

AN ACT

RELATING TO HIGHER EDUCATION; CLARIFYING WHICH INSTITUTIONS NEED LEGISLATIVE AUTHORIZATION TO BECOME COMMUNITY COLLEGES; REDUCING THE AMOUNT OF LOCAL SUPPORT REQUIRED TO CONVERT AN EXISTING INSTITUTION TO AN INDEPENDENT COMMUNITY COLLEGE.

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

Section 1. Section 21-1-26.9 NMSA 1978 (being Laws 1998, Chapter 61, Section 2) is amended to read:

"21-1-26.9. LIMITATION--COMMISSION ON HIGHER EDUCATION--REVIEW OF PROPOSED CAMPUSES.--Effective January 1, 1998, no new public post-secondary educational institution, branch campus or off-campus instructional center shall be created except as specifically created by the legislature; provided that this provision does not apply to an existing branch college that desires to become an independent institution pursuant to the Community College Act. The commission on higher education shall review any proposal for the establishment of a new public post-secondary educational institution or campus and submit its recommendations to the legislature. In reviewing proposals, the commission may consider:

A. provisions for a local mill levy of at least two mills;

B. population base to provide at least five hundred full-time students;

C. at least fifty percent of the costs of initial construction comes from private or local sources;

D. governance structure;

E. means for acquisition of property, including purchase, lease, donations or any other means;

F. eligibility and level of funding request of the state; and

G. brokering of extended learning provisions. "

Section 2. Section 21-13-4.1 NMSA 1978 (being Laws 1998, Chapter 61, Section 5) is amended to read:

"21-13-4.1. LIMITATIONS ON COMMUNITY COLLEGES. -- There shall be no new community college, branch campus or off-campus instructional center created after January 1, 1998 unless specifically created by the legislature. This section does not apply to an existing branch college that desires to become an independent institution pursuant to the Community College Act. "

Section 3. Section 21-13-24.1 NMSA 1978 (being Laws 1980, Chapter 53, Section 17, as amended) is amended to read:

"21-13-24.1. ESTABLISHING PROCEDURES FOR INDEPENDENCE-- FUNDING-- TUITION-- APPROPRIATION-- LOCAL SUPPORT LEVEL-- OUTSTANDING INDEBTEDNESS. --An institution established in accordance with Chapter 21, Article 14 or 16 NMSA 1978 that desires to become an independent institution pursuant to the Community College Act and to receive more than three hundred

twenty-five dollars (\$325) per full-time-equivalent student is subject to the following:

A. a majority of the qualified electors within the institution's district voting on the question vote in favor of independence, with the election conducted and canvassed in the same manner as provided in Chapter 21, Article 13 NMSA 1978 for other elections;

B. approval of the institutional request for independent status by the commission on higher education;

C. tuition rates shall be recommended by the commission on higher education and shall be set by the community college board;

D. the commission on higher education shall recommend an appropriation for the institution based upon expenditure levels determined by commission formulas in relation to its authorized program and its available funds from nongeneral fund sources, and the recommended appropriation shall be an amount not less than three hundred twenty-five dollars (\$325) for each full-time-equivalent student;

E. the minimum level of local support for operational purposes shall be a tax rate of two dollars (\$2.00), or any lower amount required by the operation of the rate limitation provisions of Section 7-37-7.1 NMSA 1978, upon an amount of at least two dollars (\$2.00) on each one thousand dollars (\$1,000) of net taxable value, as that term

is defined in the Property Tax Code; and

F. the community college board shall provide for the assumption of any outstanding indebtedness of the institution desiring to become independent by the voters of the community college district. "_____