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HOUSE BILL 243

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Al Park

AN ACT

RELATING TO EXECUTIVE ORGANIZATION; CREATING THE HIGHER
EDUCATION DIVISION OF THE DEPARTMENT OF FINANCE AND
ADMINISTRATION; TRANSFERRING FUNCTIONS, APPROPRIATIONS AND
PROPERTY OF THE HIGHER EDUCATION DEPARTMENT TO THE DIVISION;
AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 9-6-3 NMSA 1978 (being Laws 1977,
Chapter 247, Section 3, as amended) is amended to read:

"9-6-3. DEPARTMENT OF FINANCE AND ADMINISTRATION--
CREATION--TRANSFER AND MERGER OF DIVISION FUNCTIONS--MERGER AND
CREATION OF DIVISIONS.--

A. The "department of finance and administration"
is created. The department shall consist of those divisions
created by law or executive order, as modified by executive

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1 order pursuant to Subsection C of this section, including but
2 not limited to:

- 3 (1) the board of finance division;
- 4 (2) the financial control division;
- 5 (3) the local government division;
- 6 (4) the management and contracts review
7 division; ~~and~~
- 8 (5) the state budget division; and
- 9 (6) the higher education division.

10 B. The secretary is empowered to organize the
11 department and the divisions thereof specified in Subsection A
12 of this section and may transfer or merge functions between
13 divisions in the interest of efficiency and economy.

14 C. The governor is empowered to merge divisions of
15 the department or to create additional divisions by executive
16 order in the interest of efficiency and economy."

17 Section 2. A new section of the Department of Finance and
18 Administration Act is enacted to read:

19 "[NEW MATERIAL] HIGHER EDUCATION DIVISION DUTIES.--

20 A. The "higher education division" is created in
21 the department of finance and administration. The division
22 includes the following program bureaus:

- 23 (1) institutional finance bureau;
- 24 (2) financial aid bureau;
- 25 (3) planning and research bureau;

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- 1 (4) private and proprietary schools bureau;
- 2 (5) American Indian post-secondary education
- 3 bureau; and
- 4 (6) adult basic education bureau.

5 B. The secretary of finance and administration may
6 transfer or merge functions between bureaus in the interest of
7 efficiency and economy and shall report such changes to the
8 next regular session of the legislature."

9 Section 3. A new section of the Department of Finance and
10 Administration Act is enacted to read:

11 "[NEW MATERIAL] HIGHER EDUCATION DIVISION DUTIES.--

12 A. Consistent with constitutional provisions
13 relating to the control and management of the educational
14 institutions enumerated in Article 12, Section 11 of the
15 constitution of New Mexico, and with powers and duties provided
16 for in Chapter 21 NMSA 1978, the higher education division of
17 the department of finance and administration shall:

18 (1) cooperate with colleges and universities
19 to create a statewide public agenda to meet higher education
20 needs and goals;

21 (2) be concerned with the financing of public
22 post-secondary educational institutions and with the equitable
23 distribution of available funds;

24 (3) receive, adjust and approve the budgets of
25 public post-secondary educational institutions prior to the

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1 submission of those budgets to the state budget division;

2 (4) by November 1 of each year, present to the
3 legislature a comprehensive funding request and a priorities
4 list for all higher education. The funding request and
5 priorities shall encompass the needs of all public
6 post-secondary educational institutions and programs; and

7 (5) periodically study and report to the
8 governor and the legislature on enrollment capacity needs over
9 a ten-year period, based on state demographic models, academic
10 program demands, institutional competencies and infrastructure,
11 state work force needs, economic development goals and other
12 factors.

13 B. The division is authorized to cooperate with the
14 federal government in the administration of higher education
15 programs in which financial or other participation by the
16 federal government is authorized or mandated under state or
17 federal laws, rules or orders. The director of the division,
18 with the approval of the secretary of finance and
19 administration, may enter into agreements with agencies of the
20 federal government to implement higher education programs
21 subject to availability of appropriated state funds and any
22 provisions of state laws applicable to such agreements or
23 participation by the state. The governor or the secretary may
24 by appropriate order designate the division or any other
25 organizational unit of the department as the single state

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1 agency for the administration of any higher education program
2 when that designation is a condition of federal financial or
3 other participation in the program under applicable federal
4 law, rule or order. Whether or not a federal condition exists,
5 the governor may designate the division or any other
6 organizational unit of the department as the single state
7 agency for the administration of any federally funded higher
8 education program not targeted for specific post-secondary
9 educational institutions. No designation of a single state
10 agency under the authority granted in this section shall be
11 made in contravention of state law."

12 Section 4. Section 7-37-8 NMSA 1978 (being Laws 1978,
13 Chapter 128, Section 1, as amended) is amended to read:

14 "7-37-8. SCHOOL TAX RATES.--No later than August 15 of
15 each year, the ~~[state department of]~~ public education
16 department shall submit to the secretary of finance and
17 administration the property tax rates for the succeeding tax
18 year for each school district and the ~~[commission on]~~ higher
19 education division of the department of finance and
20 administration shall submit to the secretary of finance and
21 administration the property tax rates for the succeeding tax
22 year for each technical and vocational district, ~~[area~~
23 ~~vocational school district]~~ junior college district and branch
24 community college district. The rates required to be submitted
25 pursuant to this section shall separately state by county and

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1 by school district the rate to be levied for operational
2 purposes and the rate to be levied for payment of principal and
3 interest on general obligation debt issued or entered into by
4 the district."

5 Section 5. Section 9-15D-2 NMSA 1978 (being Laws 2009,
6 Chapter 275, Section 2) is amended to read:

7 "9-15D-2. DEFINITIONS.--As used in the Green Jobs Act:

8 A. "department" or "division" means the higher
9 education division of the department of finance and
10 administration;

11 B. "fund" means the green jobs fund;

12 C. "green industries" means industries that
13 contribute directly to preserving or enhancing environmental
14 quality by reducing waste and pollution or producing
15 sustainable products using sustainable processes and materials
16 and that provide opportunities for advancement along a career
17 track of increasing skills and wages. Green industries
18 include:

19 (1) energy system retrofits to increase energy
20 efficiency and conservation;

21 (2) production and distribution of biofuels,
22 including vehicle retrofits for biofuels;

23 (3) building design and construction that meet
24 the equivalent of best available technology in energy and
25 environmental design standards;

