

HOUSE BILL 132

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

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AN ACT

RELATING TO HIGHER EDUCATION; PROVIDING ELECTION PROCEDURES FOR  
SCHOOL DISTRICTS TO BE ADDED TO BRANCH COMMUNITY COLLEGES.

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

**SECTION 1.** Section 21-14-2 NMSA 1978 (being Laws 1963,  
Chapter 162, Section 2, as amended) is amended to read:

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

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

B. The duties of the board are to:

(1) enter into written agreements with the

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1 board of regents of the parent institution, subject thereafter  
2 to biennial review by all parties concerned and to the review  
3 and commentary of the [~~commission on~~] higher education  
4 department;

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

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

11 (4) certify to the board of county  
12 commissioners the tax levy; and

13 (5) conduct the election for tax levies for  
14 the branch community college.

15 C. The board and the board of regents of the parent  
16 institution of the branch community college shall jointly  
17 conduct a search for qualified candidates for director. The  
18 board of regents of the parent institution, after consultation  
19 with the board, shall then select a director for the branch  
20 community college.

21 D. The board and the board of regents of the parent  
22 institution shall enter into a written agreement, which shall  
23 include provisions for:

24 (1) the higher education institution to have  
25 full authority and responsibility in relation to all academic

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1 matters;

2 (2) the higher education institution to honor  
3 all credits earned by students as though they were earned on  
4 the parent campus;

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

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

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

11 (6) the detailed agreement of financing and  
12 financial control of the branch community college.

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

24 F. All taxes levied to pay for principal and  
25 interest on bonds of the branch community college shall be in

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1 addition to the taxes levied for operating, maintaining and  
2 providing facilities for the branch community college pursuant  
3 to the College District Tax Act.

4 G. For the purpose of relating branch community  
5 colleges to existing laws, branch community college districts  
6 or branch community colleges shall not:

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

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

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

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

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

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

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1 (2) the election shall be conducted and  
2 canvassed in the same manner as [~~municipal~~] school district  
3 elections unless otherwise provided in the branch community  
4 college laws; and

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

14 I. The tax rolls of the school districts comprising  
15 the branch community college district shall be adopted as the  
16 tax rolls of the branch community college district.

17 J. A branch community college district may be  
18 expanded by the procedures in either Subsection K or M of this  
19 section.

20 K. The voters of a school district within a county  
21 containing a branch community college or in an adjoining  
22 county, which school district was not included in the branch  
23 community college district as originally formed, may petition  
24 the school district to hold an election on the question of the  
25 school district's area being added to the branch community

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1 college district; provided that:

2 (1) if the school board finds that the  
3 petition is signed by a number of voters at least equal to ten  
4 percent of the votes cast for governor in the school district  
5 in the last preceding gubernatorial election, the board shall  
6 conduct a survey to determine the desirability of joining the  
7 branch community college district; and

8 (2) if, on the basis of the survey, the board  
9 finds that the proposal will promote improved education  
10 services in the school district, it shall approve the petition.

11 L. The school board shall notify the branch  
12 community college board of the approval of the petition and the  
13 two boards shall hold a joint election on the question of  
14 adding the school district area to the branch community college  
15 district. The election may be part of a regular election of  
16 the school board or as a special election. If, on canvass of  
17 the results of the election, a majority of the votes cast in  
18 the school district and the branch community college district  
19 is in favor of the addition of the school district area, the  
20 higher education department shall notify the school board and  
21 the branch community college board of the results of the  
22 election and shall declare the extension of the boundaries of  
23 the branch community college district. The addition shall take  
24 effect on the next succeeding July 1.

25 M. The school board of a school district specified

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1 in Subsection K of this section by resolution of a majority of  
2 the members of the school board may call for an election as  
3 provided in Subsection L of this section.

4 N. The territory within each school district added  
5 to an existing branch community college district shall  
6 automatically be subject to any special levy on taxable  
7 property approved for the branch community college district for  
8 the maintenance of facilities and services and for support of  
9 bond issues."