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HOUSE BILL 164

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Dani ce R. Pi craux

FOR THE HIGHER EDUCATION COMMITTEE

AN ACT

RELATING TO POST-SECONDARY EDUCATION; ESTABLISHING GOALS FOR A
COORDINATED STATEWIDE SYSTEM OF POST-SECONDARY EDUCATION;
PROVIDING FOR COMPLIANCE WITH POST-SECONDARY EDUCATION GOALS;
AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. [NEW MATERIAL] GOALS FOR A COORDINATED
STATEWIDE SYSTEM OF POST-SECONDARY EDUCATION. --The commission
on higher education shall adopt rules and administer its
authority pursuant to the NMSA 1978 to coordinate the state's
post-secondary educational system through excellence in higher
education and achieve the goals of providing:

A. stewardship of the human, financial and
physical resources available to post-secondary education
institutions to serve students and economic development of the

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1 state;

2 B. work force development in partnership with
3 business, industry and public schools;

4 C. research and public service to respond to
5 evolving needs, using diverse basic and applied research and
6 service strategies;

7 D. teacher education and professional development
8 in partnership with the public school system to achieve the
9 highest quality of teaching;

10 E. technology capitalization to enhance education
11 and services on and off campus;

12 F. student services to enhance and support the
13 learning environment and student achievement;

14 G. access to education to fulfill the potential of
15 the state's diverse population;

16 H. a general education curriculum for personal and
17 professional success and improved quality of life; and

18 I. fiscal management for effective and efficient
19 delivery of education, services and research.

20 Section 2. Section 21-1-26 NMSA 1978 (being Laws 1951,
21 Chapter 190, Section 1, as amended) is amended to read:

22 "21-1-26. COMMISSION ON HIGHER EDUCATION CREATED--
23 POWERS. --

24 A. There is created a "commission on higher
25 education" whose function is to deal with the problems of

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1 finance of those educational institutions designated in
2 Article 12, Section 11 of the constitution of New Mexico. The
3 commission shall:

4 (1) be concerned with the adequate financing
5 of these institutions and with the equitable distribution of
6 available funds among them;

7 (2) be authorized to receive funding for the
8 in-plant development training program and to administer the
9 funds in accordance with the provisions of Section 21-19-7
10 NMSA 1978;

11 (3) receive, adjust and approve the budgets
12 submitted by these institutions prior to the submission of
13 these budgets to the state budget division of the department
14 of finance and administration using the goals for a high
15 quality coordinated statewide system of post-secondary
16 education as criteria;

17 (4) develop and maintain programs, on a
18 regular basis, for the orientation and in-service education of
19 members of the boards of regents of the various educational
20 institutions designated in Article 12, Section 11 of the
21 constitution of New Mexico; and

22 (5) exercise such other powers as may be
23 granted it by law.

24 B. Notwithstanding any other provisions of law,
25 the commission on higher education, which is a commission

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1 broadly representative of the public and of institutions of
2 higher education, may be designated by the governor to
3 administer funds furnished under acts of congress for those
4 educational institutions enumerated in Article 12, Section 11
5 of the constitution of New Mexico and for any other
6 educational institutions over which the commission has been
7 granted approval authority or supervisory powers or both.

8 C. The commission on higher education is also
9 charged with oversight of all private post-secondary
10 educational institutions operating within the state. "

11 Section 3. Section 21-2-5 NMSA 1978 (being Laws 1973,
12 Chapter 233, Section 5) is amended to read:

13 "21-2-5. STATEWIDE PLANNING. -- The state commission shall
14 carry out a continuing program of statewide planning for post-
15 secondary education. Planning activities shall include:

16 A. assessment of compliance with the goals for a
17 high quality coordinated statewide system of post-secondary
18 education and, in cooperation with the institutions of post-
19 secondary education, development of recommendations for
20 bringing institutions into compliance;

21 [~~A.~~] B. assessment of present and projected needs
22 for the various types of post-secondary education in all parts
23 of the state;