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- 1 (4) organic and community food production;
- 2 (5) manufacture of products from nontoxic,
- 3 environmentally certified or recycled materials;
- 4 (6) manufacture and production of sustainable
- 5 technologies, including solar panels, wind turbines and fuel
- 6 cells;
- 7 (7) solar technology installation and
- 8 maintenance;
- 9 (8) recycling, green composting and large-
- 10 scale reuse of construction and demolition materials and
- 11 debris; and
- 12 (9) water retrofits to increase water
- 13 efficiency and conservation;
- 14 D. "green jobs training programs" means those
- 15 programs implemented by educational institutions related to
- 16 training [~~individuals~~] persons to work in green industries and
- 17 to ensure that appropriate support services are provided;
- 18 E. "support services" means those services that
- 19 provide trainees with the opportunity to participate in green
- 20 jobs training programs, including:
- 21 (1) child care;
- 22 (2) tuition;
- 23 (3) materials needed for training programs;
- 24 (4) counseling and mentoring services;
- 25 (5) internships; or

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- (6) job placement programs; and
- F. "target populations" means disadvantaged ~~[individuals]~~ persons, including:
 - (1) low-income ~~[individuals]~~ persons;
 - (2) veterans;
 - (3) formerly incarcerated, nonviolent offenders;
 - (4) tribal and rural constituencies;
 - (5) workers adversely affected by changing national or state energy policy;
 - (6) at-risk youth;
 - (7) unemployed youth and adults;
 - (8) high school dropouts; or
 - (9) single mothers."

Section 6. Section 10-9-5 NMSA 1978 (being Laws 1978, Chapter 96, Section 1, as amended) is amended to read:

"10-9-5. PUBLIC OFFICERS AND PUBLIC EMPLOYEES--EXECUTIVE BRANCH--ANNUAL EXEMPT SALARIES PLAN.--

A. The department of finance and administration shall prepare, by December 1 of each year, an exempt salaries plan for the governor's approval. The plan shall specify salary ranges for the following public officer and public employee positions of the executive branch of government:

- (1) members of boards and commissions appointed by the governor;

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1 (2) heads of agencies or departments appointed
2 by the governor;

3 (3) heads of agencies or departments appointed
4 by the respective boards and commissions of the agencies;

5 (4) directors of department divisions;

6 (5) employees in the governor's office;

7 (6) positions in the state militia and the
8 commissioned officers of the New Mexico state police division
9 of the department of public safety;

10 (7) assistants and secretaries in the offices
11 of each official covered by Paragraphs (2), (3) and (10) of
12 this subsection;

13 (8) positions of a professional or scientific
14 nature ~~[which]~~ that are temporary in nature;

15 (9) state employees whose positions the
16 personnel board has classified as policymaking positions and
17 exempt employees of elective public officials; and

18 (10) secretaries of departments appointed by
19 the governor.

20 B. Excluded from the provisions of this section are
21 employees ~~[of the commission on higher education and employees]~~
22 of state educational institutions named in Article 12, Section
23 11 of the constitution of New Mexico.

24 C. The exempt salaries plan for the ensuing fiscal
25 year, as prepared by the department of finance and

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1 administration and approved by the governor, shall be published
2 as a part of the executive budget document presented to the
3 legislature at its next regular session following the
4 preparation of the plan.

5 D. Upon the governor's approval, the plan shall
6 take effect at the beginning of the subsequent fiscal year."

7 Section 7. Section 21-1-4 NMSA 1978 (being Laws 1971,
8 Chapter 235, Section 1, as amended) is amended to read:

9 "21-1-4. TUITION AND GENERAL FEE CHARGES--
10 DEFINITIONS.--

11 A. The state educational institutions set forth in
12 Article 12, Section 11 of the constitution of New Mexico and
13 their branches, community colleges as provided in Chapter 21,
14 Article 13 NMSA 1978 and technical and vocational institutes as
15 provided in Chapter 21, Article 16 NMSA 1978 shall charge
16 tuition, which is in addition to general or other earmarked
17 fees, as provided by law.

18 B. "Tuition" means the amount of money charged to
19 students for instructional services, which may be charged per
20 term, per course or per credit. "Tuition" does not include
21 required general or other fees.

22 C. "General fee" means a fixed sum charged to
23 students for items not covered by tuition and required of such
24 a proportion of all students that the student who does not pay
25 the charge is an exception. General fees include fees for

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1 matriculation, library services, student activities, student
2 union services, student health services, debt service and
3 athletics. An institution may charge fees in addition to
4 general fees that are course-specific or that pertain to a
5 smaller proportion of students.

6 D. During the regular academic year, "full-time
7 student" means a student who is taking twelve or more credit
8 hours in one semester or quarter. Full-time students during
9 the academic year shall be charged tuition at rates provided by
10 law.

11 E. During the summer session, "full-time student"
12 means a student who is taking at least a minimum number of
13 credit hours, which minimum is in the same proportion to twelve
14 credit hours as the duration and normal credit-hour load of the
15 summer session in the particular institution is to the duration
16 and normal credit-hour load of the institution's regular
17 semester or quarter. Full-time students in the summer session
18 shall be charged tuition at resident and nonresident rates in
19 each institution, which rates shall be in the same proportion
20 to the full-time resident and nonresident rates of that
21 institution for the regular semester or quarter as the minimum
22 number of credit hours is to twelve hours.

23 F. "Part-time student" means a student who is
24 taking fewer than the minimum number of credit hours in a
25 semester, quarter or summer session required for full-time

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1 student status. Part-time students shall be charged tuition at
2 rates per semester credit hour or quarter credit hour as
3 provided by law.

4 G. The higher education division of the department
5 of finance and administration shall define resident and
6 nonresident students for the purpose of administering tuition
7 charges in accordance with the constitution and statutes of the
8 state and after consultation with the appropriate officials of
9 the institutions concerned. Each institution shall use the
10 uniform definitions so established in assessing and collecting
11 tuition charges from students."

12 Section 8. Section 21-1-4.4 NMSA 1978 (being Laws 1996,
13 Chapter 71, Section 4) is amended to read:

14 "21-1-4.4. [~~COMMISSION ON~~] HIGHER EDUCATION DIVISION--
15 DETERMINATION OF TUITION SCHOLARSHIPS--USE OF LOTTERY TUITION
16 FUND.--Prior to June 1 of each year, the [~~commission on~~] higher
17 education division of the department of finance and
18 administration shall determine the amount of money available
19 for tuition scholarships at state public post-secondary
20 educational institutions. Based on the amount appropriated by
21 the legislature from the lottery tuition fund and on the
22 projected enrollment at all public post-secondary educational
23 institutions, the [~~commission on~~] higher education division
24 shall establish the percentage of tuition that shall be awarded
25 for qualified resident students attending New Mexico public

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1 post-secondary educational institutions. The percentage of
2 tuition awarded shall be the same for each institution,
3 regardless of the actual cost of tuition at each institution."

