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SENATE BILL 31

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

MICHAEL S. SANCHEZ

AN ACT

RELATING TO EDUCATION; AUTHORIZING TUITION SCHOLARSHIPS AT  
CERTAIN POST-SECONDARY STATE EDUCATIONAL INSTITUTIONS;  
AMENDING AND ENACTING CERTAIN SECTIONS OF THE NMSA 1978.

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

Section 1. Section 21-1-2 NMSA 1978 (being Laws  
1970, Chapter 9, Section 1, as amended by Laws 1989,  
Chapter 44, Section 3 and by Laws 1989, Chapter 45,  
Section 3 and also by Laws 1989, Chapter 68, Section 1) is  
amended to read:

"21-1-2. MATRICULATION AND TUITION FEES. --

A. Except as otherwise provided in this section

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1 and in Section 21-1-4.3 NMSA 1978, the boards of regents  
2 of the university of New Mexico, New Mexico state univer-  
3 sity, New Mexico highlands university, western New Mexico  
4 university, eastern New Mexico university, New Mexico  
5 military institute, New Mexico institute of mining and  
6 technology and New Mexico junior college shall establish  
7 and charge matriculation fees and tuition fees as follows:  
8

9 (1) each student shall be charged a  
10 matriculation fee of not less than five dollars (\$5.00)  
11 upon enrolling in each institution;

12 (2) each student who is a resident of New  
13 Mexico shall be charged a tuition fee of not less than  
14 twenty dollars (\$20.00) a year;

15 (3) each student who is not a resident of  
16 New Mexico shall be charged a tuition fee of not less than  
17 fifty dollars (\$50.00) a year;

18 (4) each student shall be charged a  
19 tuition fee of not less than ten dollars (\$10.00) for each  
20 summer session; and  
21

22 (5) each student may be charged a tuition  
23 fee for extension courses.  
24

25 B. Except as otherwise provided in this section

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1 and in Section 21-1-4.3 NMSA 1978, the board of regents of  
2 northern New Mexico state school shall establish and  
3 charge each student a matriculation fee and a tuition fee.

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

21 D. The board of regents of each institution set  
22 out in this subsection may establish and grant, in  
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1 addition to those scholarships provided for in Subsection  
2 C of this section, athletic scholarships ~~[by waiving]~~ for  
3 tuition and fees. In no event shall the board of regents  
4 of any institution be allowed to ~~[waive the]~~ award  
5 scholarships for tuition and fees for more than the number  
6 of athletic scholarships set out in this subsection and in  
7 no event shall more than seventy-five percent of the  
8 ~~[waivers]~~ scholarships granted be for out-of-state  
9 residents:  
10

11 (1) the board of regents of the university  
12 of New Mexico may grant up to two hundred ninety-three  
13 athletic scholarships;

14 (2) the board of regents of New Mexico  
15 state university may grant up to two hundred seventy  
16 athletic scholarships;

17 (3) the boards of regents of New Mexico  
18 highlands university, eastern New Mexico university and  
19 western New Mexico university may each grant up to one  
20 hundred forty athletic scholarships; and

21 (4) the board of regents of New Mexico  
22 junior college ~~[board]~~ may grant up to fifty-two athletic  
23 scholarships.  
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1           E. Notwithstanding the provisions of Subsection  
2 D of this section, in computing tuition credits the  
3 commission on higher education shall accept the value of  
4 ~~[waivers of]~~ scholarships for tuition and fees established  
5 by the boards of regents of the university of New Mexico,  
6 New Mexico state university, eastern New Mexico  
7 university, western New Mexico university and New Mexico  
8 highlands university for athletes for the seventy-eighth  
9 fiscal year and all fiscal years thereafter. In no event  
10 shall the board of regents of any such institution be  
11 allowed to ~~[waive the]~~ establish scholarships for tuition  
12 and fees for more than the number of athletic scholarships  
13 permitted that institution by regulations and bylaws of  
14 the national collegiate athletic association or the  
15 national association of intercollegiate athletics of which  
16 that institution is a member.

