

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 132

50th Legislature, 2nd Session, 2012

Tracking Number: .188368.1

Short Title: Community College Election Procedures

Sponsor(s): Representative Andy Nuñez and Others

Analyst: David Harrell

Date: February 9, 2012

Bill Summary:

HB 132 amends higher education statutes to provide two processes by which a branch community college district may be expanded through the addition of a public school district.

- (1) Through the first process, the voters of a school district either within a county containing a branch community college district or in an adjoining county may petition the school district to hold an election on the question of adding the school district's area to the branch community college district, provided that:
 - if the petition is signed by a number of voters equaling or exceeding 10 percent of the number of votes cast for Governor in that school district in the most recent gubernatorial election, the school board must conduct a survey "to determine the desirability of joining the branch community college district"; and
 - if, on the basis of the survey, the board finds that the proposal will "promote improved education services in the school district," the board must approve the petition.

As part of this first process, HB 132 further requires the local school board to notify the branch community college board of the approval of the petition, after which the two boards must hold a joint election on the question, either as part of a regular school board election or as a special election. If a majority of the votes are cast in favor of the proposal, the Higher Education Department (HED) must notify both boards of the results and declare that the boundaries of the branch community college have been expanded, effective the next July 1.

- (2) Through the second process, the school board of a school district either within a county containing a branch community college district or in an adjoining county may, by resolution of a majority of the members, call for an election as described above.

Finally, HB 132 requires that the territory within each school district added to an existing branch community college district be subject automatically to any special levy on taxable property approved for the branch community college district for the maintenance of facilities and services and for support of bond issues.

Fiscal Impact:

HB 132 makes no appropriation.

The analysis by New Mexico Independent Community Colleges (NMICC) notes that adding a public school district to an existing branch community college district “will result in higher local property tax revenues for the college.”

According to the analysis by HED, “The new higher education funding formula would count the first mill of the increased levy as an offset to the state appropriation to the branch campus. As such, the branch campus could be adding new service without gaining new revenues.”

Substantive Issues:

According to the analysis by New Mexico Association of Community Colleges, branch community colleges that include only one school district in their taxing area are at a disadvantage in their capacities to provide educational programs and services to area residents, particularly considering the “growth in student enrollments with declining state support over the past three years.” This analysis further notes that branch community college students residing outside the college’s taxing district pay higher tuition and receive more limited educational programs than those students residing within the college’s taxing district.

The NMICC analysis of HB 132 notes that provisions similar to those in HB 132 are currently in the *Community College Act* and the *Technical and Vocational Institute Act*.

The analysis by HED suggests that expanding branch community college districts “may lead to requests for expanding campuses within the new district.”

Related Bills:

None as of 02-09-12.