4 Section 9. Section 21-1-6 NMSA 1978 (being Laws 1975,
5 Chapter 308, Section 1, as amended) is amended to read:

6 "21-1-6. WAIVING OF NONRESIDENT DIFFERENTIAL IN TUITION
7 RATES ON A RECIPROCAL BASIS WITH OTHER STATES.--The [~~commission~~
8 ~~on~~] higher education division of the department of finance and
9 administration shall identify those circumstances [~~where~~] in
10 which the waiving of the nonresident differential in tuition
11 rates, on a reciprocal basis with other states, including the
12 states of the foreign country contiguous to New Mexico, would
13 enhance educational opportunities for New Mexico residents.
14 Relative to the identified circumstances, the [~~commission~~]
15 division shall negotiate with the other states involved with
16 the objective of establishing reciprocal agreements for the
17 waiving of the nonresident differential for New Mexico
18 residents attending institutions in other states in exchange
19 for New Mexico institutions waiving the nonresident
20 differential for residents of the other states. Upon
21 successful completion of the negotiations, the [~~commission~~]
22 division may identify those classes and numbers of New Mexico
23 residents whose educational opportunities would be enhanced and
24 the number and classes of nonresident students for whom the
25 nonresident differential is to be waived by the New Mexico

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1 institutions and may direct that the institutions grant such
2 waivers. The [~~commission~~] division shall establish
3 [~~regulations~~] rules for the administration of the waivers and
4 for the reporting of the cases in which the waivers are given."

5 Section 10. Section 21-1-26 NMSA 1978 (being Laws 1951,
6 Chapter 190, Section 1, as amended) is amended to read:

7 "21-1-26. HIGHER EDUCATION [~~DEPARTMENT~~] DIVISION--GENERAL
8 [~~POWERS~~] DUTIES.--

9 A. The higher education division of the department
10 of finance and administration shall: [~~be concerned with the~~
11 ~~problems of finance of those educational institutions~~
12 ~~designated in Article 12, Section 11 of the constitution of New~~
13 ~~Mexico and other public post-secondary educational institutions~~
14 ~~in the state. The department shall:~~

15 (1) ~~be concerned with the adequate financing~~
16 ~~of these institutions and with the equitable distribution of~~
17 ~~available funds among them;~~

18 (2) ~~receive, adjust and approve the budgets~~
19 ~~submitted by these institutions prior to the submission of~~
20 ~~these budgets to the state budget division of the department of~~
21 ~~finance and administration;~~

22 (3)] (1) develop and maintain programs, on a
23 regular basis, for the orientation and in-service education of
24 members of the boards of regents of the various educational
25 institutions designated in Article 12, Section 11 of the

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1 constitution of New Mexico and the governing bodies of other
2 public post-secondary educational institutions in the state;

3 [~~(4)~~] (2) analyze the financial impact of each
4 new degree program of each public post-secondary educational
5 institution as part of the [~~department's~~] division's review of
6 the institution's operating budget; and

7 [~~(5)~~] (3) exercise such other powers as may be
8 granted it by law.

9 B. Effective July 1, 2005, all new state-funded
10 baccalaureate, graduate and professional degree programs shall
11 be offered by public four-year educational institutions and all
12 new associate degree programs shall be offered by public post-
13 secondary educational institutions after a timely and thorough
14 consultation with and review by the [~~department~~] division.

15 C. Notwithstanding any other provisions of law, the
16 higher education [~~department~~] division may be designated by the
17 governor to administer funds furnished under acts of congress
18 for post-secondary educational institutions, except for funds
19 specifically appropriated or otherwise designated for those
20 educational institutions enumerated in Article 12, Section 11
21 of the constitution of New Mexico.

22 D. The higher education [~~department~~] division is
23 also charged with oversight of all private post-secondary
24 educational institutions operating within the state."

25 Section 11. Section 21-1-26.1 NMSA 1978 (being Laws 1980,

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1 Chapter 145, Section 2, as amended) is amended to read:

2 "21-1-26.1. ADDITIONAL DUTIES.--In addition to the duties
3 imposed upon the higher education division of the department of
4 finance and administration by the Post-Secondary Educational
5 Planning Act, the [~~department~~] division shall perform the same
6 planning and budgeting functions for the university of New
7 Mexico hospital as it performs for other post-secondary
8 educational institutions."

9 Section 12. Section 21-1-26.3 NMSA 1978 (being Laws 1986,
10 Chapter 24, Section 3, as amended) is amended to read:

11 "21-1-26.3. VERIFICATION FUNCTION.--The higher education
12 division of the department of finance and administration shall
13 annually conduct special verifications of the institutions of
14 higher education. The verifications shall include enrollments,
15 fund balances, compliance with legislation, comparison of
16 expenditures to budgets and other areas to be determined by the
17 [~~department~~] division. Reports on the verifications shall be
18 made annually to the department of finance and administration
19 and the legislative finance committee. The department of
20 finance and administration shall consider the verification
21 findings in making its annual recommendations to the executive
22 and legislature for higher education funding."

23 Section 13. Section 21-1-26.7 NMSA 1978 (being Laws 1990
24 (1st S.S.), Chapter 4, Section 2, as amended) is amended to
25 read:

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1 "21-1-26.7. ANNUAL ACCOUNTABILITY REPORT.--

2 A. The higher education division of the department
3 of finance and administration shall submit an annual
4 accountability report to the governor and to the legislature by
5 December 31. Prior to publication, the [~~department~~] division
6 shall distribute a draft of the accountability report to all
7 public post-secondary educational institutions and shall allow
8 comment upon the draft report.

9 B. The [~~department~~] division in consultation with
10 each public post-secondary educational institution shall
11 develop and adopt the content and a format for the report,
12 including the following information:

- 13 (1) student progress and success;
14 (2) student access and diversity;
15 (3) affordability and cost of educational
16 services;
17 (4) public and community service by the
18 institution; and
19 (5) faculty, compensation and benefits
20 practices, including:
21 (a) number and percentage of part-time
22 and full-time faculty;
23 (b) per-credit-hour pay rate for full-
24 time instructors or lecturers and per-credit-hour pay rate for
25 part-time faculty;

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1 (c) percent salary increase for full-
2 time faculty and percent salary increase for part-time faculty;
3 and

4 (d) description of the institution's
5 policy for offering benefits to full-time faculty and to part-
6 time faculty.

7 C. The [~~department~~] division shall make no funding
8 recommendation, capital outlay recommendation, distribution or
9 certification on behalf of any public post-secondary
10 educational institution that has not submitted the information
11 required pursuant to this section."