24 [~~B.~~] C. assessment of existing capabilities and
25 facilities for the provision of the various types of post-

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1 secondary education and the utilization of these capabilities
2 and facilities;

3 [~~C.~~] D. analysis of the effectiveness and
4 productivity of post-secondary educational programs and an
5 identification of marginal programs and of unnecessary or
6 excessive duplication of programs;

7 [~~D.~~] E. analysis of the most effective means of
8 utilizing all existing institutions and programs to meet the
9 present and projected needs for the various types of post-
10 secondary education;

11 [~~E.~~] F. identification of cases where expansion or
12 improvement of existing institutions and programs, contraction
13 or elimination of existing institutions and programs and
14 establishment of new institutions and programs are needed in
15 order to meet the present and projected needs for post-
16 secondary education on a statewide basis in an effective and
17 efficient manner;

18 [~~F.~~] G. identification of steps required to
19 coordinate the activities of the various institutions and
20 programs of post-secondary education in order that they will
21 be most effective and efficient in meeting the statewide
22 needs;

23 [~~G.~~] H. development of strategies for infusing
24 occupational education and career education into the
25 educational system at all levels on an equal basis with

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1 traditional academic education;

2 [H-] I. development of logical, consistent and
3 equitable organizational and fiscal provisions for the
4 operation of post-secondary education and for the effective
5 utilization of federal, state and local funding available for
6 [~~such~~] post-secondary education;

7 [I-] J. the making of specific recommendations to
8 the cognizant governing authorities of post-secondary
9 educational institutions and programs as to the steps
10 necessary to adjust the operations of the particular
11 institution or program in order that [~~they~~] it will best serve
12 a coordinated statewide system of post-secondary education
13 meeting the statewide needs for post-secondary education;

14 [J-] K. the making of recommendations to
15 appropriate state executive agencies and to the legislature
16 regarding the legislation and the administrative actions
17 necessary to implement a coordinated statewide system of post-
18 secondary education;

19 [K-] L. the making of recommendations to the
20 executive branch and to the legislature which provide
21 consistent standards for determining the necessary
22 appropriation from the state general fund to implement the
23 planned system of post-secondary education. [~~Such~~] These
24 standards shall pertain to, but not necessarily be limited to:

25 (1) all income to the institution or to any

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1 [connected] corporation connected to the institution from any
2 source whatsoever, except that gifts, donations, private
3 endowments or other gratuities received by an institution
4 shall not be used in any manner as a substitute for public
5 funds;

6 (2) all balances, whether fund balances or
7 cash balances, and the operational need for [~~such~~] the
8 balances;

9 (3) the consistent application of overhead
10 income among institutions;

11 (4) full-time equivalent (FTE) student costs
12 by level of instruction and subject area;

13 (5) an equitable distribution of funds to
14 support research;

15 (6) expenditures and revenues necessary for
16 operation of each auxiliary enterprise;

17 (7) the translation of institutional internal
18 accounts to the board of educational finance budget forms;

19 (8) funding of intercollegiate athletics; and

20 (9) funding of institutional branches and
21 other state vocational facilities; and

22 [~~E.~~] M tuition equalization grants to students."

23 Section 4. Section 21-2-5.1 NMSA 1978 (being Laws 1988,
24 Chapter 164, Section 1, as amended) is amended to read:

25 "21-2-5.1. FUNDING FORMULA. --

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1 A. The commission on higher education shall
2 develop a funding formula that will provide funding for each
3 institution of higher education to accomplish its mission as
4 determined by a statewide plan.

