shall be used to determine the amount, subject to
19 adjustment after the first reporting date."

20 SECTION 4. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2014.