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SENATE BILL 6

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

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

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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. "department" means the public education
5 department;

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

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

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

24 [~~C.~~] D. "lease-purchase arrangement" means a
25 financing arrangement constituting debt of a school district

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

14 ~~[D-]~~ E. "local school board" means the governing
15 body of a school district; and

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

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

24 "6-15A-8. AUTHORIZING LEASE-PURCHASE OF EDUCATION
25 TECHNOLOGY EQUIPMENT--PRELIMINARY RESOLUTION--CONTENTS--

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1 NOTICE--FINAL RESOLUTION OF APPROVAL.--

2 A. If a local school board proposes to lease-
3 purchase education technology equipment, it shall comply with
4 the requirements of this section.

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

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

10 (2) determine the estimated cost of the
11 equipment needed;

12 (3) review a summary of the terms of the
13 proposed lease-purchase agreement;

14 (4) identify the source of funds for the
15 lease-purchase payments;

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

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

25 (7) direct that notice of the special meeting

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1 be published once each week for the two weeks immediately
2 preceding the meeting in a newspaper having general circulation
3 in the school district and that the notice include the
4 information required in Paragraphs (1) through (5) of this
5 subsection.

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

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

14 E. After July 1, 2014, a resolution approving the
15 lease-purchase of education technology equipment pursuant to
16 Subsections B through D of this section shall include the
17 lease-purchase of education technology equipment for locally
18 chartered or state-chartered charter schools located within the
19 school district if:

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

25 (2) the proposed lease-purchase of education

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1 technology equipment is included in the five-year facilities
2 plan:

3 (a) of the school district, if the
4 charter school is a locally chartered school; or

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

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

9 "[NEW MATERIAL] CHARTER SCHOOLS--RECEIPT OF PRORATED
10 EDUCATION TECHNOLOGY EQUIPMENT ACT FUNDS.--After July 1, 2014,
11 if a school district assumes debt under the provisions of the
12 Education Technology Equipment Act, as provided in Section
13 6-15A-8 NMSA 1978, the amount of revenue from that assumption
14 of debt to be distributed to each charter school that was
15 included in the resolution shall be determined each year and
16 shall be in the same proportion as the average full-time-
17 equivalent enrollment of the charter school on the first
18 reporting date of the prior school year is to the total of such
19 enrollment in the school district; provided that, in the case
20 of an approved charter school that had not commenced classroom
21 instruction in the prior school year, the estimated full-time-
22 equivalent enrollment in the first year of instruction, as
23 shown in the approved charter school application, shall be
24 used, subject to adjustment after the first reporting date.
25 Each year, the department shall certify to the county treasurer

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1 of the county in which the eligible charter schools in the
2 school district are located the percentage of the revenue to be
3 distributed to each charter school. The school district shall
4 distribute one hundred percent of the charter school's share of
5 the proceeds from the assumption of debt under terms of the
6 Education Technology Equipment Act within thirty days from the
7 assumption of debt."

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