

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: CS/HB 605

51st Legislature, 1st Session, 2013

Tracking Number: .193871.2

Short Title: School District & Community College Elections

Sponsor(s): Representative Roberto “Bobby” J. Gonzales and Others

Analyst: Kevin Force

Date: March 11, 2013

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR HOUSE BILL 605

Bill Summary:

CS/HB 605 amends higher education statutes to provide two processes by which a branch community college district may be expanded through the addition of a public school district:

- (1) Through the first process, the voters of a school district either within a county containing a branch community college district or in an adjoining county may petition the school district to hold an election on the question of adding the school district’s area to the branch community college district, provided that:
 - if the petition is signed by a number of voters equaling or exceeding 20 percent of the number of votes cast for Governor in that school district in the most recent gubernatorial election, the school board must contract with an independent survey firm to conduct a survey “to determine the desirability of joining the branch community college district”; and
 - if, on the basis of the survey, the board finds that the proposal will “promote improved education services in the school district,” the board must approve the petition.

As part of this first process, CS/HB 605 further requires the local school board to notify the branch community college board of the approval of the petition, after which the two boards must hold a joint election on the question. If a majority of the votes are cast in favor of the proposal, the Higher Education Department (HED) must notify both boards of the results and declare that the boundaries of the branch community college have been expanded, effective the next July 1.

- (2) Through the second process, the school board of a school district either within a county containing a branch community college district or in an adjoining county may, by resolution of a majority of the members, call for an election as described above.

Further, CS/HB 605 requires:

- the territory within each school district added to an existing branch community college district to be subject automatically to any special levy on taxable property approved for

the branch community college district for the maintenance of facilities and services and for support of bond issues; and

- the effect of any change in property tax levies to be clearly and fully described and disclosed in petitions and surveys calling for an election, and on election ballots.

Fiscal Impact:

CS/HB 605 makes no appropriation.

Fiscal Issues:

According to the analysis from the Secretary of State’s Office, any costs associated with the elections called for in the bill would be borne by the local school district and the branch community college district.

The analysis by the New Mexico Independent Community Colleges (NMICC) of HB 132 (2012), a bill identical to the original HB 605, notes that adding a public school district to an existing branch community college district “will result in higher local property tax revenues for the college.”

The Higher Education Department (HED) notes that all levies on taxable property for the branch community college district would apply to the school district territory and its voters, if approved at the school board election.

In its analysis of HB 132 (2012), HED states that, “The new higher education funding formula would count the first mill of the increased levy as an offset to the state appropriation to the branch campus. As such, the branch campus could be adding new service without gaining new revenues.”

Substantive Issues:

According to the New Mexico Association of Community Colleges’ analysis of HB 132 (2012), branch community colleges that include only one school district in their taxing area are at a disadvantage in their capacities to provide educational programs and services to area residents, particularly considering the “growth in student enrollments with declining state support over the past three years.” This analysis further notes that branch community college students residing outside the college’s taxing district pay higher tuition and receive more limited educational programs than those students residing within the college’s taxing district.

The NMICC analysis of HB 132 (2012) notes that provisions similar to those in the original HB 605 are currently in the *Community College Act*¹ and the *Technical and Vocational Institute Act*.²

The analysis of the original HB 605 by HED notes that:

- the *New Mexico Administrative Code* (NMAC) defines how Geographic Areas of Responsibility (GAR) are established for every two-year college in the state:

¹ Section 21-13-21 NMSA 1978

² Section 21-16-14 NMSA 1978

- the “default” GAR for a two-year college is defined as its taxing district; and
 - other geographic areas may be included if such an area is not in another institution’s GAR, and has been historically served by the institution;
- if a new school district were added to a community college’s taxing district, the official GAR for that district would have to be updated to reflect the change; and
 - it would also be necessary to check if that district had previously been part of another GAR so that appropriate changes in the other college’s GAR could be made.

Committee Referrals:

HEC/HVEC

Related Bills:

None as of March 11, 2013.