

FORTY-FOURTH LEGISLATURE  
SECOND SESSION, 2000

February 12, 2000

Mr. Speaker:

Your **APPROPRIATIONS AND FINANCE COMMITTEE**, to whom  
has been referred

**HOUSE BILL 53**

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

1. On page 1, line 12, after "FOR" insert "LEGISLATIVE" and  
following "LOTTERY" insert "TUITION".

2. On page 1, line 12, before the period insert "; CHANGING  
THE NAME OF THE SCHOLARSHIP; INCLUDING ADDITIONAL INSTITUTIONS  
THAT MAY AWARD LEGISLATIVE LOTTERY TUITION SCHOLARSHIPS; MAKING AN  
APPROPRIATION".

3. On page 2, line 23, after "the" insert "legislative" and  
on line 24, before the period insert "and shall be granted to the  
full extent of available funds before legislative lottery tuition  
scholarships are granted".

4. On page 4, between lines 20 and 21, insert the following  
sections:

"Section 2. Section 21-1-4.3 NMSA 1978 (being Laws 1996,  
Chapter 71, Section 3, as amended) is amended to read:

"21-1-4.3. LEGISLATIVE LOTTERY TUITION SCHOLARSHIPS  
AUTHORIZED--CERTAIN EDUCATIONAL INSTITUTIONS.--

A. To the extent that funds are made available by the  
legislature from the lottery tuition fund, the boards of regents  
of New Mexico state university, New Mexico institute of mining and  
technology, eastern New Mexico university, western New Mexico  
university, the university of New Mexico, New Mexico highlands  
university, [~~and~~] northern New Mexico state school and New Mexico  
military institute shall award legislative lottery tuition  
scholarships for qualified resident students attending their  
respective institutions and branches of those institutions.

B. Except as authorized in Subsection C of this  
section, the legislative lottery tuition scholarships authorized

FORTY-FOURTH LEGISLATURE  
SECOND SESSION, 2000

HAFC/HB53,aa

Page 2

in this section shall apply only to full-time resident students who, immediately upon completion of a high school curriculum at a public or accredited private New Mexico high school or upon receiving a graduate equivalent diploma, are accepted for entrance to and attend one of the state educational institutions set forth in this section or one of the branches of those institutions. Each [~~tuition~~] scholarship shall be awarded for up to four consecutive years beginning the second semester of the recipient's first year of enrollment, provided that the recipient has maintained residency in New Mexico and maintained a grade point average of 2.5 or higher on a 4.0 scale during his first semester of full-time enrollment.

C. The legislative lottery tuition scholarships authorized in this section shall also apply to full-time resident students who, immediately upon completion of a high school curriculum at a public or accredited private New Mexico high school or upon receiving a graduate equivalent diploma, attend a two-year public post-secondary educational institution in New Mexico and who, upon the completion of that curriculum or at the end of two years, whichever is sooner, transfer to one of the post-secondary state educational institutions set forth in this section. Those students shall be eligible for a [~~tuition~~] scholarship for two consecutive years, provided that those students maintain residency in New Mexico, maintain a grade point average of 2.5 or higher on a 4.0 scale and attend the institution full time during the regular academic year.

D. The legislative lottery tuition scholarships authorized in this section shall also apply to full-time resident students who:

(1) within one hundred twenty days of completion of a high school curriculum at a public or accredited private New Mexico high school, or of receiving a graduate equivalent diploma, begin service in the United States armed forces; and

(2) within one hundred twenty days of completion of honorable service or medical discharge from the service are accepted for entrance to and attend one of the state educational institutions set forth in this section.

E. The commission on higher education shall prepare guidelines setting forth explicit student continuing eligibility criteria and guidelines for administration of the legislative lottery tuition scholarship program. Guidelines shall be

FORTY-FOURTH LEGISLATURE  
SECOND SESSION, 2000

HAFC/HB53,aa

Page 3

distributed to the board of regents of each institution to enable a uniform availability of the [~~resident student tuition~~] scholarships."

