

SENATE BILL NO. 199

INTRODUCED BY THOMAS, BALLANCE, FACEY, PETERSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT CLOUD COMPUTING SERVICES FOR
5 TECHNOLOGY INFRASTRUCTURE, PLATFORM, SOFTWARE, NETWORK, STORAGE, SECURITY, DATA,
6 DATABASE, TEST ENVIRONMENT, CURRICULUM, OR DESKTOP VIRTUALIZATION PURPOSES AND
7 RELATED TECHNOLOGIES ARE SUBJECT TO THE PROVISIONS OF THE TECHNOLOGY ACQUISITION
8 AND DEPRECIATION FUND OF A SCHOOL DISTRICT; LIMITING THE DURATION OF ANY TECHNOLOGY
9 LEVY TO 10 YEARS; AMENDING SECTION 20-9-533, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
10 DATE AND AN APPLICABILITY DATE."

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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14 **Section 1.** Section 20-9-533, MCA, is amended to read:

15 **"20-9-533. Technology acquisition and depreciation fund -- limitations.** (1) The trustees of a district
16 may establish a technology acquisition and depreciation fund for school district expenditures incurred ~~and~~
17 ~~depreciation accrued~~ for:

18 (a) the purchase, rental, repair, AND maintenance, ~~and depreciation~~ of technological equipment, including
19 computers and computer network access; ~~and~~

20 (b) cloud computing services for technology infrastructure, platform, software, network, storage, security,
21 data, database, test environment, curriculum, or desktop virtualization purposes, including any subscription or
22 any license-based or pay-per-use service that is accessed over the internet or other remote network to meet the
23 district's information technology and other needs; and

24 ~~(b)~~(c) associated technical training for school district personnel.

25 (2) Any expenditures from the technology acquisition and depreciation fund must be made in accordance
26 with the financial administration requirements for a budgeted fund pursuant to this title. The trustees of a district
27 shall fund the technology acquisition and depreciation fund with:

28 (a) the state money received under 20-9-534; and

29 (b) other local, state, private, and federal funds received for the purpose of funding technology or
30 technology-associated training.

1 (3) In depreciating the technological equipment of a school district FOR LEVIES APPROVED PRIOR TO [THE
 2 EFFECTIVE DATE OF THIS ACT], the trustees may include in the district's budget, contingent upon voter approval of
 3 a levy under subsection (6) and pursuant to the school budgeting requirements of this title, an amount each fiscal
 4 year that does not exceed 20% of the original cost of any technological equipment, including computers and
 5 computer network access, that is owned by the district. The amount budgeted PURSUANT TO LEVIES APPROVED
 6 PRIOR TO [THE EFFECTIVE DATE OF THIS ACT] may not, over time, exceed 150% of the original cost of the equipment.

7 (4) The annual revenue requirement for each district's technology acquisition and depreciation fund
 8 determined within the limitations of this section must be reported by the county superintendent of schools to the
 9 board of county commissioners on or before the later of the first Tuesday in September or within 30 calendar days
 10 after receiving certified taxable values as the technology acquisition and depreciation fund levy requirement for
 11 that district, and a levy must be made by the county commissioners in accordance with 20-9-142.

12 (5) Any expenditure of technology acquisition and depreciation fund money must be within the limitations
 13 of the district's final technology acquisition and depreciation fund budget and the school financial administration
 14 provisions of this title.

15 (6) In addition to the funds received pursuant to subsection (2), the trustees of a school district may
 16 submit a proposition to the qualified electors of the district to approve an additional levy to fund costs of providing
 17 the technologies included in subsection (1), including the depreciation of technological equipment authorized
 18 under and subject to the limitations of subsection (3) this section. The election must be called and conducted in
 19 the manner prescribed by this title for school elections and in the manner prescribed by 15-10-425. A technology
 20 levy authorization approved after [the effective date of this act] may not exceed 10 years.

21 (7) The technology proposition is approved if a majority of those electors voting at the election approve
 22 the levy. Notwithstanding any other provision of law, the levy under subsection (6) is subject to 15-10-420.

23 (8) A district whose qualified electors have previously approved a technology levy of perpetual duration
 24 prior to [the effective date of this act] may submit a proposition to the qualified electors on or after [the effective
 25 date of this act] for an increase in the amount of the levy to fund the depreciation of additional equipment of the
 26 district pursuant to subsection (3) or for an increase in the amount of the levy to cover the costs of providing
 27 technologies under subsections (1)(b) and (1)(c) OR TO SEEK RELIEF FROM THE OBLIGATION OF TRACKING
 28 DEPRECIATION OF EQUIPMENT UNDER A LEVY APPROVED PRIOR TO [THE EFFECTIVE DATE OF THIS ACT]. In seeking
 29 approval of the proposition, the district shall specify a proposed revised duration of the underlying perpetual levy
 30 previously approved and a proposed duration for the proposed increase in the amount of the levy, neither of

1 which may exceed 10 years. If the proposition is approved by the qualified electors, both the underlying levy
2 previously approved for a perpetual duration and the increase in the amount of the levy are subject to the revised
3 durational limit specified on the ballot.

4 ~~(8)(9)~~ The trustees of a district may not use revenue in the technology acquisition and depreciation fund
5 to finance contributions to the teachers' retirement system, the public employees' retirement system, or the federal
6 social security system or for unemployment compensation insurance."

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8 NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that matured,
9 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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11 NEW SECTION. Section 3. Effective date. [This act] is effective ~~on passage and approval~~ JULY 1,
12 2013.

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14 NEW SECTION. Section 4. Applicability. [This act] applies to a school district technology levy
15 authorized after [the effective date of this act].

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