

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

SENATE BILL 6

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

INTRODUCED BY

Carroll H. Leavell

AN ACT

RELATING TO HIGHER EDUCATION; PROVIDING FOR THE ADDITION OF
SCHOOL DISTRICTS TO BRANCH COMMUNITY COLLEGE DISTRICTS; ADDING
A DEFINITION SECTION TO CHAPTER 21, ARTICLE 14 NMSA 1978;
MAKING TECHNICAL CORRECTIONS.

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

SECTION 1. A new section of Chapter 21, Article 14 NMSA
1978 is enacted to read:

"[NEW MATERIAL] DEFINITION.--As used in Chapter 21,
Article 14 NMSA 1978, "board" means either a local school board
or combined local school boards acting as a single board
representing multiple school districts or a board of the branch
community college elected pursuant to Section 21-14-2.1 NMSA
1978."

SECTION 2. Section 21-14-1.1 NMSA 1978 (being Laws 2001,
.201840.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 Chapter 299, Section 2) is amended to read:

2 "21-14-1.1. ELEMENTARY AND SECONDARY EDUCATION CURRICULUM
3 AND COURSEWORK.--The [~~branch community college~~] board may award
4 an appropriate certificate upon completion of an education
5 curriculum and program [~~leading to alternative certification~~
6 ~~for degreed individuals pursuant to Section 22-10-3.5 NMSA 1978~~
7 ~~or~~] for certification of educational [~~assistant~~] assistants and
8 coursework in elementary and secondary education professional
9 development. The curriculum and program [~~leading to~~
10 ~~alternative certification or certification of educational~~
11 ~~assistant~~] shall be approved by the [~~state board of~~] public
12 education department."

13 SECTION 3. Section 21-14-2 NMSA 1978 (being Laws 1963,
14 Chapter 162, Section 2, as amended) is amended to read:

15 "21-14-2. BOARD DUTIES--RELATIONSHIP WITH PARENT
16 INSTITUTION--ELECTIONS.--

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

22 ~~B.]~~ A. The duties of the board are to:

23 (1) enter into written agreements with the
24 board of regents of the parent institution, subject thereafter
25 to biennial review by all parties concerned and to the review

.201840.1

underscored material = new
[bracketed material] = delete

1 and commentary of the [~~commission on~~] higher education
2 department;

3 (2) act in an advisory capacity to the board
4 of regents of the parent institution in all matters relating to
5 the conduct of the branch community college;

6 (3) approve an annual budget for the branch
7 community college for recommendation to the board of regents of
8 the parent institution;

9 (4) certify to the board of county
10 commissioners the tax levy; and

11 (5) conduct the election for tax levies for
12 the branch community college.

13 [~~G-~~] B. The board and the board of regents of the
14 parent institution of the branch community college shall
15 jointly conduct a search for qualified candidates for director.
16 The board of regents of the parent institution, after
17 consultation with the board, shall then select a director for
18 the branch community college.

19 [~~D-~~] C. The board and the board of regents of the
20 parent institution shall enter into a written agreement, which
21 shall include provisions for:

22 (1) the higher education institution to have
23 full authority and responsibility in relation to all academic
24 matters;

25 (2) the higher education institution to honor

.201840.1

underscored material = new
[bracketed material] = delete

1 all credits earned by students as though they were earned on
2 the parent campus;

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

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

6 (5) consideration of applications of local
7 qualified people before employing teachers of the local school
8 system; and

9 (6) the detailed agreement of financing and
10 financial control of the branch community college.

11 ~~[E-]~~ D. The agreement shall be binding upon both
12 the board and the board of regents of the parent institution;
13 however, it may be terminated by mutual consent or it may be
14 terminated by either board upon six months' notice. However,
15 if the branch community college has outstanding general
16 obligation or revenue bonds, neither the board nor the board of
17 regents may terminate the agreement until the outstanding bonds
18 are retired, except as provided by Section 21-13-24.1 NMSA
19 1978. This provision shall apply to all agreements in
20 existence between the branch community college and the board of
21 regents of the parent institution.