12 Section 14. Section 21-1-26.9 NMSA 1978 (being Laws 1998,
13 Chapter 61, Section 2, as amended) is amended to read:

14 "21-1-26.9. LIMITATION--HIGHER EDUCATION [~~DEPARTMENT~~]
15 DIVISION--REVIEW OF PROPOSED CAMPUSES.--Effective January 1,
16 1998, no new public post-secondary educational institution,
17 branch campus or off-campus instructional center shall be
18 created except as specifically created by the legislature. The
19 higher education division of the department of finance and
20 administration shall review any proposal for the establishment
21 of a new public post-secondary educational institution or
22 campus and submit its recommendations to the legislature. In
23 reviewing proposals, the [~~department~~] division may consider:

24 A. provisions for a local mill levy of at least two
25 mills;

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1 B. population base to provide at least five hundred
2 full-time students;

3 C. whether at least fifty percent of the costs of
4 initial construction comes from private or local sources;

5 D. governance structure;

6 E. means for acquisition of property, including
7 purchase, lease, donations or any other means;

8 F. eligibility and level of funding request of the
9 state; and

10 G. brokering of extended learning provisions."

11 Section 15. Section 21-1-26.10 NMSA 1978 (being Laws 1999
12 (1st S.S.), Chapter 6, Section 18, as amended) is amended to
13 read:

14 "21-1-26.10. HIGHER EDUCATION [~~DEPARTMENT~~] DIVISION--PLAN
15 FOR FUNDING SIGNIFICANT POST-SECONDARY EDUCATIONAL
16 INFRASTRUCTURE NEEDS.--The higher education division of the
17 department of finance and administration, in conjunction with
18 the governing bodies of the public post-secondary educational
19 institutions and other state educational institutions confirmed
20 in Article 12, Section 11 of the constitution of New Mexico,
21 shall develop and approve a five-year plan for funding the
22 infrastructure renovation and expansion projects designated by
23 the [~~department~~] division as the highest priority of
24 significant needs. The [~~department~~] division shall determine
25 the projects and amounts to be funded, with a timetable for the

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1 projects and amounts to be funded each year over the five-year
2 period, subject to review and comment by the educational
3 institutions and subject to appropriations."

4 Section 16. Section 21-1-26.11 NMSA 1978 (being Laws
5 2003, Chapter 394, Section 1, as amended) is amended to read:

6 "21-1-26.11. HIGHER EDUCATION [~~DEPARTMENT~~] DIVISION--
7 ADDITIONAL DUTIES.--In addition to the duties imposed upon the
8 higher education division of the department of finance and
9 administration by the Post-Secondary Educational Planning Act,
10 the [~~department~~] division shall plan and budget for the
11 statewide adult basic education program and shall adopt and
12 promulgate rules for all such adult educational programs. The
13 [~~department~~] division shall establish a uniform protocol for
14 identifying, communicating with and providing direct and
15 equitable access to funding for eligible agencies, which
16 include:

- 17 A. local educational agencies;
- 18 B. community-based organizations;
- 19 C. volunteer literacy organizations;
- 20 D. post-secondary institutions;
- 21 E. public or private nonprofit agencies;
- 22 F. public libraries;
- 23 G. public housing authorities; and
- 24 H. a consortium of agencies, organizations,
25 institutions, libraries or authorities as described in Section

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1 203 of Public Law 105."

2 Section 17. Section 21-1-26.12 NMSA 1978 (being Laws
3 2005, Chapter 289, Section 14) is amended to read:

4 "21-1-26.12. EDUCATIONAL NEEDS AND GUIDELINES--
5 ACCOUNTABILITY REPORTS.--

6 A. The higher education division of the department
7 of finance and administration shall, through consultation with
8 all public post-secondary educational institutions, develop and
9 publish a statement of statewide educational needs and
10 guidelines to assist the institutions in the development or
11 modification of institutional strategic plans. The
12 [~~department~~] division may conduct studies of statewide
13 educational needs and make recommendations to the governor, the
14 legislature and public post-secondary educational institutions.

15 B. All public post-secondary educational
16 institutions, including off-campus instruction programs and
17 learning centers, shall:

18 (1) approve and submit accountability reports
19 prepared in accordance with the statewide public agenda; and

20 (2) submit budgets for review no later than
21 August 1 each year for the following fiscal year."

22 Section 18. Section 21-1-27 NMSA 1978 (being Laws 1965,
23 Chapter 267, Section 1, as amended) is amended to read:

24 "21-1-27. HIGHER EDUCATION [~~DEPARTMENT~~] DIVISION--
25 DISTRIBUTION OF AVAILABLE FUNDS.--In its distribution of

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1 available funds and its adjustment and approval of budgets, the
2 higher education division of the department of finance and
3 administration shall not, in any event or in any manner,
4 substitute for public funds any gift, donation, private
5 endowment, patent income or other gratuity received or enjoyed
6 by an institution in determining the adequate financing of an
7 institution under its charge."

8 Section 19. Section 21-2-2 NMSA 1978 (being Laws 1973,
9 Chapter 233, Section 2) is amended to read:

10 "21-2-2. DEFINITIONS.--As used in the Post-Secondary
11 Educational Planning Act:

12 A. "post-secondary education":

13 (1) means education, training or retraining
14 for persons sixteen years of age or older who have graduated
15 from secondary school or left elementary or secondary school
16 without graduating from secondary school, which is designed to
17 provide for [~~such~~] those persons:

- 18 (a) adult basic education;
- 19 (b) high school equivalency education;
- 20 (c) pre-vocational education;
- 21 (d) vocational education;
- 22 (e) technical education;
- 23 (f) general academic education;
- 24 (g) undergraduate academic education

25 leading to associate's and bachelor's degrees;

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1 (h) graduate academic education leading
2 to master's and doctor's degrees;

3 (i) undergraduate and graduate
4 professional education leading to professional degrees;

5 (j) continuing education; or

6 (k) some combination of the above; and

7 (2) includes public, private, nonprofit and
8 proprietary educational institutions and programs of the
9 following types, among others:

10 (a) technical and vocational institutes;

11 (b) junior colleges;

12 (c) branch community colleges;

13 (d) colleges and universities;

14 (e) post-secondary military institutes;

15 (f) post-secondary vocational schools;

16 (g) adult vocational and pre-vocational
17 manpower and training programs;

18 (h) programs designed to identify
19 persons who can benefit from post-secondary education and to
20 assist them in enrolling in appropriate programs; and

21 (i) programs providing guidance,
22 [~~counselling~~] counseling and placement services for persons in
23 connection with their participation in post-secondary
24 education; and

25 B. "state commission" or "division" means the

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1 ~~[state commission on post-secondary education]~~ higher education
2 division of the department of finance and administration."

