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HOUSE BILL 36

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

DANICE PICRAUX

FOR THE EXCELLENCE IN HIGHER EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; PROVIDING FOR PERFORMANCE REVIEW AND
ACCOUNTABILITY OF POST-SECONDARY EDUCATIONAL INSTITUTIONS;
PROVIDING FOR JOINT PLANNING BETWEEN THE COMMISSION ON HIGHER
EDUCATION AND THE STATE BOARD OF EDUCATION; AMENDING,
REPEALING AND ENACTING SECTIONS OF THE NMSA 1978; MAKING
APPROPRIATIONS.

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

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

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

A. There is created a "commission on higher
education" whose function is to provide for a coordinated
system of post-secondary education and to deal with the

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1 problems of finance of those educational institutions
2 designated in Article 12, Section 11 of the constitution of
3 New Mexico and other post-secondary educational institutions
4 created by law. The commission shall:

5 (1) conduct a cooperative program of
6 statewide planning and evaluation of:

7 (a) the needs for post-secondary
8 education;

9 (b) the resources of the post-secondary
10 educational institutions to meet those needs;

11 (c) the performance of the institutions
12 in meeting those needs consistent with their respective
13 missions;

14 (d) the use of information technologies
15 to enhance quality and effectiveness in delivering post-
16 secondary educational services; and

17 (e) the opportunities to improve access,
18 quality and effectiveness by expanding, reducing, improving,
19 creating or eliminating programs or institutions in accordance
20 with all legal obligations to enrolled students;

21 [~~(1)~~] (2) be concerned with the adequate
22 financing of these institutions and with the equitable
23 distribution of available funds among them, considering the
24 educational needs of the state and the missions of the
25 respective institutions;

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1 [~~(2) be authorized to receive funding for the~~
2 ~~in-plant development training program and to administer the~~
3 ~~funds in accordance with the provisions of Section 21-19-7~~
4 ~~NMSA 1978;~~]

5 (3) receive, adjust and approve the budgets
6 submitted by these institutions prior to the submission of
7 these budgets to the state budget division of the department
8 of finance and administration;

9 (4) develop and maintain programs, on a
10 regular basis, for the orientation and in-service education of
11 members of the boards of regents and governing boards of the
12 various educational institutions [~~designated in Article 12,~~
13 ~~Section 11 of the constitution of New Mexico~~], including
14 assistance to the institutions in how to conduct periodic
15 review of their institutions' missions and the consistency of
16 educational programs with their missions; and

17 (5) exercise such other powers as may be
18 granted it by law.

19 B. Notwithstanding any other provisions of law,
20 the commission on higher education, which is a commission
21 broadly representative of the public and of [~~institutions of~~
22 ~~higher education~~] post-secondary educational institutions, may
23 be designated by the governor to administer certain funds
24 furnished under acts of congress for [~~those~~] post-secondary
25 educational institutions [~~enumerated in Article 12, Section 11-~~

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1 ~~of the constitution of New Mexico and for any other~~
2 ~~educational institutions over which the commission has been~~
3 ~~granted approval authority or supervisory powers or both].~~

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

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

9 "21-2-5. STATEWIDE PLANNING. --The state commission shall
10 carry out a continuing program of statewide planning for post-
11 secondary education in consultation with post-secondary
12 educational institutions. Planning activities shall include:

13 A. assessment of present and projected needs for
14 the various types of post-secondary education in all parts of
15 the state;

16 B. assessment of existing capabilities and
17 facilities for the provision of the various types of post-
18 secondary education and the [utilization] use of these
19 capabilities and facilities;

20 [~~C. analysis of the effectiveness and productivity~~
21 ~~of post-secondary educational programs and an identification~~
22 ~~of marginal programs and of unnecessary or excessive~~
23 ~~duplication of programs;~~]

24 C. development and publication of recommended
25 criteria for the analysis of the effectiveness and

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1 productivity of post-secondary educational programs and use of
2 the criteria to identify potentially marginal, unnecessary or
3 excessively duplicative programs;

4 D. periodic review of degree programs for their
5 productivity and effectiveness in relationship to their
6 institutions' overall performance;

7 [~~D.~~] E. analysis of the most effective means of
8 [~~utilizing~~] using all existing institutions and programs to
9 meet the present and projected needs for the various types of
10 post-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] use of federal, state and local funding
6 available for [~~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 and to the legislature [~~which~~] that 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~~
25 ~~to~~]:

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

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

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

12 (4) full-time equivalent [~~(FTE)~~] student
13 costs by level of instruction and subject area;

