

SENATE BILL 406

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO EDUCATION; PROVIDING FOR ESTABLISHMENT OF  
LEARNING CENTER DISTRICTS; AUTHORIZING CONTRACTS WITH  
ACCREDITED POST-SECONDARY EDUCATIONAL INSTITUTIONS TO PROVIDE  
EDUCATIONAL PROGRAMS AND SERVICES AT LEARNING CENTERS;  
AUTHORIZING IMPOSITION OF A PROPERTY TAX LEVY AND SUBMISSION  
OF THE TAX TO THE VOTERS OF THE DISTRICT; PROVIDING POWERS  
AND DUTIES.

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

Section 1. SHORT TITLE.--This act may be cited as the  
"Learning Center Act".

Section 2. FINDINGS--PURPOSE.--

A. The legislature finds that there are  
significant populations in New Mexico whose post-secondary  
education and workforce development needs are unserved or  
underserved and new and more effective means of delivering

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1 educational services must be explored.

2 B. It is the purpose of the Learning Center Act  
3 to:

4 (1) provide quality educational services to  
5 residents of the state based upon need and without regard to  
6 place of residence by enabling communities to establish  
7 learning centers to make necessary and appropriate  
8 educational programs available;

9 (2) avoid unnecessary construction of new  
10 campuses and buildings; and

11 (3) encourage the use of technology by  
12 promoting innovation, collaboration and cooperation among  
13 existing institutions, public schools, government agencies,  
14 communities and the private sector through sharing of  
15 resources for educational purposes.

16 Section 3. DEFINITIONS.--As used in the Learning Center  
17 Act:

18 A. "board" means a learning center district board;

19 B. "commission" means the commission on higher  
20 education;

21 C. "community college board" means the governing  
22 body of a community college district;

23 D. "district" means a learning center district;

24 E. "extended learning services" means academic and  
25 vocational educational programs offered by an institution  
away from a campus of the institution without the facility of  
a learning center and as defined by commission rule

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1 consistent with the Learning Center Act;

2 F. "institution" means a regionally accredited  
3 public or private post-secondary educational institution;

4 G. "local school board" means the governing body  
5 of a school district; and

6 H. "taxable value of property" means the sum of  
7 the following:

8 (1) the "net taxable value", as that term is  
9 defined in the Property Tax Code, of property subject to  
10 taxation under the Property Tax Code;

11 (2) the "assessed value" of "products" as  
12 those terms are defined in the Oil and Gas Ad Valorem  
13 Production Tax Act;

14 (3) the "assessed value" of "equipment" as  
15 those terms are defined in the Oil and Gas Production  
16 Equipment Ad Valorem Tax Act; and

17 (4) the "taxable value" of "copper mineral  
18 property" as those terms are defined in the Copper Production  
19 Ad Valorem Tax Act.

20 Section 4. ESTABLISHMENT OF LEARNING CENTER DISTRICTS--  
21 DETERMINATION OF NEED--APPROVAL--ADVISORY COMMITTEE.--

22 A. A learning center district may be established  
23 in a school district or community college district upon  
24 adoption of a resolution by the local school board or  
25 community college board calling for establishment of a  
district and a showing of need for such a district. A  
district may also be established to include more than one

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1 school district and, in that case, the two or more local  
2 school boards shall jointly adopt a resolution and determine  
3 the need for a learning center. The boundaries of the  
4 district shall be coterminous with the boundaries of the  
5 school district, community college district or combined  
6 school districts constituting the district. No district  
7 shall be established without the written approval of the  
8 commission.

9 B. Upon a determination of need and receipt of  
10 written approval from the commission, the district shall be  
11 established and the local school board, community college  
12 board or combined local school boards authorizing the  
13 district shall serve as the board. The board shall act as a  
14 representative of the communities in the district for the  
15 purpose of assessing local educational needs and contracting  
16 with one or more institutions to offer educational programs  
17 or services at one or more learning centers.

18 C. The board may appoint an advisory committee  
19 consisting of business representatives and citizens from the  
20 area being served by a learning center to advise and assist  
21 the board in determining the most appropriate educational and  
22 training programs and services to be offered at the learning  
23 center.

24 D. A learning center shall not be deemed to be an  
25 institution, but the students enrolled at the center shall be  
students of the respective institutions providing educational  
programs and services.

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1           E. The commission shall develop criteria for  
2 determining the need for a district and the process and  
3 procedures for establishing and operating a learning center.

