

HOUSE BILL 327

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC EDUCATION; ENACTING THE EDUCATION TECHNOLOGY IMPROVEMENTS AND ADMINISTRATION ACT; PROVIDING FOR A PROPERTY TAX LEVY FOR CERTAIN PURPOSES; PROVIDING FOR PROCEDURES; PROVIDING FOR CERTAIN LIMITATIONS; REQUIRING REPORTS BY CHARTER SCHOOLS; REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

SECTION 1. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Education Technology Improvements and Administration Act"."

SECTION 2. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Education Technology Improvements and Administration Act:

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- 1 A. "education technology improvements" means:
- 2 (1) tools used in the educational process that
- 3 constitute learning and administrative resources, including:
- 4 (a) closed circuit television systems;
- 5 (b) educational television and radio
- 6 broadcasting;
- 7 (c) cable television;
- 8 (d) network connection devices;
- 9 (e) digital communications equipment,
- 10 including voice, video and data equipment;
- 11 (f) computer hardware and software,
- 12 including software licenses, data storage and other
- 13 technologies and services;
- 14 (g) local and remote servers;
- 15 (h) switches;
- 16 (i) portable media to contain data for
- 17 electronic storage and playback, such as discs and drives;
- 18 (j) software licenses and other
- 19 technologies and services;
- 20 (k) maintenance equipment;
- 21 (l) computer infrastructure information;
- 22 and
- 23 (m) tools used to implement technology
- 24 in schools and related facilities; and
- 25 (2) improvements to, alterations of and

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1 modifications to, or expansions of, existing buildings or
2 personal property to house or otherwise accommodate any of the
3 tools listed in Paragraph (1) of this subsection; and

4 B. "education technology improvements
5 administration" includes technical support and training of
6 school district employees whose primary job is to administer
7 education technology improvements projects."

8 SECTION 3. A new section of the Public School Code is
9 enacted to read:

10 "[NEW MATERIAL] AUTHORIZATION FOR LOCAL SCHOOL BOARD TO
11 SUBMIT QUESTION OF TAX LEVY.--

12 A. On or after July 1, 2016, a local school board
13 may adopt a resolution to submit to the qualified electors of
14 the school district the question of whether a property tax
15 should be levied on the net taxable value of property allocated
16 to the school district under the Property Tax Code at a rate
17 not to exceed two dollars (\$2.00) on each one thousand dollars
18 (\$1,000) of net taxable value for a maximum of six property tax
19 years for the purpose of paying for education technology
20 improvements or education technology improvements
21 administration for the school district. The resolution shall
22 identify:

23 (1) the education technology improvements for
24 which the revenue proposed to be generated will be used;

25 (2) whether the revenue proposed to be

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1 generated will be used for education technology improvements
2 administration;

3 (3) the maximum rate and duration of the
4 proposed tax; and

5 (4) the date on which an election will be held
6 to propose the tax levy.

7 B. A resolution submitted to the qualified electors
8 pursuant to this section shall include proposed funding for
9 education technology improvements or education technology
10 improvements administration for a locally chartered or state-
11 chartered charter school located within the school district if
12 the charter school timely provides the necessary information to
13 the school district for inclusion in the resolution that
14 identifies the education technology improvements for the
15 charter school for which the revenue proposed to be produced
16 will be used."

17 SECTION 4. A new section of the Public School Code is
18 enacted to read:

19 "[NEW MATERIAL] AUTHORIZING RESOLUTION--TIME LIMITATION.--
20 A resolution authorized pursuant to the Education Technology
21 Improvements and Administration Act shall be adopted no later
22 than May 15 in the year in which the tax is proposed to be
23 levied."

24 SECTION 5. A new section of the Public School Code is
25 enacted to read:

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1 "[NEW MATERIAL] CONDUCT OF ELECTION--NOTICE--BALLOT.--

2 A. An election on the question of levying a tax
3 pursuant to the Education Technology Improvements and
4 Administration Act may be held in conjunction with a regular
5 school district election or may be conducted as, or held in
6 conjunction with, a special school district election, but the
7 election shall be held prior to July 1 of the property tax year
8 in which the tax is proposed to be levied. Conduct of the
9 election shall be as prescribed in the School Election Law for
10 regular and special school district elections.

11 B. The public proclamation required pursuant to
12 Section 1-22-4 or 1-22-5 NMSA 1978 to be published as notice of
13 an election shall include as the question to be submitted to
14 the voters whether a property tax should be levied on the net
15 taxable value of all property allocated to the school district
16 at the rate not to exceed the rate for the purposes specified
17 in the authorizing resolution and for the specified number of
18 property tax years not exceeding six property tax years.

