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HOUSE BILL 845

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

JOSE R. ABEYTA

AN ACT

RELATING TO EDUCATION; AUTHORIZING COMMUNITY SERVICE CENTERS TO
PROVIDE EDUCATIONAL AND GOVERNMENTAL SERVICES; AUTHORIZING
IMPOSITION OF PROPERTY TAX BY PARTICIPATING SCHOOL DISTRICTS;
PROVIDING POWERS AND DUTIES.

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

Section 1. SHORT TITLE. -- This act may be cited as the
"Community Service Center Act".

Section 2. PURPOSE. -- The purpose of the Community Service
Center Act is to facilitate delivery of educational services to
all residents of New Mexico in both metropolitan and rural areas
in recognition that this state has significant rural and place-
bound populations having limited or no access to post- secondary
education. To accomplish this purpose the Community Service
Center Act intends to:

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1 A. facilitate the delivery of readily available
2 educational and governmental services to rural and place-bound
3 citizens;

4 B. minimize the construction of new campuses for
5 post-secondary education purposes;

6 C. facilitate collaboration and cooperation among
7 institutions of higher education with each other and with state
8 agencies to make efficient use of state expenditures in the
9 purchase of technological infrastructure;

10 D. create innovative and flexible means of meeting
11 the educational and governmental needs of rural and place-bound
12 citizens;

13 E. aid the development of economic self-sufficiency
14 in rural communities; and

15 F. encourage greater efficiency in the use of state
16 resources as a consequence of the foregoing.

17 Section 3. DEFINITIONS. --As used in the Community Service
18 Center Act:

19 A. "agency" means an agency of the state;

20 B. "board" means a local board of education;

21 C. "center" means a community service center
22 authorized by the Community Service Center Act;

23 D. "community service center" means a program
24 managed by a council for the purpose of the Community Service
25 Center Act;

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1 E. "council" means the governing body of one or more
2 community service centers;

3 F. "council district" means the area included within
4 local school districts or school districts participating in the
5 council;

6 G. "educational program" means and includes
7 academic, vocational, informational and recreational programs,
8 including undergraduate and graduate degree programs;

9 H. "institution" means an institution of higher
10 education, including public or private institutions, two- and
11 four-year institutions and academic or vocational-educational
12 institutions;

13 I. "lead institution" means an institution
14 contracting with a center for purposes authorized by the
15 Community Service Center Act and agreeing to provide student
16 services at a local level and includes two- and four-year
17 institutions collaborating to act jointly as a lead institution;
18 and

19 J. "student services" means admissions, advisement,
20 transfer and articulation, financial aid, counseling and
21 placement services.

22 Section 4. ESTABLISHMENT AUTHORIZED-- COUNCIL. --

23 A. The board of a school district or the boards of
24 one or more than one school district may establish by a joint
25 powers agreement a community service center. The community

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1 service center may be established in cooperation with one or
2 more agencies.

3 B. The governing authority of a community service
4 center shall be a council composed of the superintendents or
5 their designees of each participating school district,
6 representatives of participating agencies, if any, and those
7 other community members as the organizing members of the council
8 shall determine.

9 C. The conduct of the business of the council shall
10 be governed by bylaws adopted by the council.

11 Section 5. POWERS AND DUTIES. --

12 A. The council may:

13 (1) employ necessary staff;

14 (2) enter into contracts and written
15 agreements;

16 (3) sue and be sued;

17 (4) coordinate mill levy elections pursuant to
18 Section 8 of the Community Service Center Act;

19 (5) act as joint fiscal agent for the
20 participating districts for purposes related to the center
21 activities in the same manner and extent as school districts are
22 authorized to act as fiscal agents; and

23 (6) select and contract with a lead institution
24 for the purpose of facilitating:

25 (a) the availability at a local level of

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1 accredited educational programs, student services and
2 credentials, including degrees and certificates, for learners
3 completing credentialing requirements;

4 (b) the coordination of programming
5 between the lead institution and other provider institutions
6 that might be required to meet local educational needs and that
7 will be recognized in the awarding of credentials by the lead
8 institution or other participating institutions;

9 (c) coordination of the delivery of
10 services and division of state provided educational funding
11 among participating institutions; and

12 (d) transfer and articulation of
13 accredited credits for course work obtained by learners from
14 institutions other than the lead institution to assure the
15 efficient application of the credits toward the award of a
16 degree or certificate without duplication.

17 B. The council shall:

18 (1) assess on a continuing basis the
19 educational and governmental service needs of the region served
20 by the center;

21 (2) manage the center;

22 (3) assure that the educational and
23 governmental services needs of each community located within the
24 participating districts are addressed respectively to
25 participating institutions and appropriate state agencies;

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1 (4) assure that services are provided, to the
2 degree practical and possible, within each community located
3 within the participating districts;

4 (5) create and interact with a committee of
5 advisory institutions, agencies and businesses;

6 (6) monitor and enforce the performance of the
7 contractual obligations of institutions with which written
8 agreements are made; and

9 (7) certify on behalf of the participating
10 districts to the respective county commissioners the tax levies
11 authorized by the boards of the participating districts for
12 purposes of the Community Service Center Act.