22 ~~[F-]~~ E. All taxes levied to pay for principal and
23 interest on bonds of the branch community college shall be in
24 addition to the taxes levied for operating, maintaining and
25 providing facilities for the branch community college pursuant

.201840.1

underscored material = new
[bracketed material] = delete

1 to the College District Tax Act.

2 [G-] F. For the purpose of relating branch
3 community colleges to existing laws, branch community college
4 districts or branch community colleges shall not:

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

8 (2) benefit from the permanent school fund and
9 from the current school fund under Article 12, Sections 2 and 4
10 of the constitution of New Mexico;

11 (3) be subject, except as it relates to
12 technical and vocational education, to the control, management
13 and direction of the public education department; and

14 (4) be considered school districts insofar as
15 the restrictions of Article 9, Section 11 of the constitution
16 of New Mexico are concerned.

17 [H-] G. All elections held pursuant to the branch
18 community college laws shall be as follows:

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

24 (2) the election shall be conducted and
25 canvassed in the same manner as municipal school district

underscored material = new
[bracketed material] = delete

1 elections unless otherwise provided in the branch community
2 college laws; and

3 (3) any person or corporation may institute in
4 the district court of any county in which the branch community
5 college district affected lies an action or suit to contest the
6 validity of any proceedings held under the branch community
7 college laws, but no such suit or action shall be maintained
8 unless it is instituted within ten days after the issuance by
9 the proper officials of a certificate or notification of the
10 results of the election and the canvassing of the election
11 returns by the board.

12 [~~F.~~] H. The tax rolls of the school districts
13 comprising the branch community college district shall be
14 adopted as the tax rolls of the branch community college
15 district."

16 SECTION 4. A new section of Chapter 21, Article 14 NMSA
17 1978 is enacted to read:

18 "[NEW MATERIAL] ADDITION OF SCHOOL DISTRICTS TO
19 ESTABLISHED BRANCH COMMUNITY COLLEGE DISTRICTS.--

20 A. The registered qualified electors of a school
21 district, within a county containing a branch community college
22 or in an adjoining county, not included in the branch community
23 college district as originally formed, may petition the public
24 education department to be added to the branch community
25 college district. The department shall examine the petition,

.201840.1

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

1 and, if it finds that the petition is signed by a number of
2 registered qualified electors residing within the pertinent
3 school district equal to ten percent of the votes cast for
4 governor in such school district in the last preceding general
5 election, the department shall cause a survey to be made of the
6 petitioning district to determine the desirability of the
7 proposed expansion of the branch community college district.

8 B. In conducting the survey, the public education
9 department, in conjunction with the higher education
10 department, shall ascertain the attitude of the board and
11 collect other information it deems necessary. If on the basis
12 of the survey the public education department finds that the
13 proposed addition of the petitioning area will promote an
14 improved education service in the area, it shall approve the
15 petition and notify the local school boards in the petitioning
16 area and the branch community college district. The local
17 school boards in the petitioning area and in the established
18 branch community college district each shall call a special
19 election pursuant to the provisions of Section 1-22-5 NMSA 1978
20 on the question of the inclusion of the petitioning area in the
21 branch community college district.

22 C. If a majority of the votes cast in the
23 petitioning area and a majority of the votes cast within the
24 established branch community college district are in favor of
25 the addition of the area, the public education department shall

.201840.1

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

1 notify the local school board of each affected school district
2 and the board of the results of the election and shall declare
3 the extension of the boundaries of the branch community college
4 district to include the petitioning area. The addition of the
5 petitioning area to the branch community college district shall
6 take effect on the next succeeding July 1 after the election.

7 D. The territory within each school district added
8 to an established branch community college district shall
9 automatically be subject to any levy on taxable property
10 approved for the branch community college district for the
11 maintenance of facilities and services and for support of bond
12 issues."