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HOUSE BILL 330

**46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

INTRODUCED BY

Terry T. Marquardt

AN ACT

RELATING TO HIGHER EDUCATION; PROVIDING FOR THE WAIVER OF CERTAIN NONRESIDENT TUITION DIFFERENTIALS AT COMMUNITY COLLEGES, BRANCH COMMUNITY COLLEGES AND TECHNICAL VOCATIONAL INSTITUTES FOR NONRESIDENT STUDENTS WHO LIVE WITHIN ONE HUNDRED THIRTY-FIVE MILES OF A STATE BORDER.

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

Section 1. A new section of the Community College Act is enacted to read:

"[NEW MATERIAL] NONRESIDENT TUITION DIFFERENTIALS--WAIVED FOR BORDER-AREA RESIDENTS.--

A. The governing board of a community college shall waive the nonresident differential in tuition rates for students who live in another state, including a state of a foreign country, within one hundred thirty-five miles of the

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1 community college.

2 B. The governing board of a community college shall  
3 negotiate with other border states, including states of a  
4 foreign country, to establish reciprocal agreements for the  
5 waiving of the nonresident differential for New Mexico  
6 residents attending institutions in other states."

7 Section 2. Section 21-14-5 NMSA 1978 (being Laws 1957,  
8 Chapter 143, Section 4, as amended) is amended to read:

9 "21-14-5. FINANCING OF BRANCH COMMUNITY COLLEGES--TUITION  
10 AND FEE WAIVERS.--

11 A. Financing of branch community colleges shall be  
12 by tuition and fees, which shall be set by the board of regents  
13 of the parent institution, by gifts and grants and by other  
14 funds as may be made available pursuant to the provisions of  
15 the College District Tax Act or Chapter 21, Article 14 NMSA  
16 1978.

17 B. The board of regents of the parent institution  
18 may provide for the waiver of the nonresident differential in  
19 tuition rates for students living in another state, including a  
20 state of a foreign county, within one hundred thirty-five miles  
21 of the branch community college border without the other state  
22 participating in a reciprocal agreement.

23 [~~B-~~] C. The board of regents of the respective  
24 parent institution of the branch community college may  
25 establish and grant gratis scholarships to students of the

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1 branch community college who are residents of New Mexico in an  
2 amount not to exceed the matriculation fee or tuition and fees,  
3 or both. Except as provided in Section 21-1-4.3 NMSA 1978, the  
4 number of scholarships established and granted shall not exceed  
5 three percent of the preceding fall semester enrollment in the  
6 branch community college and shall not be established and  
7 granted for summer sessions. The president of each institution  
8 shall select and recommend to the board of regents of his  
9 institution, as recipients of scholarships, students who  
10 possess good moral character and satisfactory initiative,  
11 scholastic standing and personality. At least thirty-three and  
12 one-third percent of the gratis scholarships established and  
13 granted by the board of regents for a branch community college  
14 each year shall be granted on the basis of financial need."

15 Section 3. A new section of the Technical and Vocational  
16 Institute Act is enacted to read:

17 "[NEW MATERIAL] NONRESIDENT TUITION DIFFERENTIALS--WAIVED  
18 FOR BORDER-AREA RESIDENTS.--

19 A. The governing board of a technical and  
20 vocational institute shall waive the nonresident differential  
21 in tuition rates for students who live in another state,  
22 including a state of a foreign country, within one hundred  
23 thirty-five miles of the technical and vocational institute.

24 B. The governing board of a technical and  
25 vocational institute shall negotiate with other border states,

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1 including states of a foreign country, to establish reciprocal  
2 agreements for the waiving of the nonresident differential for  
3 New Mexico residents attending institutions in other states."

4 Section 4. EFFECTIVE DATE.--The effective date of the  
5 provisions of this act is July 1, 2004.

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