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

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

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

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

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

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

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

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

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

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

(3) In depreciating the technological equipment of a school district for levies approved prior to [the effective date of this act], the trustees may include in the district's budget, contingent upon voter approval of a levy under subsection (6) and pursuant to the school budgeting requirements of this title, an amount each fiscal year that does not exceed 20% of the original cost of any technological equipment, including computers and computer network access, that is owned by the district. The amount budgeted pursuant to levies approved prior to [the effective date of this act] may not, over time, exceed 150% of the original cost of the equipment.

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

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

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

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

(8) A district whose qualified electors have previously approved a technology levy of perpetual duration prior to [the effective date of this act] may submit a proposition to the qualified electors on or after [the effective date of this act] for an increase in the amount of the levy to cover the costs of providing technologies under subsections (1)(b) and (1)(c) or to seek relief from the obligation of tracking depreciation of equipment under a levy approved prior to [the effective date of this act]. In seeking approval of the proposition, the district shall specify a proposed revised duration of the underlying perpetual levy previously approved and a proposed duration for the proposed increase in the amount of the levy, neither of which may exceed 10 years. If the proposition is

approved by the qualified electors, both the underlying levy previously approved for a perpetual duration and the increase in the amount of the levy are subject to the revised durational limit specified on the ballot.

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

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

Section 3. Effective date. [This act] is effective July 1, 2013.

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

- END -

I hereby certify that the within bill,

SB 0199, originated in the Senate.

_____

Secretary of the Senate

_____

President of the Senate

Signed this _____ day

of _____, 2013.

_____

Speaker of the House

Signed this _____ day

of _____, 2013.

Legislative
Services
Division

SENATE BILL NO. 199

INTRODUCED BY THOMAS, BALLANCE, FACEY, PETERSON

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