Section 3. Section 21-1-4.4 NMSA 1978 (being Laws 1996, Chapter 71, Section 4) is amended to read:

"21-1-4.4. COMMISSION ON HIGHER EDUCATION--DETERMINATION OF TUITION SCHOLARSHIPS--USE OF LOTTERY TUITION FUND.--Prior to June 1 of each year, the commission on higher education shall determine the amount of money available for legislative lottery tuition scholarships at state public post-secondary educational institutions and the New Mexico campuses of Dine college and Crownpoint institute of technology. Based on the amount appropriated by the legislature from the lottery tuition fund and on the projected enrollment at [~~all public~~] those post-secondary educational institutions, the commission on higher education shall establish the percentage of tuition that shall be awarded for qualified resident students attending [~~New Mexico public~~] those post-secondary educational institutions. The percentage of tuition awarded shall be the same for each institution, regardless of the actual cost of tuition at each institution."

Section 4. A new section of Chapter 21, Article 1 NMSA 1978 is enacted to read:

"[NEW MATERIAL] ADDITIONAL ELIGIBILITY FOR LEGISLATIVE LOTTERY TUITION SCHOLARSHIPS.--New Mexico students who are otherwise eligible for a legislative lottery tuition scholarship in accordance with the provisions of Section 21-1-4.3 NMSA 1978 may use their scholarship at a New Mexico campus of Dine college or Crownpoint institute of technology if the school is accredited as a post secondary institution by the north central association of colleges and secondary schools."

Section 5. Section 21-13-10 NMSA 1978 (being Laws 1963, Chapter 17, Section 9, as amended) is amended to read:

"21-13-10. BOARD DUTIES.--

A. It [~~shall be~~] is the duty of the community college board to determine financial and educational policies of the community college. The community college board shall provide for the management of the community college and execution of these policies by selecting a competent president for the community college, and, upon the president's recommendation, the

FORTY-FOURTH LEGISLATURE  
SECOND SESSION, 2000

HAFC/HB53,aa

Page 4

board shall employ other administrative personnel, instructional staff or other personnel as may be needed for the operation, maintenance and administration of the community college.

B. The community college board shall have the power to fix tuition and fee rates for resident and nonresident students of the district, to accept gifts, to accept federal aid, to purchase, hold, sell and rent property and equipment and to promote the general welfare of the institution for the best interest of educational service to the people of the community college district.

C. To the extent that funds are made available by the legislature from the lottery tuition fund, the community college board shall award legislative lottery tuition scholarships for qualified resident students attending their respective institutions. All other scholarship funds available to the board shall be used before granting any legislative lottery tuition scholarships.

D. The legislative lottery tuition scholarships authorized in this section shall apply only to full-time resident students who, immediately upon completion of a high school curriculum at a public or accredited private New Mexico high school or upon receiving a graduate equivalent diploma, are accepted for entrance to and attend a community college. Each [~~tuition~~] scholarship shall be awarded for up to two consecutive years beginning the second semester of the recipient's first year of enrollment, provided that the recipient has maintained residency in New Mexico and maintained a grade-point average of 2.5 or higher on a 4.0 scale during his first semester of full-time enrollment.

E. The commission on higher education shall prepare guidelines setting forth explicit student continuing eligibility criteria and guidelines for administration of the legislative lottery tuition scholarship program. Guidelines shall be distributed to community college boards to enable a uniform availability of the [~~resident student tuition~~] scholarship."

Section 6. Section 21-13-19 NMSA 1978 (being Laws 1968, Chapter 70, Section 2, as amended) is amended to read:

"21-13-19. ENROLLMENT DEFINED--PAYMENTS.--

A. For those students in community colleges taking

FORTY-FOURTH LEGISLATURE  
SECOND SESSION, 2000

HAFC/HB53,aa

Page 5

college-level courses, full-time-equivalent students shall be defined and computed by the commission on higher education in the same manner in which it defines and computes full-time-equivalent students for all other college-level programs within its jurisdiction.

