

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 476

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Timothy Z. Jennings

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

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 pursuant to the Community College Act. The commission on  
2 higher education shall review any proposal for the  
3 establishment of a new public post-secondary educational  
4 institution or campus and submit its recommendations to the  
5 legislature. In reviewing proposals, the commission may  
6 consider:

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

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

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

13 D. governance structure;

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

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

18 G. brokering of extended learning provisions."

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

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

. 134724. 1

underscored material = new  
[bracketed material] = delete

1 an independent institution pursuant to the Community College  
2 Act. "

3 Section 3. Section 21-13-24.1 NMSA 1978 (being Laws  
4 1980, Chapter 53, Section 17, as amended) is amended to read:

5 "21-13-24.1. ESTABLISHING PROCEDURES FOR INDEPENDENCE--  
6 FUNDING-- TUITION-- APPROPRIATION-- LOCAL SUPPORT LEVEL--  
7 OUTSTANDING INDEBTEDNESS.-- [~~Any~~] An institution established in  
8 accordance with Chapter 21, Article 14 or 16 NMSA 1978 that  
9 desires to become an independent institution pursuant to the  
10 Community College Act and to receive more than three hundred  
11 twenty-five dollars (\$325) per full-time-equivalent student is  
12 subject to the following:

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

18 [~~A.-~~] B. approval of the institutional request for  
19 independent status by the commission on higher education;

20 [~~B.-~~] C. tuition rates shall be recommended by the  
21 commission on higher education and shall be set by the  
22 community college board;

23 [~~C.-~~] D. the commission on higher education shall  
24 recommend an appropriation for the institution based upon  
25 expenditure levels determined by commission formulas in

. 134724. 1

underscored material = new  
[bracketed material] = delete

1 relation to its authorized program and its available funds  
2 from nongeneral fund sources, and the recommended  
3 appropriation shall be an amount not less than three hundred  
4 twenty-five dollars (\$325) for each full-time-equivalent  
5 student;

6 ~~[D.]~~ E. the minimum level of local support for  
7 operational purposes shall be a tax rate of [~~two dollars~~  
8 ~~(\$2.00)~~] one dollar (\$1.00), or any lower amount required by  
9 the operation of the rate limitation provisions of Section  
10 7-37-7.1 NMSA 1978, [~~upon an amount of at least two dollars~~  
11 ~~(\$2.00)~~] on each one thousand dollars (\$1,000) of net taxable  
12 value, as that term is defined in the Property Tax Code; and

13 ~~[E.]~~ F. the community college board shall provide  
14 for the assumption of any outstanding indebtedness of the  
15 institution desiring to become independent by the voters of  
16 the community college district. "