

1 SENATE BILL 431

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Richard C. Martinez and Carlos R. Cisneros

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10 AN ACT

11 RELATING TO HIGHER EDUCATION; ALLOWING NORTHERN NEW MEXICO
12 COLLEGE TO ADMINISTER A BRANCH COMMUNITY COLLEGE THAT ONE OR
13 MORE AREA SCHOOL DISTRICTS CREATE TO PROVIDE TECHNICAL AND
14 VOCATIONAL COURSES.

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

17 SECTION 1. A new section of Chapter 21, Article 14 NMSA
18 1978 is enacted to read:

19 "[NEW MATERIAL] NORTHERN NEW MEXICO COLLEGE--BRANCH
20 COMMUNITY COLLEGE FOR TECHNICAL AND VOCATIONAL COURSES.--

21 A. The board of regents of northern New Mexico
22 college may choose to partner with one or more area school
23 districts to be the parent institution of a branch community
24 college established by the school districts to provide
25 technical and vocational education. The branch community

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1 college may be co-located on the northern New Mexico college
2 main campus or on its El Rito campus. Notwithstanding the
3 provisions of Chapter 21, Article 14 NMSA 1978, the co-located
4 branch community college shall be under the direction of the
5 president of northern New Mexico college and shall operate
6 under the administrative structure of northern New Mexico
7 college. Otherwise, the board of the branch community college
8 shall have the same powers over financing and financial control
9 as provided for boards of other branch community colleges in
10 Chapter 21, Article 14 NMSA 1978.

11 B. The board of regents and the area school boards
12 or the elected board of the branch community college may agree
13 to have northern New Mexico college transfer its technical and
14 vocational courses to the branch community college. If
15 transferred, those courses shall not be eligible for funding
16 from the northern New Mexico state school land grant permanent
17 fund income fund or be eligible to benefit in any way as a land
18 grant beneficiary."

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

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

23 A. As used in Chapter 21, Article 14 NMSA 1978,
24 "board" means either the local school board or the combined
25 local school boards acting as a single board of the school

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1 district or the board of the branch community college elected
2 pursuant to Section 21-14-2.1 NMSA 1978.

3 B. The duties of the board are to:

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

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

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

15 (4) certify to the board of county
16 commissioners the tax levy; and

17 (5) conduct the election for tax levies for
18 the branch community college.

19 C. Except for the branch community college of
20 northern New Mexico college, the board and the board of regents
21 of the parent institution of the branch community college shall
22 jointly conduct a search for qualified candidates for director.
23 The board of regents of the parent institution, after
24 consultation with the board, shall then select a director for
25 the branch community college.

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1 D. The board and the board of regents of the parent
2 institution shall enter into a written agreement, which shall
3 include provisions for:

4 (1) the [~~higher education~~] parent institution
5 to have full authority and responsibility in relation to all
6 academic matters;

7 (2) the [~~higher education~~] parent institution
8 to honor all credits earned by students as though they were
9 earned on the parent campus;

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

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

13 (5) consideration of applications of local
14 qualified people before employing teachers of the local school
15 system; and

16 (6) the detailed agreement of financing and
17 financial control of the branch community college.

18 E. The agreement shall be binding upon both the
19 board and the board of regents of the parent institution;
20 however, it may be terminated by mutual consent or it may be
21 terminated by either board upon six months' notice. However,
22 if the branch community college has outstanding general
23 obligation or revenue bonds, neither the board nor the board of
24 regents may terminate the agreement until the outstanding bonds
25 are retired, except as provided by Section 21-13-24.1 NMSA

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1 1978. This provision shall apply to all agreements in
2 existence between the branch community college and the board of
3 regents of the parent institution.

4 F. All taxes levied to pay for principal and
5 interest on bonds of the branch community college shall be in
6 addition to the taxes levied for operating, maintaining and
7 providing facilities for the branch community college pursuant
8 to the College District Tax Act.

9 G. For the purpose of relating branch community
10 colleges to existing laws, branch community college districts
11 or branch community colleges shall not:

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

15 (2) benefit from the permanent school fund and
16 from the current school fund under Article 12, Sections 2 and 4
17 of the constitution of New Mexico;

18 (3) be subject, except as it relates to
19 technical and vocational education, to the control, management
20 and direction of the public education department; ~~and~~

21 (4) be considered school districts insofar as
22 the restrictions of Article 9, Section 11 of the constitution
23 of New Mexico are concerned; and

24 (5) for the branch community college of
25 northern New Mexico college, be eligible for state

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1 appropriations through the higher education funding formula.

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

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

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

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

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

25 SECTION 3. Section 21-14-9 NMSA 1978 (being Laws 1973,

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1 Chapter 371, Section 1, as amended) is amended to read:

2 "21-14-9. STATE SUPPORT--APPROPRIATION.--

3 A. The [~~commission on~~] higher education department
4 shall recommend an appropriation for each branch community
5 college, except the branch community college of northern New
6 Mexico college, and junior college based upon the college's
7 financial requirements in relation to its authorized program
8 and its available funds from non-general fund sources;
9 provided, the recommended appropriation shall be an amount not
10 less than three hundred twenty-five dollars (\$325) for each
11 full-time-equivalent student.

12 B. The [~~commission on~~] higher education department
13 shall not recommend an appropriation greater than three hundred
14 twenty-five dollars (\$325) for each full-time-equivalent
15 student for any branch community college that levies a tax at a
16 rate less than one dollar (\$1.00), unless a lower amount is
17 required by operation of the rate limitation provisions of
18 Section 7-37-7.1 NMSA 1978 upon a rate approved by the electors
19 of at least one dollar (\$1.00) on each one thousand dollars
20 (\$1,000) of net taxable value, as that term is defined in the
21 Property Tax Code, or any branch community college that reduces
22 a previously authorized tax levy, except as required by the
23 operation of the rate limitation provisions of Section 7-37-7.1
24 NMSA 1978."