

1 SENATE BILL 147

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Jacob Candelaria

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10 AN ACT

11 RELATING TO EDUCATION; CLARIFYING THE DEFINITIONS OF "EDUCATION
12 TECHNOLOGY" AND "EDUCATION TECHNOLOGY EQUIPMENT".

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 6-15A-3 NMSA 1978 (being Laws 1997,
16 Chapter 193, Section 3, as amended) is amended to read:

17 "6-15A-3. DEFINITIONS.--As used in the Education
18 Technology Equipment Act:

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

23 B. "education technology equipment" means tools
24 used in the educational process that constitute learning and
25 administrative resources and may include:

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

11 (1) closed-circuit television systems;

12 (2) educational television and radio
13 broadcasting and cable television;

14 (3) satellite, copper wire and fiber-optic
15 transmission;

16 (4) network connection devices and digital
17 communications equipment, including voice, video and data
18 equipment;

19 (5) computer hardware and software, including
20 software licenses, data storage fees and other technologies and
21 services;

22 (6) local and remote servers;

23 (7) other computer infrastructure;

24 (8) portable media such as discs and drives to
25 contain data for electronic storage and playback;

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(9) maintenance equipment;
(10) any other techniques and tools used to
implement technology in schools and related facilities; and
~~[(2)]~~ (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 [~~Paragraph (1) of~~] this
subsection;

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

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

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1 E. "school district" means an area of land
2 established as a political subdivision of the state for the
3 administration of public schools and segregated geographically
4 for taxation and bonding purposes."

5 SECTION 2. Section 22-15A-2 NMSA 1978 (being Laws 1994,
6 Chapter 96, Section 2) is amended to read:

7 "22-15A-2. DEFINITIONS.--As used in the Technology for
8 Education Act:

9 A. "bureau" means the education technology bureau
10 in the department [~~of education~~];

11 B. "chief" means the chief of the bureau;

12 C. "council" means the council on technology in
13 education; and

14 D. "~~[educational]~~ education technology" means:
15 [~~tools used in the educational process that constitute learning~~
16 ~~resources and may include closed circuit television systems,~~
17 ~~educational television and radio broadcasting, cable~~
18 ~~television, satellite, copper and fiber optic transmission,~~
19 ~~computer, video and audio laser and CD ROM discs, video and~~
20 ~~audio tapes or other technologies and the training,~~
21 ~~maintenance, equipment and computer infrastructure information,~~
22 ~~techniques and tools used to implement technology in classrooms~~
23 ~~and library and media centers]~~

24 (1) equipment and tools used in the
25 educational process that constitute learning and administrative

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1 resources to implement education technology in classrooms,
2 library and media centers and other learning environments and
3 may include:

4 (a) closed-circuit television systems;

5 (b) educational television and radio
6 broadcasting and cable television;

7 (c) satellite, copper wire and
8 fiber-optic transmission;

9 (d) network connection devices and
10 digital communications equipment, including voice, video and
11 data equipment;

12 (e) computer hardware and software,
13 including software licenses, data storage fees and other
14 technologies and services;

15 (f) local and remote servers;

16 (g) other computer infrastructure;

17 (h) portable media such as discs and
18 drives to contain data for electronic storage and playback;

19 (i) maintenance equipment; and

20 (j) any other techniques and tools used
21 to implement technology in schools and related facilities; and

22 (2) improvements, alterations and
23 modifications to, or expansions of, existing buildings or
24 personal property necessary or advisable to house or otherwise
25 accommodate any of the equipment and tools listed in Paragraph

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1 (1) of this subsection."

2 SECTION 3. Section 22-18-1 NMSA 1978 (being Laws 1967,
3 Chapter 16, Section 228, as amended) is amended to read:

4 "22-18-1. GENERAL OBLIGATION BONDS--AUTHORITY TO ISSUE.--

5 A. After consideration of the priorities for the
6 school district's capital needs as shown by the facility
7 assessment database maintained by the public school facilities
8 authority and subject to the provisions of Article 9, Section
9 11 of the constitution of New Mexico and Sections 6-15-1 and
10 6-15-2 NMSA 1978, a school district may issue general
11 obligation bonds for the purpose of:

12 (1) erecting, remodeling, making additions to
13 and furnishing school buildings;

14 (2) purchasing or improving school grounds;

15 (3) purchasing ~~[computer software and hardware~~
16 ~~for student use in public schools]~~ education technology;

17 (4) providing matching funds for capital
18 outlay projects funded pursuant to the Public School Capital
19 Outlay Act; or

20 (5) any combination of these purposes.

21 B. The bonds shall be fully negotiable and
22 constitute negotiable instruments within the meaning and for
23 all purposes of the Uniform Commercial Code.

