

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 147

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

AN ACT

RELATING TO EDUCATION; AMENDING THE DEFINITIONS OF "EDUCATION  
TECHNOLOGY" AND "EDUCATION TECHNOLOGY EQUIPMENT".

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

SECTION 1. 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  
ad valorem property tax revenues or the general fund of a  
school district and that may be secured by the full faith and  
credit of a school district and a pledge of its taxing powers;

B. "education technology equipment" means tools  
used in the educational process that constitute learning and  
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;

1                   (9) maintenance equipment;

2                   (10) any other techniques and tools used to  
3 implement technology in schools and related facilities; and

4                   ~~[(2)]~~ (11) improvements, alterations and  
5 modifications to, or expansions of, existing buildings or  
6 personal property necessary or advisable to house or otherwise  
7 accommodate any of the tools listed in ~~[Paragraph (1) of]~~ this  
8 subsection;

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

24                   D. "local school board" means the governing body of  
25 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

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 22-25-2 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; provided that expenditures pursuant to  
8 this paragraph shall not exceed fifteen percent of the total  
9 revenue received from the annual levy; and

10 C. "education technology" means:

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

14 (a) closed-circuit television systems;

15 (b) educational television and radio  
16 broadcasting and cable television;

17 (c) satellite, copper wire and  
18 fiber-optic transmission;

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

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

25 (f) local and remote servers;

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

12                    SECTION 4. Section 22-26-2 NMSA 1978 (being Laws 1983,  
13 Chapter 163, Section 2, as amended) is amended to read:

14                    "22-26-2. ~~[DEFINITION]~~ DEFINITIONS.--As used in the  
15 Public School Buildings Act:

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

20                    ~~[A.]~~ (1) erecting, remodeling, making  
21 additions to, providing equipment for or furnishing public  
22 school buildings;

23                    ~~[B.]~~ (2) payments made pursuant to a financing  
24 agreement entered into by a school district or a charter school  
25 for the leasing of a building or other real property with an

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1 option to purchase for a price that is reduced according to  
2 payments made;

3 ~~[G.]~~ (3) purchasing or improving public school  
4 grounds;

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

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

19 (6) education technology; provided that  
20 expenditures pursuant to this paragraph shall not exceed  
21 fifteen percent of the total revenue received from the annual  
22 levy; and

23 B. "education technology" means:

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

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1 resources and may include:

2 (a) closed-circuit television systems;

3 (b) educational television and radio  
4 broadcasting and cable television;

5 (c) satellite, copper wire and  
6 fiber-optic transmission;

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

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

13 (f) local and remote servers;

14 (g) other computer infrastructure;

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

17 (i) maintenance equipment; and

18 (j) any other techniques and tools used  
19 to 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 equipment and tools listed in Paragraph  
24 (1) of this subsection."