14 (5) an equitable distribution of funds to
15 support research and public service;

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

18 (7) the translation of institutional internal
19 accounts to the [~~board of educational finance~~] commission on
20 higher education budget forms;

21 (8) funding of intercollegiate athletics; and

22 (9) funding of institutional branches and
23 other state vocational facilities; and

24 [E.] M tuition equalization grants to students. "

25 Section 3. Section 21-2-6 NMSA 1978 (being Laws 1978,

. 119912. 3

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1 Chapter 54, Section 1, as amended) is amended to read:

2 "21-2-6. STATEWIDE PLANNING--PARTICIPATING AGENCIES AND
3 PERSONS. --

4 A. The state commission in carrying out its
5 planning activities for post-secondary education shall consult
6 with and invite the active participation of:

7 (1) representatives of post-secondary
8 educational institutions of the several types enumerated in
9 Paragraph (2) of Subsection A of Section 21-2-2 NMSA 1978;

10 (2) the state board of education;

11 (3) the state department of public education;

12 (4) representatives of public and private
13 elementary and secondary schools;

14 (5) the secretary of labor;

15 (6) the tourism department;

16 (7) the apprenticeship council;

17 (8) the economic development department;

18 [~~(9) the state advisory council on vocational~~
19 ~~education~~

20 ~~(10)] (9) the secretary of finance and
21 administration or his designee;~~

22 [~~(11)] (10) persons familiar with the
23 [education] educational needs of the disadvantaged, of the
24 handicapped and of minority groups;~~

25 [~~(12)] (11) representatives of business,~~

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1 industry, organized labor and agriculture;
2 [~~(13)~~] (12) the general public; and
3 [~~(14)~~] (13) private in-state post-secondary
4 institutions.

5 B. Whenever the planning activities carried out
6 under the provisions of Section 21-2-5 NMSA 1978 are concerned
7 with the types of post-secondary education enumerated in
8 Subparagraphs (a) through (e) of Paragraph (1) of Subsection A
9 of Section 21-2-2 NMSA 1978, the state commission shall
10 directly involve the state board of education [~~and~~], the state
11 department of public education and other interested parties in
12 all planning activities. The commission and the state board
13 of education shall jointly plan and implement improvements in
14 secondary education to facilitate a successful transition by
15 students from secondary school to post-secondary education and
16 in the pre-service and in-service education of public school
17 teachers. "

18 Section 4. [NEW MATERIAL] ACCOUNTABILITY REPORT. --

19 A. In order to foster the preservation,
20 transmittal and advancement of knowledge by the state's post-
21 secondary educational institutions, the commission on higher
22 education shall cooperate with the post-secondary educational
23 institutions and publish an accountability report. The
24 purposes of the report are to:

- 25 (1) provide information to potential students

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1 and citizens on the nature and performance of individual
2 institutions and the state's system of post-secondary
3 education;

4 (2) foster effective use of state resources
5 for post-secondary education; and

6 (3) ensure that post-secondary educational
7 institutions evaluate and account for their performances.

8 B. The commission shall submit the accountability
9 report to the governor and to the legislature by December 31
10 of each even-numbered year. A draft of the report shall be
11 distributed for review and comment to each public post-
12 secondary educational institution prior to submission to the
13 governor and the legislature.

14 C. The commission shall determine the content and
15 format of the accountability report in consultation with the
16 post-secondary educational institutions. The report shall
17 include the analyses of the following:

18 (1) the preparedness of high school students
19 for post-secondary education;

20 (2) the transition of secondary education
21 students to post-secondary education and two-year post-
22 secondary students to four-year post-secondary educational
23 institutions;

24 (3) the retention of students;

25 (4) rates of completing programs or other

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1 measures of attainment of the students' educational goals;

2 (5) summaries and explanations of performance
3 and effectiveness measures and cost of post-secondary
4 education;

5 (6) measures of participation and success of
6 students historically underrepresented in or having special
7 needs in post-secondary education; and

8 (7) any other appropriate measures.

9 D. The commission shall not make recommendations
10 for certification, appropriations or fund distributions for
11 post-secondary educational institutions that have not
12 submitted information and cooperated with the commission in
13 the preparation of the accountability report.

14 Section 5. A new section of the Public School Code is
15 enacted to read:

16 "[NEW MATERIAL] STATE BOARD--ADDITIONAL DUTIES.--In
17 collaboration with the commission on higher education, the
18 state board of education shall jointly plan and implement
19 improvements in secondary education to facilitate a successful
20 transition by students from secondary school to post-secondary
21 education and in the pre-service and in-service education of
22 public school teachers."