3 Section 20. Section 21-2-3 NMSA 1978 (being Laws 1973,
4 Chapter 233, Section 3, as amended) is amended to read:

5 "21-2-3. ~~[STATE COMMISSION CREATED--DESIGNATED MEMBERS]~~
6 DIVISION--DUTIES--DESIGNATION OF SUPPLEMENTARY ~~[MEMBERS]~~
7 APPOINTMENTS FOR SPECIFIC FUNCTIONS.--~~[There is created]~~ The
8 higher education division of the department of finance
9 administration shall serve as the "state commission on post-
10 secondary education". ~~[The commission on higher education is~~
11 ~~designated the state commission.]~~ For the purposes of the Post-
12 Secondary Educational Planning Act, the ~~[commission on higher~~
13 ~~education]~~ division, in functioning as the state commission, is
14 charged with a concern for all types of post-secondary
15 education and all types of educational institutions and
16 programs as enumerated in Section 21-2-2 NMSA 1978. Whenever
17 federal statutes and regulations so require, the ~~[state~~
18 ~~commission]~~ division may request the governor to appoint, for
19 specific functions relating to federally sponsored programs,
20 supplementary members to the state commission, and members
21 shall be appointed by the governor to fulfill those specific
22 functions as requested. When sitting with the state
23 commission, the supplementary members shall have, for purposes
24 of the specific functions for which they were appointed, all
25 the powers and perquisites of regular members of the state

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1 commission."

2 Section 21. Section 21-13A-3 NMSA 1978 (being Laws 2003,
3 Chapter 30, Section 3) is amended to read:

4 "21-13A-3. DEFINITIONS.--As used in the Workforce
5 Training Act:

6 A. "commission" or "division" means the [~~commission~~
7 ~~on~~] higher education division of the department of finance and
8 administration;

9 B. "community college" means a public post-
10 secondary educational institution located in New Mexico
11 offering technical or vocational training or two-year degrees;

12 C. "customized training" means vocational or
13 technical training:

14 (1) offered by a community college;

15 (2) that provides specialized employee
16 training for a particular business or industry;

17 (3) for which a student who successfully
18 completes the training does not receive college credit; and

19 (4) that enhances workforce development in the
20 state;

21 D. "tier-2 undergraduate funding level" means tier
22 2 of the higher education funding formula developed by the
23 commission; and

24 E. "workforce training program" means the program
25 created by the Workforce Training Act to provide customized

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1 training at community colleges in New Mexico."

2 Section 22. Section 21-21-16 NMSA 1978 (being Laws 1978,
3 Chapter 110, Section 3) is amended to read:

4 "21-21-16. DEFINITIONS.--As used in the Student Loan
5 Guarantee Act:

6 A. "board" or "division" means the [~~board of~~
7 ~~educational finance~~] higher education division of the
8 department of finance and administration;

9 B. "eligible student" means a resident of New
10 Mexico who has been accepted for enrollment or who is enrolled
11 in a participating institution and who is otherwise eligible
12 for a student loan guaranteed under the Student Loan Guarantee
13 Act. A standard of academic performance higher than the
14 minimum required for continuing enrollment in the participating
15 institution shall not be required, and the student [~~must~~] shall
16 be meeting the minimum academic requirements of the
17 participating institution at the time any loan is made;

18 C. "fiscal agent" means the chief financial officer
19 of one of the state higher educational institutions designated
20 by the [~~board~~] division;

21 D. "loans" means loans made by the fiscal agent to
22 residents of this state under Title IV, Part B of the federal
23 Higher Education Act of 1965, as amended;

24 E. "participating institution" means any post-high
25 school educational institution within or without the state,

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1 public or private, including junior colleges and vocational
2 schools, ~~[which]~~ that qualifies as an eligible institution for
3 the federal guaranteed loan program under the federal Higher
4 Education Act of 1965, as amended, and ~~[which]~~ that is approved
5 by the ~~[board]~~ division for the purposes of the Student Loan
6 Guarantee Act; and

7 F. "resident" means a person who has established
8 legal residency in New Mexico, as defined by the ~~[board]~~
9 division."

10 Section 23. Section 21-21B-2 NMSA 1978 (being Laws 1982,
11 Chapter 88, Section 2, as amended) is amended to read:

12 "21-21B-2. DEFINITIONS.--As used in the Work-Study Act:

13 A. "board", ~~[or]~~ "commission", ~~[or]~~ "department" or
14 "division" means the higher education division of the
15 department of finance and administration; and

16 B. "institution" means any state post-secondary
17 educational institution and any private nonprofit post-
18 secondary educational institution within New Mexico."

19 Section 24. Section 21-21C-3 NMSA 1978 (being Laws 1983,
20 Chapter 240, Section 3) is amended to read:

21 "21-21C-3. DEFINITIONS.--As used in the Student Choice
22 Act:

23 A. "board" or "division" means the ~~[board of~~
24 ~~educational finance]~~ higher education division of the
25 department of finance and administration;

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1 B. "institution" means any independent nonprofit
2 nonsectarian four-year college or university whose New Mexico
3 campus is accredited by the north central accrediting
4 association;

5 C. "independent" as used with respect to an
6 institution means any institution [~~which~~] that is not a state
7 institution; and

8 D. "student choice grant" means a grant awarded to a
9 student by the [~~board~~] division pursuant to the provisions of
10 the Student Choice Act."

11 Section 25. Section 21-21D-3 NMSA 1978 (being Laws 1984,
12 Chapter 96, Section 3) is amended to read:

13 "21-21D-3. DEFINITIONS.--As used in the Senior Citizens
14 Reduced Tuition Act:

15 A. "board" means the [~~board of educational finance~~]
16 higher education division of the department of finance and
17 administration;

18 B. "eligible institution" means any New Mexico post-
19 secondary degree-granting educational institution;

20 C. "reduced tuition" means that tuition charged
21 senior citizens at the rate of five dollars (\$5.00) per credit
22 hour, up to six hours per semester; and

23 D. "senior citizen" means a person age sixty-five or
24 older."

25 Section 26. Section 21-21F-3 NMSA 1978 (being Laws 1986,

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1 Chapter 50, Section 3) is amended to read:

2 "21-21F-3. DEFINITIONS.--As used in the Fire Fighter and
3 Peace Officer Survivors Scholarship Act:

4 A. "board" or "division" means the [~~board of~~
5 ~~educational finance~~] higher education division of the
6 department of finance and administration;

7 B. "eligible institution" means any state institution
8 of higher education in New Mexico;

9 C. "fire fighter" means any member of a fire
10 department that is part of or administered by the state or any
11 political subdivision of the state;

12 D. "peace officer" means any member of a police or
13 sheriff's department that is part of or administered by the
14 state or any political subdivision of the state and officers in
15 the corrections department [~~of corrections~~]; and

16 E. "survivor" means the spouse of the fire fighter or
17 peace officer killed in the line of duty and any adopted or
18 natural children twenty-one years of age or under at the time
19 of [~~his~~] the fire fighter's or peace officer's death."

