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HOUSE BILL 685

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Earlene Roberts

AN ACT

**RELATING TO HIGHER EDUCATIONAL INSTITUTIONS; PROVIDING A
MECHANISM FOR STUDENTS TO EARN A BACHELOR'S DEGREE BY DISTANCE
LEARNING; LIMITING THE POWERS OF THE BOARD OF REGENTS AT FOUR-
YEAR INSTITUTIONS OF HIGHER LEARNING.**

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

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

" NEW MATERIAL DISTANCE LEARNING-- DEGREE. --

**A. A student may earn a bachelor's degree through
a distance learning program from a four-year institution of
higher learning.**

**B. Four-year institutions of higher learning shall
provide degree-granting programs through distance learning in
all areas of study that do not require in-person instruction**

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1 in a classroom or laboratory setting.

2 C. For purposes of Chapter 21 NMSA 1978, "distance
3 learning" means instruction, learning and training that is
4 transmitted from one site to one or more other sites by
5 telecommunications services that are used by an educational
6 institution predominantly for such instruction, learning or
7 training, including video, data, voice and electronic
8 information. "

9 Section 2. Section 21-3-7 NMSA 1978 (being Laws 1893,
10 Chapter 19, Section 6, as amended) is amended to read:

11 "21-3-7. POWERS--SUPERINTENDENT--STUDIES--ADMISSION OF
12 STUDENTS. -- [SEC. 172. ~~Said~~] The boards of regents of New
13 Mexico highlands university and western New Mexico university
14 shall have full and complete power and control over their
15 respective [normal schools] universities, except in the area
16 of distance learning. Each board shall employ a
17 superintendent or principal for [~~such school~~] the university
18 who shall have the supervision and control of the [school]
19 university under such rules [and regulations] as may be
20 provided by [such] the board. [Such] The board shall
21 determine and provide as to what branches of learning shall be
22 taught in [such school] the university and [the] their
23 classification and order [of the same] and shall also direct
24 the number of teachers that shall be employed and [shall]
25 determine the compensation to be paid to the superintendent

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1 and teachers. [~~Such~~] The board shall also prescribe upon what
2 terms and conditions pupils shall be admitted to [~~such school~~]
3 the university, but no pupils shall be admitted who are not
4 residents of this state, except on payment of a tuition fee to
5 be prescribed by the board of regents for each term. "

6 Section 3. Section 21-3-30 NMSA 1978 (being Laws 1927,
7 Chapter 79, Section 1) is amended to read:

8 "21-3-30. EASTERN NEW MEXICO UNIVERSITY BOARD OF
9 REGENTS. --The governor is [~~hereby~~] authorized and empowered to
10 appoint a board of regents for [~~the~~] eastern New Mexico
11 [~~Normal School~~] university, at Portales, New Mexico, by and
12 with the advice and consent of the senate, consisting of five
13 members, no more than three of whom shall be of the same
14 political party at the time of their appointment and not more
15 than three of whom shall be appointed for a longer term than
16 two years, [~~and~~] the remainder being appointed for four years,
17 after which [~~such~~] appointments shall be for four years; [~~and~~]
18 provided that should the senate not be in session when [~~such~~]
19 appointment is made, [~~such~~] the appointees shall hold their
20 office until the convening of the senate and, if confirmed,
21 for the period of their appointment. [~~Such~~] The board shall
22 have the general powers now conferred on boards of regents of
23 the other [~~normal schools~~] institutions of higher learning of
24 this state, except in the area of distance learning, including
25 the power to acquire by donations the title to the necessary

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1 lands for building site and campus and the acceptance of such
2 other donations as may be available; [and] provided [further]
3 that [such] the board [~~can~~] may incur no indebtedness
4 [~~whatever~~]. "

5 Section 4. Section 21-7-3 NMSA 1978 (being Laws 1889,
6 Chapter 138, Section 9, as amended) is amended to read:

7 "21-7-3. BOARD OF REGENTS. -- The management and control
8 of the university of New Mexico, the care and preservation of
9 all its property, the erection and construction of all
10 buildings necessary for its use and the disbursements and
11 expenditures of all money, except in the area of distance
12 learning, shall be vested in a board of seven regents. "

13 Section 5. Section 21-8-5 NMSA 1978 (being Laws 1889,
14 Chapter 138, Section 23, as amended) is amended to read:

15 "21-8-5. BOARD OF REGENTS-- POWERS AND DUTIES. -- [~~SEC.~~
16 ~~115-~~] The board of regents of New Mexico state university
17 shall direct the disposition of any [~~moneys~~] money belonging
18 [~~to~~] or appropriated to [~~the agricultural college~~] New Mexico
19 state university and experiment station, [~~and shall~~] make all
20 rules [~~and regulations~~] necessary for the government and
21 management of the [~~same~~] university and experiment station,
22 except in the area of distance learning, adopt plans and
23 specifications for necessary buildings and superintend the
24 construction of [~~said~~] those buildings and fix the salaries of
25 professors, teachers and other [~~employes~~] employees and the

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1 tuition fees to be charged [~~in said college~~] by the
2 university. "

3 Section 6. EFFECTIVE DATE. --The effective date of the
4 provisions of this act is the date that the secretary of state
5 certifies adoption of an amendment to the constitution of New
6 Mexico proposed by the first session of the forty-fifty
7 legislature entitled "A JOINT RESOLUTION PROPOSING AN
8 AMENDMENT TO ARTICLE 12, SECTION 13 OF THE CONSTITUTION OF NEW
9 MEXICO TO GRANT THE LEGISLATURE AUTHORITY OVER THE BOARDS OF
10 REGENTS AT HIGHER EDUCATIONAL INSTITUTIONS FOR THE PURPOSE OF
11 DISTANCE LEARNING PROGRAMS. "