

1 HOUSE BILL 382

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Brian Egolf

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9  
10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; ALLOWING LOCAL SCHOOL BOARDS TO  
12 SUBMIT THE QUESTION OF DEBT FOR EDUCATION TECHNOLOGY EQUIPMENT  
13 TO THE VOTERS OF THE SCHOOL DISTRICT.

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

16 SECTION 1. Section 6-15A-4 NMSA 1978 (being Laws 1997,  
17 Chapter 193, Section 4) is amended to read:

18 "6-15A-4. NOTICE OF PROPOSED LEASE-PURCHASE  
19 ARRANGEMENTS.--When a school district contemplates entering  
20 into a lease-purchase arrangement payable in whole or in part  
21 from ad valorem taxes, the local school board, before  
22 initiating any proceedings for approval of such lease-purchase  
23 arrangement, shall decide whether to enter into a lease-  
24 purchase arrangement as provided in Article 9, Section 11 of  
25 the constitution of New Mexico or to submit the question to the

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1 voters of the school district. The school district shall  
2 forward to the school budget planning unit of the [~~state~~  
3 ~~department of~~] public education department a written notice of  
4 the proposed lease-purchase arrangement."

5 SECTION 2. Section 6-15A-8 NMSA 1978 (being Laws 2001,  
6 Chapter 203, Section 1) is amended to read:

7 "6-15A-8. AUTHORIZING LEASE-PURCHASE OF EDUCATION  
8 TECHNOLOGY EQUIPMENT--PRELIMINARY RESOLUTION--CONTENTS--  
9 NOTICE--FINAL RESOLUTION OF APPROVAL.--

10 A. If a local school board proposes to lease-  
11 purchase education technology equipment on its own  
12 determination, it shall comply with the requirements of  
13 Subsections B, C and E of this section.

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

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

19 (2) determine the estimated cost of the  
20 equipment needed;

21 (3) review a summary of the terms of the  
22 proposed lease-purchase agreement;

23 (4) identify the source of funds for the  
24 lease-purchase payments;

25 (5) if all or part of the funds needed

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1 requires or anticipates the imposition of a property tax,  
2 determine the estimated rate of the tax and what, if any, the  
3 percentage increase in property taxes for real property owners  
4 in the school district;

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

9 (7) direct that notice of the special meeting  
10 be published once each week for the two weeks immediately  
11 preceding the meeting in a newspaper having general circulation  
12 in the school district and that the notice include the  
13 information required in Paragraphs (1) through (5) of this  
14 subsection.

15 C. At the special meeting scheduled pursuant to  
16 Subsection B of this section, the local school board may adopt  
17 a final resolution approving the lease-purchase of education  
18 technology equipment only by an affirmative vote of majority of  
19 all members of the board.

20 D. If after consideration of the need for education  
21 technology equipment, the local school board decides to seek  
22 voter approval of the question to incur debt for a lease-  
23 purchase arrangement for the equipment, it shall follow the  
24 procedures in the School Election Law and meet the other  
25 requirements of this section. If the voters reject the

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1 question of incurring debt for education technology equipment,  
2 the local school board shall not enter into a lease-purchase  
3 arrangement for education technology equipment for at least one  
4 year.

5 [D-] E. The local school board shall not adopt a  
6 resolution for or approve a lease-purchase agreement that  
7 exceeds five years."

8 SECTION 3. 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.--

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

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