4           Section 5. LEARNING CENTER BOARD--POWERS AND DUTIES.--

5           A. To carry out the provisions of the Learning  
6 Center Act, the board shall:

7                   (1) manage the operation of one or more  
8 learning centers in the district and the contracts with the  
9 institutions providing educational programs and services at  
10 the learning centers;

11                   (2) select and contract with one or more  
12 institutions to:

13                           (a) offer accredited educational  
14 programs and services at the learning center that meet local  
15 needs or provide degrees and certificates for students  
16 completing program requirements at an institution without the  
17 requirement that students relocate or commute to existing  
18 campuses of the institution;

19                           (b) provide for transfer of credits for  
20 course work obtained by students from institutions other than  
21 the institution contracting to provide an educational program  
22 at the learning center; and

23                           (c) set tuition and fees for  
24 educational programs and services provided by the institution  
25 at the learning center;

                  (3) monitor and evaluate how well the  
educational and training needs of the local communities are

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1 being served by the learning center and the participating  
2 institutions; and

3 (4) assess in an ongoing way the educational  
4 and training needs of the region to assure delivery and  
5 coordination of educational programs and services to the  
6 communities located within the district.

7 B. The board may:

8 (1) employ staff and enter into contracts  
9 and agreements as necessary to carry out its duties pursuant  
10 to the Learning Center Act;

11 (2) authorize the imposition of a property  
12 tax levy for the purpose of funding the operations of a  
13 learning center and provide for an election to submit the  
14 proposal to the voters of the district; and

15 (3) seek grants, gifts and other sources of  
16 funds for the operation of a learning center.

17 Section 6. LEARNING CENTER TAX LEVY AUTHORIZED--  
18 ELECTION.--

19 A. A board may adopt a resolution authorizing, for  
20 learning center operational purposes, the imposition of a  
21 property tax upon the taxable value of property in the  
22 district. The total tax imposition that may be authorized  
23 under the Learning Center Act shall not exceed a rate of five  
24 dollars (\$5.00) on each one thousand dollars (\$1,000) of  
25 taxable value of property in each district. A tax authorized  
pursuant to this section may not be imposed for a period of  
more than six years.

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1           B. The tax authorized in Subsection A of this  
2 section shall not be imposed in a district unless the  
3 question of authorizing the imposition of the tax is  
4 submitted to the voters of the district at a regular school  
5 district election or a special election called for that  
6 purpose.

7           C. A resolution adopted pursuant to Subsection A  
8 of this section shall specify:

- 9                   (1) the rate of the proposed tax;
- 10                   (2) the date of the election at which the  
11 question of imposition of the tax will be submitted to the  
12 voters of the district;
- 13                   (3) the period of time the tax is authorized  
14 to be imposed; and
- 15                   (4) the proposed use of the revenues from  
16 the proposed tax.

17           D. The election required by this section shall be  
18 called, conducted and canvassed as provided in the School  
19 Election Law.

20           E. If a majority of the voters voting on the  
21 question votes for a learning center tax levy pursuant to a  
22 resolution adopted under the Learning Center Act, the tax  
23 shall be imposed. The tax rate shall be certified by the  
24 department of finance and administration and imposed,  
25 administered and collected in accordance with the provisions  
of the Oil and Gas Ad Valorem Production Tax Act, the Oil and  
Gas Production Equipment Ad Valorem Tax Act, the Copper

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1 Production Ad Valorem Tax Act and the Property Tax Code.

2 F. If a majority of the voters voting on the  
3 question votes against a learning center tax levy pursuant to  
4 a resolution adopted under the Learning Center Act, the tax  
5 shall not be imposed. The board shall not again adopt a  
6 resolution authorizing the imposition of a tax levy pursuant  
7 to the Learning Center Act for at least two years after the  
8 date of the resolution that the voters rejected.

9 G. The board may discontinue by resolution the  
10 imposition of any tax authorized pursuant to the Learning  
11 Center Act. The discontinuance resolution shall be mailed to  
12 the department of finance and administration no later than  
13 June 15 of the year in which a tax rate pursuant to that act  
14 is not to be certified.

15 Section 7. AVAILABILITY OF SCHOOL FACILITIES.--Public  
16 school facilities in a district shall be available to a  
17 learning center, if needed, but in a manner that will not  
18 interfere with the regular program of instruction and  
19 provided no public school funds shall be expended for the  
20 learning center. The learning center may arrange for the use  
21 of any other available facilities as needed and appropriate.

22 Section 8. LEARNING CENTERS SUBJECT TO APPROVAL AND  
23 PROVISIONS OF LEARNING CENTER ACT.--No person, institution or  
24 other entity shall undertake to operate a learning center  
25 except with the written approval of the commission and in  
accordance with the provisions of the Learning Center Act;  
provided that nothing in the Learning Center Act shall

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1 prohibit the provision of extended learning services or the  
2 provision of educational services by any organization or  
3 business for its own members or employees directly or by  
4 contracting with a provider of educational programs.

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