17  
18           F. Matriculation fees and tuition fees shall be  
19 fixed and made payable as directed by the board of regents  
20 of each institution, collected by the officers of each  
21 institution and accounted for as are other funds of the  
22 institutions. Matriculation fees shall be charged only  
23 once for each institution in which a student enrolls."  
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1           Section 2. Section 21-1-4 NMSA 1978 (being Laws  
2 1971, Chapter 235, Section 1) is amended to read:

3           "21-1-4. TUITION CHARGES--DEFINITIONS. --

4           A. Except as provided in Section 21-1-4.3 NMSA  
5 1978, the state educational institutions set forth in  
6 Article 12, Section 11 of the [~~state~~] constitution of New  
7 Mexico shall charge tuition, which is in addition to  
8 earmarked fees, at rates provided by law.

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

15           C. During the summer session, "full-time  
16 student" means a student who is taking at least a minimum  
17 number of credit-hours, which minimum is in the same  
18 proportion to twelve credit-hours as the duration and  
19 normal credit-hour load of the summer session in the  
20 particular institution is to the duration and normal  
21 credit-hour load of the institution's regular semester or  
22 quarter. Full-time students in the summer session shall  
23 be charged tuition at resident and nonresident rates in  
24  
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1 each institution, which rates shall be in the same  
2 proportion to the full-time resident and nonresident rates  
3 of that institution for the regular semester or quarter as  
4 the minimum number of credit-hours is to twelve hours.

5 D. "Part-time student" means a student who is  
6 taking less than the minimum number of credit-hours in a  
7 semester, quarter or summer session than that required for  
8 full-time student status. Part-time students shall be  
9 charged tuition at rates per semester- or quarter-credit-  
10 hour as provided by law.

11 E. The [~~board of educational finance~~]  
12 commission on higher education shall define resident and  
13 nonresident students for the purpose of administering  
14 tuition charges in accordance with the constitution and  
15 statutes of the state and after consultation with the  
16 appropriate officials of the institutions concerned. Each  
17 institution shall use the uniform definitions so  
18 established in assessing and collecting tuition charges  
19 from students. "

20 Section 3. A new Section 21-1-4.3 NMSA 1978 is  
21 enacted to read:

22 "21-1-4.3. [NEW MATERIAL] TUITION SCHOLARSHIPS  
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1 AUTHORIZED-- CERTAIN EDUCATIONAL INSTITUTIONS. --

2 A. To the extent that funds are made available  
3 by the legislature from the lottery tuition fund, the  
4 boards of regents of New Mexico state university, New  
5 Mexico institute of mining and technology, eastern New  
6 Mexico university, western New Mexico university, the  
7 university of New Mexico, New Mexico highlands university  
8 and northern New Mexico state school shall award tuition  
9 scholarships for qualified resident students attending  
10 their respective institutions and branches of those  
11 institutions.  
12

13 B. Except as authorized in Subsection C of this  
14 section, the tuition scholarships authorized in this  
15 section shall apply only to full-time resident students  
16 who, immediately upon completion of a high school  
17 curriculum at a public or accredited private New Mexico  
18 high school, are accepted for entrance to and attend one  
19 of the state educational institutions set forth in this  
20 section or one of the branches of those institutions.  
21

22 Each tuition scholarship shall be awarded for up to four  
23 consecutive years beginning the second semester of the  
24 recipient's first year of enrollment, provided that the  
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1 recipient has maintained residency in New Mexico and  
2 maintained a grade point average of 2.5 or higher on a 4.0  
3 scale during his first semester of full-time enrollment.

4 C. The tuition scholarships authorized in this  
5 section shall also apply to full-time resident students  
6 who, immediately upon completion of a high school  
7 curriculum at a public or accredited private New Mexico  
8 high school, attend a two-year public post-secondary  
9 educational institution in New Mexico and who, upon the  
10 completion of that curriculum or at the end of two years,  
11 whichever is sooner, transfer to one of the post-secondary  
12 state educational institutions set forth in this section.  
13 Those students shall be eligible for a tuition scholarship  
14 for two consecutive years, provided that those students  
15 maintain residency in New Mexico, maintain a grade-point  
16 average of 2.5 or higher on a 4.0 scale and attend the  
17 institution full time during the regular academic year.