B. No student shall be included in any calculations made under the provisions of this section if the student is enrolled in a course the cost of which is totally reimbursed from federal, state or private sources. The public school district shall transfer to the community college the tuition and fees for any student who, during the term, is counted in the membership of the public school district and will receive high school credit for coursework at the community college.

C. The commission on higher education shall not recommend an appropriation greater than three hundred twenty-five dollars (\$325) for each full-time-equivalent student for any community college that levies a tax at a rate less than two dollars (\$2.00), unless a lower amount is required by operation of the rate limitation provisions of Section 7-37-7.1 NMSA 1978 upon a rate of at least two dollars (\$2.00) on each one thousand dollars (\$1,000) of net taxable value, as that term is defined in the Property Tax Code, or any 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.

D. The commission on higher education shall require from the community college such reports as the commission deems necessary for the purpose of determining the number of full-time-equivalent students at the community college eligible to receive support under this section.

E. A community college board shall establish tuition and fee rates for its respective institutions for full-time, part-time, resident and nonresident students, as defined by the commission on higher education.

F. A community college board may establish and grant gratis scholarships to students who are residents of New Mexico in an amount not to exceed the matriculation fee or tuition and fees, or both. Except as provided for legislative lottery tuition scholarships, the number of scholarships established and granted shall not exceed three percent of the preceding fall semester enrollment in each institution and shall not be established and

FORTY-FOURTH LEGISLATURE  
SECOND SESSION, 2000

HAFC/HB53,aa

Page 6

granted for summer sessions. The president of each institution shall select and recommend to the community college board of his institution, as recipients of scholarships, students who possess good moral character and satisfactory initiative, scholastic standing and personality. At least thirty-three and one-third percent of the gratis scholarships established and granted by each community college board each year shall be granted on the basis of financial need."

Section 7. Section 21-16-10.1 NMSA 1978 (being Laws 1996, Chapter 71, Section 6, as amended) is amended to read:

"21-16-10.1. LEGISLATIVE LOTTERY TUITION SCHOLARSHIPS  
AUTHORIZED.--

A. To the extent that funds are made available by the legislature from the lottery tuition fund, the board of a technical and vocational institute shall award legislative lottery tuition scholarships for qualified resident students attending a technical and vocational institute. All other scholarship funds available to the board shall be used before granting any legislative lottery tuition scholarships.

B. The legislative lottery tuition scholarships authorized in this section shall apply only to full-time resident students who, immediately upon completion of a high school curriculum at a public or accredited private New Mexico high school or upon receiving a graduate equivalent diploma, are accepted for entrance to and attend a technical and vocational institute. Each [~~tuition~~] scholarship shall be awarded for up to two consecutive years beginning the second semester of the recipient's first year of enrollment, provided that the recipient has maintained residency in New Mexico and maintained a grade-point average of 2.5 or higher on a 4.0 scale during his first semester of full-time enrollment with renewal of an additional two years upon transfer.

C. The commission on higher education shall prepare guidelines setting forth explicit student continuing eligibility criteria and guidelines for administration of the legislative lottery tuition scholarship program. Guidelines shall be distributed to the boards of technical and vocational institutes to enable a uniform availability of the [~~resident student tuition~~] scholarships."".

5. Renumber succeeding sections accordingly.

FORTY-FOURTH LEGISLATURE  
SECOND SESSION, 2000

HAFC/HB53,aa

Page 7

6. On page 5, line 2, strike "Any" and insert in lieu thereof "After appropriation pursuant to Subsection B of this section, any".

7. On page 5, strike the remainder of line 3 following "year", strike all of lines 4 and 5 and insert in lieu thereof "is appropriated to the public school capital outlay fund.".

Respectfully submitted,

---

**Max Coll, Chairman**

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Coll, Marquardt, Pearce, Picraux, Townsend

Absent: None

.132537.2

\\Lotus\wwwroot\Sessions\00 Regular\HB0053AF1.HTML