

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 19

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

AN ACT

RELATING TO PUBLIC SCHOOLS; MAKING LOCALLY CHARTERED AND STATE-  
CHARTERED CHARTER SCHOOLS ELIGIBLE TO RECEIVE A PRORATED SHARE  
OF EDUCATION TECHNOLOGY EQUIPMENT PURCHASED BY A SCHOOL  
DISTRICT THROUGH A LEASE-PURCHASE ARRANGEMENT UNDER PROVISIONS  
OF THE EDUCATION TECHNOLOGY EQUIPMENT ACT.

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

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1 Technology Equipment Act:

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

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

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

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

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1 subsection; and

2 (3) expenditures for technical support and  
3 training expenses of school district employees who administer  
4 education technology projects funded by a lease-purchase  
5 arrangement and may include training by contractors;

6 D. "eligible charter school" means a locally  
7 chartered or state-chartered charter school located within the  
8 geographic boundaries of a school district:

9 (1) that timely provides the information  
10 necessary to identify the lease-purchase education technology  
11 equipment needed in the charter school to be included in the  
12 local school board resolution for lease-purchase of education  
13 technology equipment; and

14 (2) for which the proposed lease-purchase of  
15 education technology equipment is included in the school  
16 district's approved technology master plan;

17 ~~[G.]~~ E. "lease-purchase arrangement" means a  
18 financing arrangement constituting debt of a school district  
19 pursuant to which periodic lease payments composed of principal  
20 and interest components are to be paid to the holder of the  
21 lease-purchase arrangement and pursuant to which the owner of  
22 the education technology equipment may retain title to or a  
23 security interest in the equipment and may agree to release the  
24 security interest or transfer title to the equipment to the  
25 school district for nominal consideration after payment of the

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1 final periodic lease payment. "Lease-purchase arrangement"  
2 also means any debt of the school district incurred for the  
3 purpose of acquiring education technology equipment pursuant to  
4 the Education Technology Equipment Act whether designated as a  
5 general obligation lease, note or other instrument evidencing a  
6 debt of the school district;

7 ~~[D-]~~ F. "local school board" means the governing  
8 body of a school district; and

9 ~~[E-]~~ G. "school district" means an area of land  
10 established as a political subdivision of the state for the  
11 administration of public schools and segregated geographically  
12 for taxation and bonding purposes."

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

15 "[NEW MATERIAL] CHARTER SCHOOLS--RECEIPT OF EDUCATION  
16 TECHNOLOGY EQUIPMENT.--On or after July 1, 2015, a school  
17 district that assumes a debt through a lease-purchase  
18 arrangement under the provisions of the Education Technology  
19 Equipment Act shall provide, to each eligible charter school in  
20 the school district, education technology equipment equal in  
21 value to an amount based upon the net proceeds from the debt  
22 after payment of the cost of issuing the debt through a lease-  
23 purchase arrangement prorated by the number of students  
24 enrolled in the school district and in eligible charter schools  
25 as reported on the first reporting date of the prior school

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1 year; provided that, in the case of an approved eligible  
 2 charter school that had not commenced classroom instruction in  
 3 the prior school year, the estimated full-time-equivalent  
 4 enrollment in the first year of instruction, as shown in the  
 5 approved charter school application, shall be used to determine  
 6 the amount, subject to adjustment after the first reporting  
 7 date."

8           SECTION 4. Section 6-15A-14 NMSA 1978 (being Laws 1997,  
 9 Chapter 193, Section 14) is amended to read:

10           "6-15A-14. CUMULATIVE AND COMPLETE AUTHORITY.--The  
 11 Education Technology Equipment Act shall be deemed to provide  
 12 an additional and alternative method for acquiring education  
 13 technology equipment [~~authorized thereby~~] and shall be regarded  
 14 as supplemental and additional to powers conferred by other  
 15 laws and shall not be regarded as a derogation of any powers  
 16 now existing. The Education Technology Equipment Act shall be  
 17 deemed to provide complete authority for acquiring education  
 18 technology equipment and entering into lease-purchase  
 19 arrangements [~~contemplated thereby and~~]. No other approval of  
 20 any state agency or officer, except as provided [~~therein~~] in  
 21 that act, shall be required with respect to any lease-purchase  
 22 arrangements, and the local school board acting [~~thereunder~~]  
 23 pursuant to provisions of that act need not comply with the  
 24 requirements of any other law applicable to the issuance of  
 25 debt by school districts; provided, however, that a local

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1 school board may submit to a vote of qualified electors of the  
2 school district the question of creating debt by entering into  
3 a lease-purchase arrangement; and provided further that the  
4 local school board shall abide by the vote of the majority of  
5 those persons voting on the question."

6 SECTION 5. EFFECTIVE DATE.--The effective date of the  
7 provisions of this act is July 1, 2015.

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