

1 AN ACT

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

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

10 "NORTHERN NEW MEXICO COLLEGE--BRANCH COMMUNITY COLLEGE
11 FOR TECHNICAL AND VOCATIONAL COURSES.--

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

1 community colleges in Chapter 21, Article 14 NMSA 1978.

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

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

12 "21-14-2. BOARD DUTIES--RELATIONSHIP WITH PARENT
13 INSTITUTION--ELECTIONS.--

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

19 B. The duties of the board are to:

20 (1) enter into written agreements with the
21 board of regents of the parent institution, subject
22 thereafter to biennial review by all parties concerned and to
23 the review and commentary of the higher education department;

24 (2) act in an advisory capacity to the board
25 of regents of the parent institution in all matters relating

1 to the conduct of the branch community college;

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

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

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

9 C. Except for the branch community college of
10 northern New Mexico college, the board and the board of
11 regents of the parent institution of the branch community
12 college shall jointly conduct a search for qualified
13 candidates for director. The board of regents of the parent
14 institution, after consultation with the board, shall then
15 select a director for the branch community college.

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

19 (1) the parent institution to have full
20 authority and responsibility in relation to all academic
21 matters;

22 (2) the parent institution to honor all
23 credits earned by students as though they were earned on the
24 parent campus;

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

1 (4) the cooperative use of physical
2 facilities and teaching staff;

3 (5) consideration of applications of local
4 qualified people before employing teachers of the local
5 school system; and

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

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

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

24 G. For the purpose of relating branch community
25 colleges to existing laws, branch community college districts

1 or branch community colleges shall not:

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

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

9 (3) be subject, except as it relates to
10 technical and vocational education, to the control,
11 management and direction of the public education department;

12 (4) be considered school districts insofar
13 as the restrictions of Article 9, Section 11 of the
14 constitution of New Mexico are concerned;

15 (5) for the branch community college of
16 northern New Mexico college, be eligible for separate state
17 appropriations through the higher education funding formula;
18 and

19 (6) for the branch community college of
20 northern New Mexico college, any courses, students, student
21 credit hours and degrees and certificates awarded shall be
22 reported to the higher education department along with and in
23 the same manner as those for northern New Mexico college.

24 These courses, students, student credit hours and degrees and
25 certificates awarded shall be included in all reports and

1 funding formula calculations by the higher education
2 department for northern New Mexico college.

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

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

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

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

24 I. The tax rolls of the school districts
25 comprising the branch community college district shall be

1 adopted as the tax rolls of the branch community college
2 district."

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

5 "21-14-9. STATE SUPPORT--APPROPRIATION.--

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

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

1 required by the operation of the rate limitation provisions

2 of Section 7-37-7.1 NMSA 1978." _____

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