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HOUSE BILL 90

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

William "Ed" Boykin

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATION; REQUIRING SCHOOL DISTRICTS TO PAY
TUITION AND FEES OF PUBLIC SCHOOL STUDENTS WHO RECEIVE HIGH
SCHOOL CREDIT FOR HIGHER EDUCATION COURSEWORK.

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

Section 1. Section 21-1-2 NMSA 1978 (being Laws 1970,
Chapter 9, Section 1, as amended) is amended to read:

"21-1-2. MATRICULATION AND TUITION FEES.--

A. Except as otherwise provided in this section and
in Section 21-1-4.3 NMSA 1978, the boards of regents of the
university of New Mexico, New Mexico state university, New
Mexico highlands university, western New Mexico university,
eastern New Mexico university, New Mexico military institute,
New Mexico institute of mining and technology and New Mexico
junior college shall establish and charge matriculation fees

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1 and tuition fees as follows:

2 (1) each student shall be charged a
3 matriculation fee of not less than five dollars (\$5.00) upon
4 enrolling in each institution;

5 (2) each student who is a resident of New
6 Mexico shall be charged a tuition fee of not less than twenty
7 dollars (\$20.00) a year;

8 (3) each student who is not a resident of New
9 Mexico shall be charged a tuition fee of not less than fifty
10 dollars (\$50.00) a year;

11 (4) each student shall be charged a tuition
12 fee of not less than ten dollars (\$10.00) for each summer
13 session; and

14 (5) each student may be charged a tuition fee
15 for extension courses.

16 B. Except as otherwise provided in this section and
17 in Section 21-1-4.3 NMSA 1978, the board of regents of northern
18 New Mexico [~~state school~~] college shall establish and charge
19 each student a matriculation fee and a tuition fee.

20 C. The board of regents of each institution may
21 establish and grant gratis scholarships to students who are
22 residents of New Mexico in an amount not to exceed the
23 matriculation fee or tuition and fees, or both. These
24 scholarships are in addition to the lottery tuition
25 scholarships authorized in Section 21-1-4.3 NMSA 1978 and shall

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1 be granted to the full extent of available funds before lottery
2 tuition scholarships are granted. The number of scholarships
3 established and granted pursuant to this subsection shall not
4 exceed three percent of the preceding fall semester enrollment
5 in each institution and shall not be established and granted
6 for summer sessions. The president of each institution shall
7 select and recommend to the board of regents of [~~his~~] the
8 institution, as recipients of scholarships, students who
9 possess good moral character and satisfactory initiative,
10 scholastic standing and personality. At least thirty-three and
11 one-third percent of the gratis scholarships established and
12 granted by each board of regents each year shall be granted on
13 the basis of financial need.

14 D. The board of regents of each institution set out
15 in this subsection may establish and grant, in addition to
16 those scholarships provided for in Subsection C of this
17 section, athletic scholarships for tuition and fees. In no
18 event shall the board of regents of any institution be allowed
19 to award scholarships for tuition and fees for more than the
20 number of athletic scholarships set out in this subsection and
21 in no event shall more than seventy-five percent of the
22 scholarships granted be for out-of-state residents:

23 (1) the board of regents of the university of
24 New Mexico may grant up to two hundred ninety-three athletic
25 scholarships;

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1 (2) the board of regents of New Mexico state
2 university may grant up to two hundred seventy athletic
3 scholarships;

4 (3) the boards of regents of New Mexico
5 highlands university, eastern New Mexico university and western
6 New Mexico university may each grant up to one hundred forty
7 athletic scholarships; and

8 (4) the board of regents of New Mexico junior
9 college may grant up to fifty-two athletic scholarships.

10 E. In the event that the number of athletic
11 scholarships exceeds the number of athletic scholarships
12 permitted that institution by regulations and bylaws of the
13 national collegiate athletic association or the national
14 association of intercollegiate athletics of which that
15 institution is a member, the appropriate board of regents shall
16 reduce the number of authorized tuition scholarships to comply
17 with association rules and regulations.

18 F. Matriculation fees and tuition fees shall be
19 fixed and made payable as directed by the board of regents of
20 each institution, collected by the officers of each institution
21 and accounted for as are other funds of the institutions.
22 Matriculation fees shall be charged only once for each
23 institution in which a student enrolls.