13 Section 6. NATURE OF CENTERS.--A center shall not be
14 deemed to be an institution. A center is authorized for the
15 purpose, inter alia, facilitate the connection between learners
16 and institutions. The learners are deemed students of the
17 respective institutions providing programs and courses to the
18 learners as otherwise determined by the institutions in
19 accordance with law, subject to agreements between participating
20 institutions governing revenue sharing.

21 Section 7. STATE FUNDING FOR INSTITUTIONS--TUITIONS AND
22 FEES--AGREEMENTS.--

23 A. The lead and participating institutions shall
24 receive public funding and tuition and fees for learners
25 enrolled in the institutions through the facility of a center in

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1 the same manner as the institutions receive funding for extended
2 learning offerings under law, subject to the provisions of
3 agreements between the lead institution and participating
4 institutions for the division of the funding.

5 B. A lead institution shall enter into written
6 agreements with other institutions providing courses or programs
7 for the purpose of dividing the funding received by the
8 institutions from the state, taking into account the
9 requirements of the lead institution to provide student services
10 and the cost associated with the services.

11 Section 8. LOCAL FUNDING--TAX LEVIES. --

12 A. The local school board of each school district
13 comprising the council may call an election within the school
14 district for the purpose of authorizing the levy of an annual
15 tax on all taxable property within the school district for the
16 purpose of operating and maintaining centers and subsidizing the
17 delivery of student services, programs and courses offered by
18 participating institutions.

19 B. The rate of tax levies shall not exceed five
20 dollars (\$5.00) on each one thousand dollars (\$1,000) of net
21 taxable value as that term is defined in the Property Tax Code;
22 provided that, the center shall not receive any state funding
23 unless each school district comprising the council levies a tax
24 of not less than two dollars (\$2.00) on each one thousand
25 dollars (\$1,000) of taxable value. The rate limitation

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1 provisions of Section 7-37-7.1 NMSA 1978 shall not apply to the
2 rates imposed under this section.

3 C. All elections pertaining to the levy, including
4 elections upon the question of levying additional taxes over and
5 above the limitation for the same purposes as provided in
6 Subsection B of this section and upon the question of abolishing
7 the approved levy, shall be submitted to the electors and voted
8 upon as a separate question at a special election or at the next
9 regular election of the school district. All elections shall be
10 called, conducted and canvassed as provided in the School
11 Election Law.

12 D. An election to abolish an approved levy shall be
13 called by the local school board upon receipt of a petition
14 signed by voters of the district in a number equal to at least
15 ten percent of the number of votes cast for governor at the last
16 preceding general election in which the office of governor was
17 filled. The petition shall state the question to be voted on.
18 Voters of a school district that is part of a council may
19 petition by the same manner to withdraw the district from the
20 council district.

21 E. At any time prior to the conduct of an election
22 to authorize a mill levy in a school district, the district may
23 withdraw from participation in a council by resolution of the
24 local board. Following the approval of a levy in a district,
25 the district shall not withdraw from the council or terminate

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1 the levy except upon approval of a majority of the voters of the
2 district at an election held as provided in this section.

3 Section 9. AVAILABILITY OF SCHOOL FACILITIES--USE OF OTHER
4 FACILITIES.--Public school facilities within districts creating
5 centers may be made available for purposes of the Community
6 Service Center Act as needed and in such manner as will not
7 interfere with the regular program of public school instruction.

8 Section 10. AGENCY AUTHORIZATION.--Agencies may enter into
9 written agreements with a council for the purpose of
10 facilitating the provision of agency services to citizens within
11 the area served by the council. Agencies may purchase services,
12 purchase equipment for public use at centers, lease space within
13 center facilities and designate representatives to serve upon a
14 council and to serve on committees advising a council in the
15 operation of a center.

16 Section 11. TWO-YEAR INSTITUTIONS--AUTHORIZATION.--Two-
17 year institutions may act as participating institutions in the
18 same manner as four-year institutions upon specific
19 authorization of their governing boards.

20 Section 12. ELIGIBILITY FOR FUNDING.--Centers shall not be
21 eligible for capital funding except for equipment purchases; nor
22 shall centers be eligible for recurrent operational funding.

State of New Mexico
House of Representatives

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4 FORTY-THIRD LEGISLATURE
5 FIRST SESSION, 1997
6
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8 February 28, 1997
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11 Mr. Speaker:
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13 Your EDUCATION COMMITTEE, to whom has been referred
14

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17 has had it under consideration and reports same with
18 recommendation that it DO PASS, amended as follows:

19 1. On page 1, line 23, strike extra space between "post-"
20 and "secondary".
21

22 2. On page 3, line 20, strike "articulation", and insert
23 in lieu thereof "matriculation".
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25 3. On page 7, line 25, strike "The rate limitation",
and on page 8, strike lines 1 and 2.,

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and thence referred to the TAXATION AND REVENUE
COMMITTEE.

Respectfully submitted,

Samuel F. Vigil, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 9 For 2 Against

Yes: 9

No: Gonzales, Vigil

Excused: Nicely, Weeks

Absent: None

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