

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 16

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

INTRODUCED BY

Patricia A. Lundstrom

AN ACT

RELATING TO HIGHER EDUCATION; REQUIRING BRANCH COMMUNITY COLLEGE BOARD APPROVAL OF PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTIONS' BOARDS OF REGENTS' EMPLOYMENT DECISIONS REGARDING BRANCH COMMUNITY COLLEGE DIRECTORS OR PRESIDENTS.

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

SECTION 1. Section 21-14-2 NMSA 1978 (being Laws 1963, Chapter 162, Section 2, as amended) is amended to read:

"21-14-2. BOARD DUTIES--RELATIONSHIP WITH PARENT INSTITUTION--ELECTIONS.--

A. As used in Chapter 21, Article 14 NMSA 1978, "board" means either the local school board or the combined local school boards acting as a single board of the school district or the board of the branch community college elected pursuant to Section 21-14-2.1 NMSA 1978.

.201960.2

underscored material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 B. The duties of the board are to:

2 (1) enter into written agreements with the
3 board of regents of the parent institution, subject thereafter
4 to biennial review by all parties concerned and to the review
5 and commentary of the [~~commission on~~] higher education
6 department;

7 (2) act in an advisory capacity to the board
8 of regents of the parent institution in all matters relating to
9 the conduct of the branch community college;

10 (3) approve an annual budget for the branch
11 community college for recommendation to the board of regents of
12 the parent institution;

13 (4) certify to the board of county
14 commissioners the tax levy; and

15 (5) conduct the election for tax levies for
16 the branch community college.

17 C. The board and the board of regents of the parent
18 institution of the branch community college shall jointly
19 conduct a search for qualified candidates for director or
20 president. The board of regents of the parent institution
21 [~~after consultation with the board, shall then select a~~
22 ~~director for the~~] shall obtain the approval of a majority of
23 the members of the board for the:

24 (1) selection of a branch community college
25 director or president;

underscored material = new
[bracketed material] = delete

1 (2) terms of the employment contract for the
2 branch community college director or president and renewals of
3 the employment contract; and

4 (3) suspension, termination or retention of
5 the branch community college director or president.

6 D. The board and the board of regents of the parent
7 institution shall enter into a written agreement, which shall
8 include provisions for:

9 (1) the higher education institution to have
10 full authority and responsibility in relation to all academic
11 matters;

12 (2) the higher education institution to honor
13 all credits earned by students as though they were earned on
14 the parent campus;

15 (3) the course of study and program offered;

16 (4) the cooperative use of physical facilities
17 and teaching staff;

18 (5) consideration of applications of local
19 qualified people before employing teachers of the local school
20 system; and

21 (6) the detailed agreement of financing and
22 financial control of the branch community college.

23 E. The agreement shall be binding upon both the
24 board and the board of regents of the parent institution;
25 however, it may be terminated by mutual consent or it may be

.201960.2

underscoring material = new
~~[bracketed material] = delete~~

1 terminated by either board upon six months' notice. However,
2 if the branch community college has outstanding general
3 obligation or revenue bonds, neither the board nor the board of
4 regents may terminate the agreement until the outstanding bonds
5 are retired, except as provided by Section 21-13-24.1 NMSA
6 1978. This provision shall apply to all agreements in
7 existence between the branch community college and the board of
8 regents of the parent institution.

9 F. All taxes levied to pay for principal and
10 interest on bonds of the branch community college shall be in
11 addition to the taxes levied for operating, maintaining and
12 providing facilities for the branch community college pursuant
13 to the College District Tax Act.

14 G. For the purpose of relating branch community
15 colleges to existing laws, branch community college districts
16 or branch community colleges shall not:

17 (1) be considered a part of the uniform system
18 of free public schools pursuant to Article 12, Section 1 and
19 Article 21, Section 4 of the constitution of New Mexico;

20 (2) benefit from the permanent school fund and
21 from the current school fund under Article 12, Sections 2 and 4
22 of the constitution of New Mexico;

23 (3) be subject, except as it relates to
24 technical and vocational education, to the control, management
25 and direction of the public education department; and

.201960.2

underscoring material = new
~~[bracketed material] = delete~~

1 (4) be considered school districts insofar as
2 the restrictions of Article 9, Section 11 of the constitution
3 of New Mexico are concerned.

4 H. All elections held pursuant to the branch
5 community college laws shall be as follows:

6 (1) the board calling the election shall give
7 notice of the election in a newspaper of general circulation in
8 the branch community college district at least once a week for
9 three consecutive weeks, the last insertion to be not less than
10 thirty days prior to the proposed election;

11 (2) the election shall be conducted and
12 canvassed in the same manner as municipal school district
13 elections unless otherwise provided in the branch community
14 college laws; and

15 (3) any person or corporation may institute in
16 the district court of any county in which the branch community
17 college district affected lies an action or suit to contest the
18 validity of any proceedings held under the branch community
19 college laws, but no such suit or action shall be maintained
20 unless it is instituted within ten days after the issuance by
21 the proper officials of a certificate or notification of the
22 results of the election and the canvassing of the election
23 returns by the board.

24 I. The tax rolls of the school districts comprising
25 the branch community college district shall be adopted as the

.201960.2

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

tax rolls of the branch community college district."

- 6 -