24 G. Unless the school district and the institution
25 agree to reduce or waive the tuition and fees, a public school

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1 district shall transfer to a public post-secondary educational
2 institution enumerated in Subsection A or B of this section the
3 tuition and fees for a public school student who, during the
4 term, is counted in the membership of the school district and
5 will receive high school credit for coursework at the
6 institution."

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

9 "21-13-19. ENROLLMENT DEFINED--PAYMENTS.--

10 A. For those students in community colleges taking
11 college-level courses, full-time-equivalent students shall be
12 defined and computed by the [~~commission on~~] higher education
13 department in the same manner in which it defines and computes
14 full-time-equivalent students for all other college-level
15 programs within its jurisdiction.

16 B. No student shall be included in any calculations
17 made under the provisions of this section if the student is
18 enrolled in a course the cost of which is totally reimbursed
19 from federal, state or private sources. Unless the school
20 district and the community college agree to reduce or waive the
21 tuition and fees, the public school district shall transfer to
22 the community college the tuition and fees for any student who,
23 during the term, is counted in the membership of the public
24 school district and will receive high school credit for
25 coursework at the community college.

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1 C. The [~~commission on~~] higher education department
2 shall not recommend an appropriation greater than three hundred
3 twenty-five dollars (\$325) for each full-time-equivalent
4 student for any community college that levies a tax at a rate
5 less than two dollars (\$2.00), unless a lower amount is
6 required by operation of the rate limitation provisions of
7 Section 7-37-7.1 NMSA 1978 upon a rate of at least two dollars
8 (\$2.00) on each one thousand dollars (\$1,000) of net taxable
9 value, as that term is defined in the Property Tax Code, or any
10 community college that reduces a previously authorized tax
11 levy, except as required by the operation of the rate
12 limitation provisions of Section 7-37-7.1 NMSA 1978.

13 D. The [~~commission on~~] higher education department
14 shall require from the community college such reports as the
15 [~~commission~~] department deems necessary for the purpose of
16 determining the number of full-time-equivalent students at the
17 community college eligible to receive support under this
18 section.

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

23 F. A community college board may establish and
24 grant gratis scholarships to students who are residents of New
25 Mexico in an amount not to exceed the matriculation fee or

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1 tuition and fees, or both. The gratis scholarships are in
2 addition to the lottery tuition scholarships authorized in
3 Section 21-13-10 NMSA 1978 and shall be granted to the full
4 extent of available funds before lottery tuition scholarships
5 are granted. The number of scholarships established and
6 granted pursuant to this subsection shall not exceed three
7 percent of the preceding fall semester enrollment in each
8 institution and shall not be established and granted for summer
9 sessions. The president of each institution shall select and
10 recommend to the community college board of [~~his~~] the
11 institution, as recipients of scholarships, students who
12 possess good moral character and satisfactory initiative,
13 scholastic standing and personality. At least thirty-three and
14 one-third percent of the gratis scholarships established and
15 granted by each community college board each year shall be
16 granted on the basis of financial need."

17 Section 3. Section 21-14-1 NMSA 1978 (being Laws 1957,
18 Chapter 143, Section 1, as amended) is amended to read:

19 "21-14-1. BRANCH COMMUNITY COLLEGE EDUCATIONAL PROGRAM
20 AND ENROLLMENT DEFINED.--

21 A. "Branch community college educational program",
22 for the purposes of Chapter 21, Article 14 NMSA 1978, includes
23 either the first two years of college education or organized
24 vocational and technical curricula of not more than two years'
25 duration designed to fit individuals for employment in

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1 recognized occupations, or both.

2 B. The calculation of full-time-equivalent student
3 population for the purposes of Chapter 21, Article 14 NMSA 1978
4 shall include students enrolled in college-level courses and
5 students enrolled in vocational and technical courses taught by
6 a branch community college that is recognized by the
7 instructional support and vocational education division of the
8 public education department as an area vocational school or in
9 courses that are approved by the ~~[state board of education]~~
10 department. Students enrolled in a course the cost of which is
11 totally reimbursed from federal, state or private sources shall
12 not be included in the calculation of full-time-equivalent
13 student population. Unless the school district and the
14 institution agree to reduce or waive the tuition and fees, the
15 public school district shall transfer to the branch community
16 college the tuition and fees for any student who, during the
17 term, is counted in the membership of the public school
18 district and will receive high school credit for coursework at
19 the branch community college."