18 D. The commission on higher education shall  
19 prepare guidelines setting forth explicit student  
20 continuing eligibility criteria and guidelines for  
21 administration of the tuition scholarship program.  
22 Guidelines shall be distributed to the board of regents of  
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1 each institution to enable a uniform availability of the  
2 resident student tuition scholarships. "

3 Section 4. A new Section 21-1-4.4 NMSA 1978 is  
4 enacted to read:

5 "21-1-4.4. [NEW MATERIAL] COMMISSION ON HIGHER  
6 EDUCATION--DETERMINATION OF TUITION SCHOLARSHIPS--USE OF  
7 LOTTERY TUITION FUND.--Prior to June 1 of each year, the  
8 commission on higher education shall determine the amount  
9 of money available for tuition scholarships at state  
10 public post-secondary educational institutions. Based on  
11 the amount appropriated by the legislature from the  
12 lottery tuition fund and on the projected enrollment at  
13 all public post-secondary educational institutions, the  
14 commission on higher education shall establish the  
15 percentage of tuition that shall be awarded for qualified  
16 resident students attending New Mexico public post-  
17 secondary educational institutions. The percentage of  
18 tuition awarded shall be the same for each institution,  
19 regardless of the actual cost of tuition at each  
20 institution. "  
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23 Section 5. Section 21-13-10 NMSA 1978 (being Laws  
24 1963, Chapter 17, Section 9, as amended) is amended to  
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1 read:

2 "21-13-10. BOARD DUTIES. --

3 A. It shall be the duty of the community  
4 college board to determine financial and educational  
5 policies of the community college. The community college  
6 board shall provide for the management of the community  
7 college and execution of these policies by selecting a  
8 competent president for the  
9 community college, and, upon the president's recommenda-  
10 tion, the board shall employ other administrative  
11 personnel, instructional staff or other personnel as may  
12 be needed for the operation, maintenance and  
13 administration of the community college.  
14

15 B. The community college board shall have the  
16 power to fix tuition and fee rates for resident and  
17 nonresident students of the district, to accept gifts, to  
18 accept federal aid, to purchase, hold, sell and rent  
19 property and equipment and to promote the general welfare  
20 of the institution for the best interest of educational  
21 service to the people of the community college district.  
22

23 C. To the extent that funds are made available  
24 by the legislature from the lottery tuition fund, the  
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1 community college board shall award tuition scholarships  
2 for qualified resident students attending their respective  
3 institutions.

4 D. The tuition scholarships authorized in this  
5 section shall apply only to full-time resident students  
6 who, immediately upon completion of a high school  
7 curriculum at a public or accredited private New Mexico  
8 high school, are accepted for entrance to and attend a  
9 community college. Each tuition scholarship shall be  
10 awarded for up to two consecutive years beginning the  
11 second semester of the recipient's first year of  
12 enrollment, provided that the recipient has maintained  
13 residency in New Mexico and maintained a grade-point  
14 average of 2.5 or higher on a 4.0 scale during his first  
15 semester of full-time enrollment.

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18 E. The commission on higher education shall  
19 prepare guidelines setting forth explicit student  
20 continuing eligibility criteria and guidelines for  
21 administration of the tuition scholarship program.  
22 Guidelines shall be distributed to community college  
23 boards to enable a uniform availability of the resident  
24 student tuition scholarship. "  
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Underscored material = new  
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1           Section 6. A new section of the Technical and  
2 Vocational Institute Act is enacted to read:

3           " [NEW MATERIAL] TUITION SCHOLARSHIPS AUTHORIZED. --

4           A. To the extent that funds are made available  
5 by the legislature from the lottery tuition fund, the  
6 board of a technical and vocational institute shall award  
7 tuition scholarships for qualified resident students  
8 attending a technical and vocational institute.

9           B. The tuition scholarships authorized in this  
10 section shall apply only to full-time resident students  
11 who, immediately upon completion of a high school  
12 curriculum at a public or accredited private New Mexico  
13 high school, are accepted for entrance to and attend a  
14 technical and vocational institute. Each tuition  
15 scholarship shall be awarded for up to two consecutive  
16 years beginning the second semester of the recipient's  
17 first year of enrollment, provided that the recipient has  
18 maintained residency in New Mexico and maintained a grade-  
19 point average of 2.5 or higher on a 4.0 scale during his  
20 first semester of full-time enrollment.

21           C. The commission on higher education shall  
22 prepare guidelines setting forth explicit student  
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1 continuing eligibility criteria and guidelines for  
2 administration of the tuition scholarship program.  
3 Guidelines shall be distributed to the boards of technical  
4 and vocational institutes to enable a uniform availability  
5 of the resident student tuition scholarships. "

6  
7 Section 7. A new section of Chapter 21, Article 17  
8 NMSA 1978 is enacted to read:

9 "[NEW MATERIAL] TUITION SCHOLARSHIPS AUTHORIZED. --

10 A. To the extent that funds are made available  
11 by the legislature from the lottery tuition fund, the  
12 board of an area vocational school shall award tuition  
13 scholarships for qualified resident students attending its  
14 area vocational school.