24 C. As used in this section, "education technology"
25 means:

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1 (1) equipment and tools used in the
2 educational process that constitute learning and administrative
3 resources and may include:

4 (a) closed-circuit television systems;

5 (b) educational television and radio
6 broadcasting and cable television;

7 (c) satellite, copper wire and
8 fiber-optic transmission;

9 (d) network connection devices and
10 digital communications equipment, including voice, video and
11 data equipment;

12 (e) computer hardware and software,
13 including software licenses, data storage fees and other
14 technologies and services;

15 (f) local and remote servers;

16 (g) other computer infrastructure;

17 (h) portable media such as discs and
18 drives to contain data for electronic storage and playback;

19 (i) maintenance equipment; and

20 (j) any other techniques and tools used
21 to implement technology in schools and related facilities; and

22 (2) improvements, alterations and
23 modifications to, or expansions of, existing buildings or
24 personal property necessary or advisable to house or otherwise
25 accommodate any of the equipment and tools listed in Paragraph

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1 (1) of this subsection."

2 SECTION 4. Section 22-25-2 NMSA 1978 (being Laws 1975
3 (S.S.), Chapter 5, Section 2, as amended) is amended to read:

4 "22-25-2. DEFINITIONS.--As used in the Public School
5 Capital Improvements Act:

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

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

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

16 (2) purchasing or improving public school
17 grounds;

18 (3) maintenance of public school buildings or
19 public school grounds, including the purchasing or repairing of
20 maintenance equipment and participating in the facility
21 information management system as required by the Public School
22 Capital Outlay Act and including payments under contracts with
23 regional education cooperatives for maintenance support
24 services and expenditures for technical training and
25 certification for maintenance and facilities management

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1 personnel, but excluding salary expenses of school district
2 employees;

3 (4) purchasing activity vehicles for
4 transporting students to extracurricular school activities; or

5 (5) purchasing ~~computer software and hardware~~
6 ~~for student use in public school classrooms~~ and installing
7 education technology; and

8 C. "education technology" means:

9 (1) equipment and tools used in the
10 educational process that constitute learning and administrative
11 resources and may include:

12 (a) closed-circuit television systems;

13 (b) educational television and radio
14 broadcasting and cable television;

15 (c) satellite, copper wire and
16 fiber-optic transmission;

17 (d) network connection devices and
18 digital communications equipment, including voice, video and
19 data equipment;

20 (e) computer hardware and software,
21 including software licenses, data storage fees and other
22 technologies and services;

23 (f) local and remote servers;

24 (g) other computer infrastructure;

25 (h) portable media such as discs and

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1 drives to contain data for electronic storage and playback;
2 (i) maintenance equipment; and
3 (j) any other techniques and tools used
4 to implement technology in schools and related facilities; and
5 (2) improvements, alterations and
6 modifications to, or expansions of, existing buildings or
7 personal property necessary or advisable to house or otherwise
8 accommodate any of the equipment and tools listed in Paragraph
9 (1) of this subsection."

10 SECTION 5. Section 22-26-2 NMSA 1978 (being Laws 1983,
11 Chapter 163, Section 2, as amended) is amended to read:

12 "22-26-2. [~~DEFINITION~~] DEFINITIONS.--As used in the
13 Public School Buildings Act:

14 A. "capital improvements" means expenditures,
15 including payments made with respect to lease-purchase
16 arrangements as defined in the Education Technology Equipment
17 Act but excluding any other debt service expenses, for:

18 [~~A-~~] (1) erecting, remodeling, making
19 additions to, providing equipment for or furnishing public
20 school buildings;

21 [~~B-~~] (2) payments made pursuant to a financing
22 agreement entered into by a school district or a charter school
23 for the leasing of a building or other real property with an
24 option to purchase for a price that is reduced according to
25 payments made;

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1 [~~E.~~] (3) purchasing or improving public school
2 grounds;

3 [~~D.~~] (4) purchasing activity vehicles for
4 transporting students to and from extracurricular school
5 activities; provided that this authorization for expenditure
6 does not apply to school districts with a student MEM greater
7 than sixty thousand; [~~or~~

8 ~~E.~~] (5) administering the projects undertaken
9 pursuant to [~~Subsections A and C of this section~~] Paragraphs
10 (1) and (3) of this subsection, including expenditures for
11 facility maintenance software, project management software,
12 project oversight and district personnel specifically related
13 to administration of projects funded by the Public School
14 Buildings Act; provided that expenditures pursuant to this
15 subsection shall not exceed five percent of the total project
16 costs; and

17 (6) education technology; and

18 B. "education technology" means:

19 (1) equipment and tools used in the
20 educational process that constitute learning and administrative
21 resources and may include:

22 (a) closed-circuit television systems;

23 (b) educational television and radio
24 broadcasting and cable television;

25 (c) satellite, copper wire and

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1 fiber-optic transmission;

2 (d) network connection devices and
3 digital communications equipment, including voice, video and
4 data equipment;

5 (e) computer hardware and software,
6 including software licenses, data storage fees and other
7 technologies and services;

8 (f) local and remote servers;

9 (g) other computer infrastructure;

10 (h) portable media such as discs and
11 drives to contain data for electronic storage and playback;

12 (i) maintenance equipment; and

13 (j) any other techniques and tools used
14 to implement technology in schools and related facilities; and

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

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