

SENATE BILL 431

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

INTRODUCED BY

Richard C. Martinez and Carlos R. Cisneros

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

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

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

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

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

.211981.1

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

A. The board of regents of northern New Mexico college may choose to partner with one or more area school districts to be the parent institution of a branch community college established by the school districts to provide technical and vocational education. The branch community college may be co-located on the northern New Mexico college main campus or on its El Rito campus. Notwithstanding the provisions of Chapter 21, Article 14 NMSA 1978, the co-located branch community college shall be under the direction of the president of northern New Mexico college and shall operate under the administrative structure of northern New Mexico college. Otherwise, the board of the branch community college shall have the same powers over financing and financial control as provided for boards of other branch community colleges in Chapter 21, Article 14 NMSA 1978.

B. The board of regents and the area school boards or the elected board of the branch community college may agree to have northern New Mexico college SFC→transfer←SFC SFC→offer←SFC its technical and vocational courses SFC→to←SFC SFC→through←SFC the branch community college. If SFC→transferred←SFC SFC→so offered←SFC, those courses shall not be eligible for funding from the northern New Mexico state school land grant permanent fund income fund or be eligible to benefit in any way as a land grant beneficiary."

SECTION 2. Section 21-14-2 NMSA 1978 (being Laws 1963,  
.211981.1

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

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

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

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

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

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

C. Except for the branch community college of

.211981.1

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

northern New Mexico college, the board and the board of regents of the parent institution of the branch community college shall jointly conduct a search for qualified candidates for director. The board of regents of the parent institution, after consultation with the board, shall then select a director for the branch community college.

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

- (1) the [~~higher education~~] parent institution to have full authority and responsibility in relation to all academic matters;
- (2) the [~~higher education~~] parent institution to honor all credits earned by students as though they were earned on the parent campus;
- (3) the course of study and program offered;
- (4) the cooperative use of physical facilities and teaching staff;
- (5) consideration of applications of local qualified people before employing teachers of the local school system; and
- (6) the detailed agreement of financing and financial control of the branch community college.

E. The agreement shall be binding upon both the board and the board of regents of the parent institution;

.211981.1

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

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

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

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

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

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

(3) be subject, except as it relates to technical and vocational education, to the control, management

.211981.1

underscored material = new  
[bracketed material] = delete  
Amendments: new = bold, blue, highlight  
delete = bold, red, highlight, strikethrough

and direction of the public education department; [~~and~~]

(4) be considered school districts insofar as the restrictions of Article 9, Section 11 of the constitution of New Mexico are concerned; ~~SFC~~→~~and~~←~~SFC~~

(5) for the branch community college of northern New Mexico college, be eligible for SFC→~~separate~~←~~SFC~~ state appropriations through the higher education funding formula ~~SFC~~→~~.~~←~~SFC~~ ~~SFC~~→; ~~and~~←~~SFC~~

~~SFC~~→(6) for the branch community college of northern New Mexico college, any courses, students, student credit hours and degrees and certificates awarded shall be reported to the higher education department along with and in the same manner as those for northern New Mexico college. These courses, students, student credit hours and degrees and certificates awarded shall be included in all reports and funding formula calculations by the higher education department for northern New Mexico college.←~~SFC~~

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

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

(2) the election shall be conducted and

.211981.1

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

canvassed in the same manner as municipal school district elections unless otherwise provided in the branch community college laws; and

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

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

SECTION 3. Section 21-14-9 NMSA 1978 (being Laws 1973, Chapter 371, Section 1, as amended) is amended to read:

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

A. The [~~commission on~~] higher education department shall recommend an appropriation for each branch community college, except the branch community college of northern New Mexico college, and junior college based upon the college's financial requirements in relation to its authorized program and its available funds from non-general fund sources; provided, the recommended appropriation shall be an amount not

.211981.1

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

less than three hundred twenty-five dollars (\$325) for each full-time-equivalent student.

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