15  
16 B. The tuition scholarships authorized in this  
17 section shall apply only to full-time resident students  
18 who, immediately upon completion of a high school  
19 curriculum at a public or accredited private New Mexico  
20 high school, are accepted for entrance to and attend an  
21 area vocational school. Each tuition scholarship shall be  
22 awarded for up to two consecutive years beginning the  
23 second semester of the recipient's first year of  
24 enrollment, provided that the recipient has maintained  
25

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1 residency in New Mexico and maintained a grade-point  
2 average of 2.5 or higher on a 4.0 scale during his first  
3 semester of full-time enrollment.

4 C. The commission on higher education shall  
5 prepare guidelines setting forth explicit student  
6 qualification criteria and guidelines for administration  
7 of the tuition scholarship program. Guidelines shall be  
8 distributed to the boards of all area vocational schools  
9 to enable a uniform availability of the resident student  
10 tuition scholarships. "  
11

1 FORTY- SECOND LEGI SLATURE  
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3 SECOND SESSION, 1996  
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6 JANUARY 23, 1996  
7

8 Mr. President:  
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10 Your COMMI TTEES' COMMI TTEE, to whom has been referred  
11

12 SENATE BILL 31  
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14  
15 has had it under consideration and finds same to be GERMANE, PURSUANT  
16 TO CONSTIUTIONAL PROVISIONS, and thence referred to the EDUCATION  
17 COMMI TTEE.  
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20 Respectfully submitted,  
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25 \_\_\_\_\_  
SENATOR MANNY M. ARAGON, Chair man

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

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(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

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3 SECOND SESSI ON, 1996  
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6 February 3, 1996  
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8 Mr. President:  
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10 Your EDUCATI ON COMMI TTEE, to whom has been referred  
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12 SENATE BILL 31  
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14  
15 has had it under consideration and reports same with recommendation that  
16 it DO PASS, and thence referred to the FINANCE COMMI TTEE.  
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18 Respectfully submit ted,  
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23 Carlos R. Cisneros, Chairman  
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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

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Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Benavides, Carraro, Scott

Absent: None

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3 SECOND SESSI ON, 1996  
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6 February 5, 1996  
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8 Mr. President:  
9

10 Your FINANCE COMMI TTEE, to whom has been referred  
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12 SENATE BILL 31  
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14  
15 has had it under consideration and reports same with recommendation that  
16 it DO PASS.  
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18 Respectfully submit ted,  
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23 Ben D. Altami rano, Chair man  
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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
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Date \_\_\_\_\_

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Doni sthorpe, Duran, Ingle, Kidd, Kysar

Absent: None

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**FORTY-SECOND LEGISLATURE**

**SECOND SESSION, 1996**

**February 12, 1996**

**SENATE FLOOR AMENDMENT number \_\_\_\_\_ to SENATE SENATE BILL 31**

**AMENDMENT sponsored by SENATOR LEONARD LEE RAWSON**

1. On page 7, line 9, after the comma, insert "or upon receiving a graduate equivalent diploma,".

2. On page 7, line 21, after the comma, insert "or upon receiving a graduate equivalent diploma,".

3. On page 10, line 4, after the comma, insert "or upon receiving a graduate equivalent diploma,".

4. On page 11, line 4, after the comma, insert "or upon receiving a graduate equivalent diploma,".

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5. On page 12, line 5, after the comma, insert "or upon receiving a graduate equivalent diploma,".

\_\_\_\_\_  
Senator Leonard Lee Rawson

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

\_\_\_\_\_  
(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

S0031FS1

**State of New Mexico**  
**House of Representatives**

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**FORTY-SECOND LEGISLATURE**  
**SECOND SESSION, 1996**

February 12, 1996

Mr. Speaker:

Your EDUCATION COMMITTEE, to whom has been referred

SENATE BILL 31, as amended

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

Respectfully submitted,

\_\_\_\_\_  
Samuel F. Vigil, Chairman

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FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

HEC/SB 31

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Dolliver, McSherry, Nicely, Weeks, WC Williams

Absent: None

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Underscored material = new  
~~[bracketed material] = delete~~