5 B. The commission on higher education may include
6 factors in the funding formula, which when implemented will
7 achieve the following:

8 (1) improve the quality of programs central
9 to each institution's mission;

10 (2) develop and enhance programs that meet
11 targeted post-secondary educational needs and the related
12 needs of public schools;

13 (3) eliminate unnecessary, unproductive or
14 duplicative programs;

15 (4) consider faculty salaries and benefits
16 adjustment to a competitive level with similar institutions in
17 similar states, when such compensation adjustments are
18 supported by detailed analyses of faculty workloads and
19 educational outcomes assessments, and nonteaching staff
20 salaries and benefits at a competitive level with other
21 similar public or private sector employment in the community
22 in which the institution is situated;

23 (5) recognize additional costs incurred
24 through increases in enrollment;

25 (6) provide for equipment and equipment

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1 maintenance and library acquisitions and operations since the
2 development of the prior funding formula;

3 (7) fund off-campus courses and other
4 nontraditional course delivery systems at a level sufficient
5 to allow their development;

6 (8) provide incentives to institutions to
7 pursue private or alternative funding sources;

8 (9) encourage the sharing of expertise,
9 equipment and facilities and development of joint
10 instructional programs, research and public service projects;

11 (10) implement uniform articulation
12 agreements and facilitation of transfer of students between
13 institutions;

14 (11) encourage energy conservation; and

15 (12) require mechanisms to track expenditures
16 to ensure greater accountability.

17 C. The commission on higher education shall
18 recommend to the legislature adjustments to the funding
19 formula to implement the goals for a high quality coordinated
20 statewide system of post-secondary education. "

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 February 22, 1999

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8 Mr. Speaker:

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10 Your EDUCATION COMMITTEE, to whom has been referred

11
12 HOUSE BILL 164

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

16 1. On page 1, line 12, strike "SYSTEM OF" and insert
17 in lieu thereof "APPROACH TO".

18
19 2. On page 1, line 13, strike "PROVIDING FOR
20 COMPLIANCE WITH" and insert in lieu thereof "ASSESSING
21 PROGRESS IN ACHIEVING".

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23 3. On page 1, strike lines 23 through 25, and page 2,
24 lines 1 through 19, and insert in lieu thereof the
25 following:

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"A. effective and efficient use of the human,
financial and physical resources in the delivery of
education, services and research;

B. quality education and training to cultivate a
competitive high quality work force;

C. service to New Mexico through the discovery
and sharing of knowledge, research and innovation;

D. teacher education and professional development
in partnership with the public school system to achieve the
highest quality teaching;

E. accessible and affordable education to fulfill
the personal, social, cultural and economic potential of the
state's diverse population both on and off campus; and

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F. partnerships among public schools, colleges, universities and the private sector to promote coordinated educational opportunities appropriate to the global market place."

4. On page 3, line 14, strike "using the goals for a high" and strike lines 15 and 16 up to the semicolon.

5. On page 4, line 16, strike "compliance with" and insert in lieu thereof "progress in achieving".

6. On page 4, line 17, strike "system" and insert in lieu thereof "approach to".

7. On page 4, line 20, strike "bringing institutions into compliance" and insert in lieu thereof "making greater progress in achieving these goals".

8. On page 7, line 18, strike "board of educational finance" and insert in lieu thereof "commission on higher education".

9. On page 9, line 3, after "courses" insert ", distance education".

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10. On page 9, line 14, strike "and".

11. On page 9, line 16, strike the period and insert
in lieu thereof "; and ".

12. On page 9, strike lines 17 and 18 and on line 19,
strike "formula to implement the goals for" and insert in
lieu thereof the following:

"(13) support".

13. On page 9, line 20, strike "system of" and insert
in lieu thereof "approach to".

Respectfully submitted,

Rick Miera, Chairman

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 11 For 2 Against

Yes: 11

Against: Dana, Macko

Excused: Blanton, Marquardt, Stapleton

Absent: None

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FIRST SESSION, 1999

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March 11, 1999

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Mr. President:

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Your EDUCATION COMMITTEE, to whom has been referred

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HOUSE BILL 164, as amended

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has had it under consideration and reports same with
recommendation that it DO PASS.

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Respectfully submitted,

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Cynthia Nava, Chairman

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2 Adopted _____ Not

3 Adopted _____

4 (Chief Clerk)

(Chief Clerk)

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7 Date _____

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The roll call vote was 6 For 0 Against

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Yes: 6

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No: 0

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Excused: Adair, Duran, Gorham, Jennings

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Absent: None

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