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AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL CODE TO CLARIFY THE USES OF "EDUCATION TECHNOLOGY IMPROVEMENTS" IN THE PUBLIC SCHOOL CAPITAL IMPROVEMENTS ACT AND THE PUBLIC SCHOOL BUILDINGS ACT.

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

SECTION 1. Section 22-25-2 NMSA 1978 (being Laws 1975 (S.S.), Chapter 5, Section 2, as amended) is amended to read:

"22-25-2. DEFINITIONS.--As used in the Public School Capital Improvements Act:

A. "program unit" means the product of the program element multiplied by the applicable cost differential factor, as defined in Section 22-8-2 NMSA 1978; and

B. "capital improvements" means expenditures, including payments made with respect to lease-purchase arrangements as defined in the Education Technology Equipment Act or the Public School Lease Purchase Act but excluding any other debt service expenses, for:

(1) erecting, remodeling, making additions to, providing equipment for or furnishing public school buildings;

(2) purchasing or improving public school grounds;

(3) maintenance of public school buildings

1 or public school grounds, including the purchasing or
2 repairing of maintenance equipment and participating in the
3 facility information management system as required by the
4 Public School Capital Outlay Act and including payments under
5 contracts with regional education cooperatives for
6 maintenance support services and expenditures for technical
7 training and certification for maintenance and facilities
8 management personnel, but excluding salary expenses of school
9 district employees;

10 (4) purchasing activity vehicles for
11 transporting students to extracurricular school activities;

12 (5) purchasing computer software and
13 hardware for student use in public school classrooms; and

14 (6) purchasing and installing education
15 technology improvements, excluding salary expenses of school
16 district employees, but including tools used in the
17 educational process that constitute learning and
18 administrative resources, and which may also include:

19 (a) satellite, copper and fiber-optic
20 transmission; computer and network connection devices;
21 digital communication equipment, including voice, video and
22 data equipment; servers; switches; portable media devices,
23 such as discs and drives to contain data for electronic
24 storage and playback; and the purchase or lease of software
25 licenses or other technologies and services, maintenance,

1 equipment and computer infrastructure information, techniques
2 and tools used to implement technology in schools and related
3 facilities; and

4 (b) improvements, alterations and
5 modifications to, or expansions of, existing buildings or
6 tangible personal property necessary or advisable to house or
7 otherwise accommodate any of the tools listed in this
8 paragraph."

9 SECTION 2. Section 22-26-2 NMSA 1978 (being Laws 1983,
10 Chapter 163, Section 2, as amended) is amended to read:

11 "22-26-2. DEFINITION.--As used in the Public School
12 Buildings Act, "capital improvements" means expenditures,
13 including payments made with respect to lease-purchase
14 arrangements as defined in the Education Technology Equipment
15 Act but excluding any other debt service expenses, for:

16 A. erecting, remodeling, making additions to,
17 providing equipment for or furnishing public school
18 buildings;

19 B. payments made pursuant to a financing agreement
20 entered into by a school district or a charter school for the
21 leasing of a building or other real property with an option
22 to purchase for a price that is reduced according to payments
23 made;

24 C. purchasing or improving public school grounds;

25 D. purchasing activity vehicles for transporting

1 students to and from extracurricular school activities;
2 provided that this authorization for expenditure does not
3 apply to school districts with a student MEM greater than
4 sixty thousand;

5 E. administering the projects undertaken pursuant
6 to Subsections A and C of this section, including
7 expenditures for facility maintenance software, project
8 management software, project oversight and district personnel
9 specifically related to administration of projects funded by
10 the Public School Buildings Act; provided that expenditures
11 pursuant to this subsection shall not exceed five percent of
12 the total project costs; and

13 F. purchasing and installing education technology
14 improvements, excluding salary expenses of school district
15 employees, but including tools used in the educational
16 process that constitute learning and administrative
17 resources, and which may also include:

18 (1) satellite, copper and fiber-optic
19 transmission; computer and network connection devices;
20 digital communication equipment, including voice, video and
21 data equipment; servers; switches; portable media devices,
22 such as discs and drives to contain data for electronic
23 storage and playback; and purchase or lease of software
24 licenses or other technologies and services, maintenance,
25 equipment and computer infrastructure information, techniques

1 and tools used to implement technology in schools and related
2 facilities; and

3 (2) improvements, alterations and
4 modifications to, or expansions of, existing buildings or
5 tangible personal property necessary or advisable to house or
6 otherwise accommodate any of the tools listed in this
7 subsection."

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