20 Section 27. Section 21-21G-3 NMSA 1978 (being Laws 1988,
21 Chapter 111, Section 3, as amended) is amended to read:

22 "21-21G-3. DEFINITIONS.--As used in the Graduate
23 Scholarship Act:

24 A. "academic year" means any consecutive period of
25 two semesters, three quarters or other comparable units

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1 commencing with the fall term each year;

2 B. "award recipient" means a student awarded a
3 graduate scholarship;

4 C. "department" means the higher education division
5 of the department of finance and administration;

6 D. "eligible institution" means any
7 graduate-degree-granting state university accredited by the
8 north central association of colleges and secondary schools;

9 E. "graduate and professional field" means any
10 program of study intended to result in a master's or doctoral
11 degree, excluding the degree in medicine; and

12 F. "groups underrepresented in graduate education"
13 means women, minorities, persons with a visual impairment or
14 other physical disability and other groups who have
15 traditionally been underrepresented in the specific area of
16 graduate study or profession for which the scholarship is
17 awarded."

18 Section 28. Section 21-21H-3 NMSA 1978 (being Laws 1989,
19 Chapter 212, Section 3) is amended to read:

20 "21-21H-3. DEFINITIONS.--As used in the New Mexico
21 Scholars Act:

22 A. "academic year" means any consecutive period of
23 two semesters, three quarters or other comparable units
24 commencing with the fall term each year;

25 B. "award recipient" means a student awarded a New

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1 Mexico Scholars Act scholarship;

2 C. "commission" means the [~~commission on~~] higher
3 education division of the department of finance and
4 administration;

5 D. "eligible institution" means any degree-granting
6 educational institution in New Mexico accredited by the north
7 central association of colleges and secondary schools;

8 E. "satisfactory academic progress" means completion
9 of at least twenty-four credit hours per year and maintenance
10 of a cumulative grade point average of a minimum of 3.0 or
11 higher on a scale of 4.0; and

12 F. "scholarship" means a scholarship awarded pursuant
13 to the New Mexico Scholars Act."

14 Section 29. Section 21-21I-3 NMSA 1978 (being Laws 1990
15 (1st S.S.), Chapter 8, Section 3, as amended) is amended to
16 read:

17 "21-21I-3. DEFINITIONS.--As used in the Minority Doctoral
18 Assistance Loan for Service Program Act:

19 A. "academic committee" means a committee at a
20 sponsoring institution appointed by the president of the
21 institution and composed of two faculty members, two academic
22 administrators and one central administrator;

23 B. "commission" or "division" means the [~~commission~~
24 ~~on~~] higher education division of the department of finance and
25 administration;

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1 C. "eligible institution" means a [~~commission-~~
2 ~~approved~~] division-approved institution of higher education
3 that offers a doctoral degree-granting program in the fields of
4 engineering, physical or life sciences, mathematics or other
5 academic disciplines in which ethnic minorities and women are
6 demonstrably underrepresented;

7 D. "sponsoring institution" means a four-year public
8 post-secondary institution located in New Mexico; and

9 E. "student" means [~~an individual~~] a person who is an
10 ethnic minority or a woman and who has been accepted for
11 enrollment at an eligible institution to undertake a post-
12 baccalaureate course of instruction in the field of
13 engineering, physical or life sciences or mathematics."

14 Section 30. Section 21-21J-3 NMSA 1978 (being Laws 1995,
15 Chapter 35, Section 3) is amended to read:

16 "21-21J-3. DEFINITIONS.--As used in the Legislative
17 Endowment Scholarship Act:

18 A. "commission" means the [~~commission on~~] higher
19 education division of the department of finance and
20 administration; and

21 B. "student" means a resident of New Mexico who is
22 enrolled or will be enrolled, at the time the scholarship is
23 awarded, in a public post-secondary educational institution in
24 New Mexico."

25 Section 31. Section 21-21L-3 NMSA 1978 (being Laws 2005,

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1 Chapter 192, Section 3, as amended by Laws 2007, Chapter 70,
2 Section 2 and by Laws 2007, Chapter 71, Section 2 and also by
3 Laws 2007, Chapter 85, Section 2) is amended to read:

4 "21-21L-3. DEFINITIONS.--As used in the College
5 Affordability Act:

6 A. "commission", ~~[or]~~ "department" or "division"
7 means the higher education division of the department of
8 finance and administration;

9 B. "eligible student" means a New Mexico resident who
10 is enrolled or enrolling at least half-time in a public post-
11 secondary educational institution or tribal college at any time
12 later than one hundred twenty days following high school
13 graduation or the award of a general educational development
14 certificate;

15 C. "scholarship" means a college affordability
16 scholarship; and

17 D. "tribal college" means a tribally, federally or
18 congressionally chartered post-secondary educational
19 institution located in New Mexico that is accredited by the
20 north central association of colleges and schools."

21 Section 32. Section 21-21M-3 NMSA 1978 (being Laws 2007,
22 Chapter 75, Section 3 and Laws 2007, Chapter 76, Section 3) is
23 amended to read:

24 "21-21M-3. DEFINITIONS.--As used in the Students with
25 Disabilities Scholarship Act:

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1 A. "award recipient" means a student with
2 disabilities who receives an undergraduate scholarship;

3 B. "department" means the higher education division
4 of the department of finance and administration;

5 C. "secretary" means [~~secretary of higher education~~]
6 the director of the division; and

7 D. "student with disabilities" means a student who
8 has a record of a physical or mental condition that
9 substantially limits one or more major life activities,
10 including attention deficit disorder or other specific learning
11 disabilities that the department recognizes as disabilities."

12 Section 33. Section 21-22-3 NMSA 1978 (being Laws 1975,
13 Chapter 244, Section 3, as amended) is amended to read:

14 "21-22-3. DEFINITIONS.--As used in the Medical Student
15 Loan for Service Act:

16 A. "commission" or "division" means the [~~commission~~
17 ~~on~~] higher education division of the department of finance and
18 administration;

19 B. "loan" means a grant of funds to defray the costs
20 incidental to a medical education, under a contract between the
21 [~~commission~~] division and a medical student, requiring either
22 repayment with interest or repayment in services; and

23 C. "student" means a resident of New Mexico who is a
24 student enrolled in a school of medicine."

25 Section 34. Section 21-22A-3 NMSA 1978 (being Laws 1978,

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1 Chapter 109, Section 3, as amended) is amended to read:

2 "21-22A-3. DEFINITIONS.--As used in the Osteopathic
3 Medical Student Loan for Service Act:

4 A. "commission" or "division" means the [~~commission~~
5 ~~on~~] higher education division of the department of finance and
6 administration;

7 B. "loan" means a grant of funds to defray the costs
8 incidental to an osteopathic medical education, under a
9 contract between the [~~commission~~] division and an osteopathic
10 medical student, requiring either repayment with interest or
11 repayment in services;

12 C. "osteopathic medical education" means the
13 education required to be an osteopathic physician or
14 osteopathic physician's assistant; and

15 D. "student" means a resident of New Mexico who is a
16 student enrolled in a school of osteopathic medicine or an
17 osteopathic physician's assistant program."