20 Section 4. Section 21-14A-2 NMSA 1978 (being Laws 1982,
21 Chapter 42, Section 2, as amended) is amended to read:

22 "21-14A-2. DEFINITIONS.--As used in the Off-Campus
23 Instruction Act:

24 A. "off-campus instruction program" means either
25 the first two years of college education or organized

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1 vocational and technical curricula of not more than two years'
2 duration designed to fit individuals for employment in
3 recognized occupations, or both; and

4 B. "full-time-equivalent student" includes students
5 enrolled in college-level courses and students enrolled in
6 vocational and technical courses taught by an off-campus
7 instruction program. Students enrolled in a course the cost of
8 which is totally reimbursed from federal, state or private
9 sources shall not be included in the calculation of full-time-
10 equivalent student population. Unless the school district and
11 the institution agree to reduce or waive the tuition and fees,
12 the public school district shall transfer to the parent
13 institution the tuition and fees for any student who, during
14 the term, is counted in the membership of the public school
15 district and will receive high school credit for coursework at
16 the off-campus site."

17 Section 5. Section 21-16-10 NMSA 1978 (being Laws 1968,
18 Chapter 59, Section 3, as amended) is amended to read:

19 "21-16-10. APPROPRIATION--DISTRIBUTION.--

20 A. The [~~commission on~~] higher education department
21 shall recommend an appropriation for each technical and
22 vocational institute based upon its financial requirements in
23 relation to its authorized program and its available funds from
24 non-general fund sources; provided, the recommended
25 appropriation shall be an amount not less than three hundred

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1 twenty-five dollars (\$325) for each full-time-equivalent
2 student.

3 B. The [~~commission on~~] higher education department
4 shall by rule provide for the method for calculating the number
5 of full-time-equivalent students in technical and vocational
6 institutes. No student shall be included in any calculation of
7 the number of full-time-equivalent students if the student is
8 enrolled in a course, the cost of which is totally reimbursed
9 from federal, state or private sources. Unless the school
10 district and the technical and vocational institute agree to
11 reduce or waive the tuition and fees, the public school
12 district shall transfer to the technical and vocational
13 institute the tuition and fees for any student who, during the
14 term, is counted in the membership of the public school
15 district and will receive high school credit for coursework at
16 the technical and vocational institute.

17 C. The [~~commission on~~] higher education department
18 shall not recommend an appropriation greater than three hundred
19 twenty-five dollars (\$325) for each full-time-equivalent
20 student for any technical and vocational institute that levies
21 a tax at a rate less than two dollars (\$2.00), unless a lower
22 amount is required by operation of the rate limitation
23 provisions of Section 7-37-7.1 NMSA 1978 upon a rate approved
24 by the electors of at least two dollars (\$2.00) on each one
25 thousand dollars (\$1,000) of net taxable value, as that term is

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1 defined in the Property Tax Code, or any technical and
2 vocational institute that reduces a previously authorized tax
3 levy, except as required by the operation of the rate
4 limitation provisions of Section 7-37-7.1 NMSA 1978.

5 D. The board may establish and grant gratis
6 scholarships to students who are residents of New Mexico in an
7 amount not to exceed the matriculation fee or tuition and fees,
8 or both. The gratis scholarships are in addition to the
9 lottery tuition scholarships authorized in Section 21-16-10.1
10 NMSA 1978 and shall be granted to the full extent of available
11 funds before lottery tuition scholarships are granted. The
12 number of scholarships established and granted pursuant to this
13 subsection shall not exceed three percent of the preceding fall
14 semester enrollment in the technical and vocational institute
15 and shall not be established and granted for summer sessions.
16 The president of the technical and vocational institute shall
17 select and recommend to the board as recipients of scholarships
18 students who possess good moral character and satisfactory
19 initiative, scholastic standing and personality. At least
20 thirty-three and one-third percent of the gratis scholarships
21 established and granted by the board each year shall be granted
22 on the basis of financial need."

23 Section 6. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is July 1, 2006.