23 Section 6. APPROPRIATION.--Four hundred thousand dollars
24 (\$400,000) is appropriated from the general fund to the
25 commission on higher education for expenditure in fiscal years

. 119912. 3

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1 1999 and 2000 to carry out the provisions of the Post-
2 Secondary Educational Planning Act and to contract for
3 services to analyze the higher education funding formula,
4 including evaluating the formula bases, verifying cost
5 factors, identifying performance measures and developing
6 possible improvements in the funding formula. Any unexpended
7 or unencumbered balance remaining at the end of fiscal year
8 2000 shall revert to the general fund.

9 Section 7. APPROPRIATION. --Twelve million dollars
10 (\$12,000,000) is appropriated from the general fund to the
11 commission on higher education for expenditure in fiscal years
12 1999 and 2000 for a two-year pilot project to enhance
13 instruction and general funding to support service and
14 research functions. The commission on higher education shall
15 distribute the funds proportionately on the basis of the
16 instruction and general appropriation to each institution.
17 The commission on higher education, in cooperation with the
18 institutions, shall develop performance measures related to
19 the enhancement of service and research functions supported by
20 these funds. Any unexpended or unencumbered balance remaining
21 at the end of fiscal year 2000 shall revert to the general
22 fund.

23 Section 8. REPEAL. --Section 21-1-26.6 NMSA 1978 (being
24 Laws 1990 (1st S.S.), Chapter 4, Section 1) is repealed.

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3
4
5
6 January 30, 1998

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8 Mr. Speaker:

9
10 Your EDUCATION COMMITTEE, to whom has been referred

11
12 HOUSE BILL 36

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

16 1. On page 10, line 18, after "(1)" insert "the
17 evaluation of".

18
19 2. On page 10, line 20, after "the" insert "services that
20 support".

21
22 3. On page 10, line 23, after "institutions" insert "and
23 student services supporting that transition".,

24 and thence referred to the APPROPRIATIONS AND FINANCE
25 COMMITTEE.

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HEC/HB 36

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4 Respectfully submitted,

8 _____
9 Rick Miera, Chairman

11 Adopted _____
12 (Chief Clerk)

Not Adopted _____
(Chief Clerk)

14 Date _____

15
16 The roll call vote was 11 For 0 Against

17 Yes: 11

18 Excused: Nicely, Wright

19 Absent: None

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21 122207B.1

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25 . 119912. 3

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
3

4 February 11, 1998
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7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 36, as amended
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13 has had it under consideration and reports same with
14 recommendation that it DO PASS, amended as follows:
15

16 1. On page 1, lines 15 and 16, strike “; MAKING
17 APPROPRIATIONS”.

18 2. On pages 11 and 12, strike Sections 6 and 7 in their
19 entirety.
20

21 3. Renumber the succeeding section accordingly.
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HARC/HB 36, aa

Page 16

4 Respectfully submitted,

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10 Max Coll, Chairman

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12 Adopted _____

Not Adopted _____

13
14 (Chief Clerk)

(Chief Clerk)

15
16 Date _____

17 The roll call vote was 13 For 2 Against

18 Yes: 13

19 No: Bird, Buffett

20 Excused: Coll, Salazar, Vigil

21 Absent: None

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25 . 119912. 3

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

1 HARC/HB 36, aa

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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February 16, 1998

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Mr. President:

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Your EDUCATION COMMITTEE, to whom has been referred

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HOUSE BILL 36, as amended

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has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
FINANCE COMMITTEE.

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Respectfully submitted,

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Cynthi a Nava, Chair man

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. 119912. 3

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

1 HAF/ HB 36, aa

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Adopted _____ Not

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Adopted _____

5

(Chief Clerk)

(Chief Clerk)

6

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Date _____

9

10

The roll call vote was 6 For 3 Against

11

Yes: 6

12

No: Boitano, Duran, Rawson

13

Excused: Gorham

14

Absent: None

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. 119912. 3

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

1 HAF/ HB 36, aa

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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February 17, 1998

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Mr. President:

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Your FINANCE COMMITTEE, to whom has been referred

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12

HOUSE BILL 36, as amended

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

15

16

Respectfully submitted,

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Ben D. Altamirano, Chairman

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. 119912. 3

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

1 HAFc/HB 36, aa

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Adopted _____ Not

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Adopted _____

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(Chief Clerk)

(Chief Clerk)

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Date _____

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10

The roll call vote was 6 For 0 Against

11

Yes: 6

12

No: None

13

Excused: Carraro, Eisenstadt, Ingle, Lyons, McKibben

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Absent: None

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