18 Section 35. Section 21-22B-3 NMSA 1978 (being Laws 1987,
19 Chapter 299, Section 3, as amended) is amended to read:

20 "21-22B-3. DEFINITIONS.--As used in the Nursing Student
21 Loan for Service Act:

22 A. "commission" or "division" means the [~~commission~~
23 ~~on~~] higher education division of the department of finance and
24 administration;

25 B. "loan" means a grant of funds to defray the costs

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1 incidental to a nursing education, under a contract between the
2 [~~commission~~] division and a nursing student, requiring
3 repayment with services or repayment with interest;

4 C. "student" means a resident of New Mexico who is a
5 student enrolled in a program of nursing; and

6 D. "program of nursing" means a nursing education
7 program in a New Mexico institution accredited by a member of
8 the council on post-secondary accreditation or a nursing
9 education program approved by the New Mexico board of nursing."

10 Section 36. Section 21-22C-3 NMSA 1978 (being Laws 1994,
11 Chapter 57, Section 5, as amended) is amended to read:

12 "21-22C-3. DEFINITIONS.--As used in the Allied Health
13 Student Loan for Service Act:

14 A. "allied health profession" means physical therapy,
15 occupational therapy, speech-language pathology, audiology,
16 pharmacy, nutrition, respiratory care, laboratory technology,
17 radiologic technology, dental hygiene, mental health services,
18 emergency medical services or a licensed or certified health
19 profession as defined by the department;

20 B. "department" or "division" means the higher
21 education division of the department of finance and
22 administration;

23 C. "loan" means a grant of money to defray the costs
24 incidental to an allied health profession education, under a
25 contract between the [~~department~~] division and an allied health

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1 profession student, requiring repayment with services or
2 repayment of principal and interest; and

3 D. "student" means a resident of New Mexico who is
4 enrolled in an accredited program for one of the allied health
5 professions."

6 Section 37. Section 21-22D-3 NMSA 1978 (being Laws 1995,
7 Chapter 144, Section 18) is amended to read:

8 "21-22D-3. DEFINITIONS.--As used in the Health
9 Professional Loan Repayment Act:

10 A. "commission" or "division" means the [~~commission~~
11 ~~on~~] higher education division of the department of finance and
12 administration;

13 B. "health professional" means a primary care
14 physician, optometrist, podiatrist, physician's assistant,
15 dentist, nurse, member of an allied health profession as
16 defined in the Allied Health Student Loan for Service Act or a
17 licensed or certified health professional as determined by the
18 [~~commission~~] division; and

19 C. "loan" means a grant of money to defray the costs
20 incidental to a health education, under a contract between the
21 federal government or a commercial lender and a health
22 professional, requiring either repayment of principal and
23 interest or repayment in services."

24 Section 38. Section 21-22F-3 NMSA 1978 (being Laws 2005,
25 Chapter 83, Section 3, as amended) is amended to read:

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1 "21-22F-3. DEFINITIONS.--As used in the Public Service

2 Law Loan Repayment Act:

3 A. "committee" means the public service law advisory
4 committee;

5 B. "department" means the higher education division
6 of the department of finance and administration;

7 C. "legal education" means education at an accredited
8 law school and any bar review preparation courses for the state
9 bar examination;

10 D. "loan" means money allocated to defray the costs
11 incidental to a legal education under a contract between the
12 federal government or a commercial lender and a law school
13 student, requiring either repayment of principal and interest
14 or repayment in services;

15 E. "participating attorney" means an attorney who
16 receives a loan repayment award from the department pursuant to
17 the provisions of the Public Service Law Loan Repayment Act;
18 and

19 F. "public service employment" means employment with:

20 (1) an organization that is exempt from taxation
21 pursuant to Section 501(c)(3) of Title 26 of the United States
22 Code and that provides for the care and maintenance of indigent
23 persons in New Mexico through civil legal services;

24 (2) the public defender department; or

25 (3) a New Mexico district attorney's office."

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1 Section 39. Section 21-22G-2 NMSA 1978 (being Laws 2009,
2 Chapter 225, Section 2) is amended to read:

3 "21-22G-2. DEFINITIONS.--As used in the Conditional
4 Tuition Waiver for Primary Care Medical Students Act:

5 A. "course of study" means a medical student's
6 medical education, including any residency program;

7 B. "department" means the higher education division
8 of the department of finance and administration;

9 C. "fund" means the primary care physician
10 conditional tuition waiver program fund;

11 D. "participant" means [~~an individual that~~] a person
12 who has applied to participate in, has been accepted into and
13 has signed a contract agreeing to the terms of the program;

14 E. "primary care physician" means a medical doctor
15 with specialty training in family medicine, general internal
16 medicine or general pediatrics;

17 F. "program" means the primary care physician
18 conditional tuition waiver program;

19 G. "residency" means three years of specialty
20 training in family medicine, general internal medicine or
21 general pediatrics after medical school;

22 H. "secretary" means the [~~secretary of~~] director of
23 the higher education division of the department of finance and
24 administration;

25 I. "underserved area" means a health care underserved

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1 area as defined in the Rural Primary Health Care Act;

2 J. "university" means the university of New Mexico
3 school of medicine; and

4 K. "waiver" means a loan to cover tuition, fees and a
5 stipend that is forgiven in whole or in part if the participant
6 renders service as a primary care physician in an underserved
7 area of the state pursuant to the provisions of the Conditional
8 Tuition Waiver for Primary Care Medical Students Act."