19 C. The ballot shall include the information
20 specified in Subsection B of this section and shall present to
21 the voters the choice of voting "for the education technology
22 improvements and administration tax" or "against the education
23 technology improvements and administration tax".

24 SECTION 6. A new section of the Public School Code is
25 enacted to read:

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1 "[NEW MATERIAL] ELECTION RESULTS--CERTIFICATION.--The
2 certification of the results of an election held on the
3 question of a tax levied pursuant to the Education Technology
4 Improvements and Administration Act shall be made in accordance
5 with Section 1-22-15 NMSA 1978, and a copy of the certificate
6 of results shall be mailed immediately to the secretary."

7 **SECTION 7.** A new section of the Public School Code is
8 enacted to read:

9 "[NEW MATERIAL] TAX LEVY--LIMITATION ON EXPENDITURES.--

10 A. If, as a result of an election held in
11 accordance with the Education Technology Improvements and
12 Administration Act, a majority of qualified electors voting on
13 the question votes in favor of the tax levy, the tax rate shall
14 be certified, unless the local school board requests by
15 resolution that the rate be discontinued by the department of
16 finance and administration or decreased by the amount required
17 by operation of the rate limitation provisions of Section
18 7-37-7.1 NMSA 1978.

19 B. Revenue generated by the tax levied pursuant to
20 the Education Technology Improvements and Administration Act
21 shall be expended only for the purposes identified on the
22 ballot.

23 C. For a tax approved by the electors on or after
24 July 1, 2016, the amount of tax revenue to be distributed to
25 each charter school that was identified on the ballot shall be

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1 determined each year and shall be in the same proportion of the
2 average full-time-equivalent enrollment of the charter school
3 on the first reporting date of the prior school year to the
4 total such enrollment in the school district; provided that a
5 distribution shall not be made to an approved charter school
6 that did not commence classroom instruction in the prior school
7 year; and provided further that, in determining a school
8 district's total enrollment, students attending a state-
9 chartered charter school within that school district shall be
10 included. Each year, the department shall certify to the
11 treasurer of the county in which the eligible charter schools
12 in the school district are located the percentage of the
13 revenue to be distributed to each charter school. The county
14 treasurer shall distribute directly to each charter school its
15 share of the property tax revenue."

16 SECTION 8. A new section of the Public School Code is
17 enacted to read:

18 "[NEW MATERIAL] TAX TO BE LEVIED FOR A MAXIMUM OF SIX
19 YEARS.--A tax levied pursuant to the Education Technology
20 Improvements and Administration Act shall be levied for no more
21 than six property tax years beginning with the property tax
22 year in which the election was held. The local school board
23 may discontinue, by resolution, the tax levied by the Education
24 Technology Improvements and Administration Act at the end of
25 any property tax year. For any property tax year in which it

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1 is required, the local school board shall direct that the
2 Education Technology Improvements and Administration Act tax
3 levy be decreased in accordance with the rate limitation
4 provisions of Section 7-37-7.1 NMSA 1978."

5 SECTION 9. A new section of the Public School Code is
6 enacted to read:

7 "[NEW MATERIAL] EXPENDITURES BY CHARTER SCHOOLS--
8 REPORTS.--

9 A. Before December 1 of each year, each locally
10 chartered or state-chartered charter school that expects during
11 the next calendar year a distribution of revenue from property
12 taxes pursuant to the Education Technology Improvements and
13 Administration Act tax levy shall submit a report to its
14 chartering authority and the department identifying each
15 purpose for which the expected distribution will be expended.

16 B. The department shall review the report and, no
17 later than twenty days after receiving the report, shall advise
18 the charter school whether, in its opinion, the proposed
19 expenditures are consistent with law and shall provide a copy
20 of the advice to the local school board.

21 C. Before January 31 of each year, each locally
22 chartered or state-chartered charter school that received in
23 the previous calendar year a distribution of the Education
24 Technology Improvements and Administration Act tax levy shall
25 submit a report to its chartering authority and the department

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1 identifying each purpose for which the distribution was
2 expended and the amount expended for each purpose."

3 SECTION 10. REPEAL.--Sections 22-15A-1 through 22-15A-13
4 NMSA 1978 (being Laws 1994, Chapter 96, Sections 1 through 10,
5 Laws 2005, Chapter 222, Sections 2 and 3 and Laws 2007, Chapter
6 292, Section 10, as amended) are repealed.