9 Section 40. Section 21-23-3 NMSA 1978 (being Laws 1971,
10 Chapter 303, Section 3, as amended) is amended to read:

11 "21-23-3. DEFINITIONS.--As used in the Post-Secondary
12 Educational Institution Act:

13 A. "commission" or "division" means the [~~commission~~
14 ~~on~~] higher education division of the department of finance and
15 administration;

16 B. "career school" means a private post-secondary
17 educational institution offering a formal educational
18 curriculum in New Mexico for a fee to members of the general
19 public beyond compulsory school age, terminating in a
20 certificate, diploma, associate degree or comparable
21 confirmation of completion of the curriculum;

22 C. "college" or "university" means a private post-
23 secondary educational institution offering a formal educational
24 curriculum in New Mexico for a fee to members of the general
25 public beyond compulsory school age, terminating in a

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1 baccalaureate, master's or doctoral degree or comparable
2 confirmation of completion of the curriculum;

3 D. "license" means a written acknowledgment by the
4 [~~commission~~] division that a career school or nonregionally
5 accredited college or university has met the requirements of
6 the [~~commission~~] division for offering a formal educational
7 curriculum within New Mexico;

8 E. "post-secondary educational institution" includes
9 an academic, vocational, technical, business, professional or
10 other school, college or university or other organization or
11 person offering or purporting to offer courses, instruction,
12 training or education from a physical site in New Mexico,
13 through distance education, correspondence or in person; and

14 F. "registration" means a written acknowledgment by
15 the [~~commission~~] division that a regionally accredited college
16 or university has filed pertinent curriculum and enrollment
17 information as required by the [~~commission~~] division."

18 Section 41. Section 21-23A-2 NMSA 1978 (being Laws 2009,
19 Chapter 60, Section 3) is amended to read:

20 "21-23A-2. DEFINITIONS.--As used in the American Indian
21 Post-Secondary Education Act:

22 A. "bureau of Indian education school" means a school
23 located in New Mexico that is under the control of the bureau
24 of Indian education of the United States department of the
25 interior;

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1 B. "department" means the higher education division
2 of the department of finance and administration;

3 C. "division" means the American Indian post-
4 secondary education [~~division~~] bureau of the higher education
5 division of the department of finance and administration;

6 D. "fund" means the American Indian post-secondary
7 education fund;

8 E. "public post-secondary educational institution"
9 means an institution of higher education delineated in Article
10 12, Section 11 of the constitution of New Mexico or a community
11 college, branch community college or technical and vocational
12 institute organized pursuant to Chapter 21, Article 13, 14 or
13 16 NMSA 1978;

14 F. "secretary" means the [~~secretary~~] director of the
15 higher education division of the department of finance and
16 administration;

17 G. "tribal college" means a tribally, federally or
18 congressionally chartered post-secondary educational
19 institution located within New Mexico that is accredited by the
20 north central association of colleges and schools; and

21 H. "tribe" means an Indian nation, tribe or pueblo
22 located within New Mexico."

23 Section 42. Section 21-24-2 NMSA 1978 (being Laws 1971,
24 Chapter 304, Section 2, as amended) is amended to read:

25 "21-24-2. DEFINITIONS.--As used in the Out-of-State

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1 Proprietary School Act:

2 A. "course" means [~~any~~] a course, plan or program of
3 instruction, conducted in person, by mail or by other methods;

4 B. "student" means any person within this state who
5 is above compulsory school age and eligible for one or more
6 courses of instruction;

7 C. "agent" means [~~any~~] a person who solicits in
8 person and for a fee the enrollment of a student in a course of
9 instruction offered by a proprietary school;

10 D. "proprietary school" means a nonpublic
11 out-of-state school, academy or similar institution offering
12 within New Mexico a course of instruction or training through
13 correspondence or similar methods or offering within New Mexico
14 a course of instruction or training to be conducted outside New
15 Mexico, but does not include a private out-of-state
16 post-secondary educational institution offering instruction or
17 training within New Mexico, to any student within this state;
18 and

19 E. "commission" or "division" means the [~~commission~~
20 ~~on~~] higher education division of the department of finance and
21 administration."

22 Section 43. Section 21-26-3 NMSA 1978 (being Laws 1983,
23 Chapter 195, Section 3) is amended to read:

24 "21-26-3. DEFINITIONS.--As used in the Osteopathic Intern
25 Act:

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1 A. "board" or "division" means the [~~board of~~
2 ~~educational finance~~] higher education division of the
3 department of finance and administration;

4 B. "hospital" means a fully accredited nonprofit
5 osteopathic teaching hospital in New Mexico that accepts newly
6 graduated physicians for internships in family practice; and

7 C. "osteopathic intern" means a graduate of a college
8 of osteopathic medicine approved by the American osteopathic
9 association and who has been accepted by a hospital for
10 postdoctoral training in family practice."

11 Section 44. Section 21-27-3 NMSA 1978 (being Laws 1983,
12 Chapter 316, Section 3) is amended to read:

13 "21-27-3. DEFINITIONS.--As used in the Two-Year College
14 Maintenance Act:

15 A. "board" or "division" means the [~~board of~~
16 ~~educational finance created pursuant to Section 21-1-26 NMSA~~
17 ~~1978~~] higher education division of the department of finance
18 and administration;

19 B. "fund" means the two-year college maintenance
20 fund; and

21 C. "qualifying institution" means a statutorily
22 created branch community college, a junior college or area
23 vocational school or a two-year constitutionally created post-
24 secondary state educational institution."

25 Section 45. Section 21-29-2 NMSA 1978 (being Laws 1997,

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1 Chapter 126, Section 2, as amended) is amended to read:

2 "21-29-2. DEFINITIONS.--As used in the WICHE Loan for
3 Service Act:

4 A. "commission" or "division" means the [~~commission~~
5 ~~on~~] higher education division of the department of finance and
6 administration; and

7 B. "student" means a New Mexico resident who is a
8 graduate of a New Mexico high school or has resided in New
9 Mexico for three consecutive years immediately preceding
10 application to the program and who attends or is about to
11 attend a graduate or professional program of education through
12 the auspices of the Compact for Western Regional Cooperation in
13 Higher Education."

14 Section 46. TEMPORARY PROVISION--TRANSFERS, CONTRACTUAL
15 OBLIGATIONS AND STATUTORY REFERENCES.--

16 A. On the effective date of this act, all functions,
17 appropriations, money, records, furniture, equipment, supplies
18 and other property of the higher education department are
19 transferred to the higher education division of the department
20 of finance and administration.

21 B. On the effective date of this act, all contractual
22 obligations and agreements of the higher education department
23 shall be binding on the higher education division of the
24 department of finance and administration.

25 C. On the effective date of this act, all references

.181120.1

underscoring material = new
[bracketed material] = delete

1 in the law to the higher education department, the higher
2 education commission, the commission on higher education or the
3 board of educational finance shall be deemed to be references
4 to the higher education division of the department of finance
5 and administration.

6 Section 47. REPEAL.--Sections 9-25-1 through 9-25-13 NMSA
7 1978 (being Laws 2005, Chapter 289, Sections 1 through 4, 29
8 and 5 through 13, as amended) are repealed.

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