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HOUSE BILL 299

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

INTRODUCED BY

Edward C. Sandoval

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO POST-SECONDARY EDUCATION; REVISING PROVISIONS GOVERNING PUBLIC, POST-SECONDARY EDUCATIONAL INSTITUTIONS; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 21-13-8 NMSA 1978 (being Laws 1963, Chapter 17, Section 7, as amended) is amended to read:

"21-13-8. COMMUNITY COLLEGE BOARD. --

A. Community college board members shall be over twenty-one years of age, qualified electors and residents of the community college district.

B. Community college board members shall be elected for staggered terms of six years from April 1 succeeding their elections; provided that terms and staggering shall continue to be as they are on January 1, 1998. All

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1 vacancies caused in any other manner than by the expiration of
2 the term of office shall be filled by appointment by the
3 remaining members. An individual appointed by the remaining
4 members of the board to fill a vacancy in office shall serve
5 until the next community college board election, at which time
6 candidates shall file for and be elected to fill the vacant
7 position to serve the remainder of the unexpired term.

8 C. [The _____] A community college
9 board shall select from its members a chairman and secretary
10 who shall serve in these offices until the next regular
11 community college board election. After each
12 [_____] community college board election, the
13 members shall proceed to reorganize. "

14 Section 2. Section 21-13-11 NMSA 1978 (being Laws 1963,
15 Chapter 17, Section 10, as amended) is amended to read:

16 "21-13-11. STANDARDS AND ACCREDITING OF COMMUNITY
17 COLLEGES. --

18 A. The [~~board of educational finance shall, in~~
19 ~~conjunction with the~~] community college board shall prescribe
20 the course of study for [the] a community [colleges] college
21 established pursuant to the Community College Act and shall
22 define official standards of excellence in all matters
23 relating to the administration, course of study and quality of
24 instruction, except that the prescribed standards may not be
25 less in quality or quantity than those prescribed for other

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1 state institutions of higher learning by the regional
2 accrediting agency which accredits other colleges and
3 universities of the state.

4 ~~[B. The community college board may elect to~~
5 ~~affiliate with the board of regents of a higher educational~~
6 ~~institution. Upon a mutual agreement by the board of regents~~
7 ~~and community college board, the board of regents shall~~
8 ~~exercise all powers given the board of educational finance~~
9 ~~under this section, and the president of the higher~~
10 ~~educational institution shall exercise the powers of the~~
11 ~~executive secretary of the board of educational finance under~~
12 ~~this section for the term of the agreement. No agreement~~
13 ~~shall be for less than five years, and agreements shall be~~
14 ~~noncancelable except by mutual consent.~~

15 ~~C.]~~ B. The executive ~~[secretary]~~ director of the
16 ~~[board of educational finance]~~ commission on higher education
17 shall annually inspect, or investigate through the requirement
18 of reports prescribed by him, each community college created
19 pursuant to the Community College Act. The inspection or
20 investigation by report shall be conducted upon the facilities
21 and program of each community college to determine the extent
22 of compliance with the rules ~~[and regulations]~~ promulgated by
23 the ~~[board of educational finance]~~ commission. A report of
24 each inspection or final investigation by report shall be made
25 to the ~~[board of educational finance]~~ commission.

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1 ~~[D.]~~ C. In the event of any serious deviation from
2 established practices and procedures or any ~~[defects]~~
3 deficiencies that impair the quality of the instructional
4 program in any community college created pursuant to the
5 provisions of the Community College Act, the ~~[board of~~
6 ~~educational finance]~~ commission on higher education shall
7 first call these to the attention of the president of the
8 community college and the community college board.

9 ~~[E.]~~ D. In the case of repeated failure to ~~[meet~~
10 ~~the specified standards, the board of educational finance]~~
11 rectify unusual or unsatisfactory practices, the commission on
12 higher education may take action discontinuing the approval of
13 any community college so delinquent. Upon a showing that the
14 unsatisfactory conditions have been remedied, the ~~[board of~~
15 ~~educational finance]~~ commission may reinstate its approval of
16 a disapproved community college. "

17 Section 3. Section 21-13-12 NMSA 1978 (being Laws 1963,
18 Chapter 17, Section 11, as amended) is amended to read:

19 "21-13-12. ~~[TITLES]~~ DEGREES AND CERTIFICATES AWARDED. --
20 The community college board of any community college may award
21 the appropriate degree upon the completion of a curriculum
22 organized for that purpose and approved by the ~~[board of~~
23 ~~educational finance]~~ commission on higher education. ~~[The]~~ An
24 associate ~~[title]~~ degree or certificate may be awarded only to
25 students as recommended by the faculty, ~~[and]~~ the chief

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1 academic [~~administrative~~] officer and the president of the
2 community college as having completed satisfactorily the
3 prescribed course of study. "

4 Section 4. Section 21-13-19 NMSA 1978 (being Laws 1968,
5 Chapter 70, Section 2, as amended) is amended to read:

6 "21-13-19. ENROLLMENT DEFINED-- PAYMENTS. --

7 [~~A. As used in the Community College Act, "full-~~
8 ~~time-equivalent student" means:-~~

9 (1) ~~a student enrolled for one or several~~
10 ~~terms which in the aggregate consist of thirty-two weeks and~~
11 ~~who is taking twenty-three or more contact hours per week for~~
12 ~~the term or terms for which he is enrolled; or~~

13 (2) ~~a computed student symbolized by each~~
14 ~~whole unit of a figure arrived at by dividing the aggregate~~
15 ~~number of contact hours taken by all students taking less than~~
16 ~~twenty-three contact hours a week during a term or terms which~~
17 ~~total thirty-two weeks by the number twenty-three.-~~

18 B. ~~For the purpose of computing the number of~~
19 ~~full-time-equivalent students for the technical and vocational~~
20 ~~payment, the following formulae shall be used:-~~

21 (1) ~~for full-time-equivalent students based on~~
22 ~~full-time students, the formula is:-~~
23 ~~full-time-equivalent = number of full- x number of weeks of terms-~~
24 ~~student time students for which enrolled~~
25 _____ 32; and

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~~(2) for full-time equivalent students based on part-time students, the formula is:~~
~~full-time equivalent = total weekly x number of weeks of term student contact hours for which enrolled~~
~~_____ 736.~~

~~C. For the purpose of calculating the community college payment, full-time equivalent student for those students enrolled in noncollege credit technical and vocational courses shall be defined as and shall be computed on the same bases set out in Subsections A and B of this section for full-time equivalent students under the technical and vocational payment.]~~

A. For those students in community colleges taking college-level courses, full-time-equivalent students shall be defined and computed by the commission on higher education in the same manner in which it defines and computes full-time-equivalent students for all other college-level programs within its jurisdiction.

~~[D.]~~ B. No student shall be included in any calculations made under the provisions of this section if the student is enrolled in a course the cost of which is totally reimbursed from federal, state or private sources. The public school district shall transfer to the community college the tuition and fees for any student who, during the term, is counted in the membership of the public school district and

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1 will receive high school credit for coursework at the
2 community college.

3 ~~[E. An amount not less than six hundred fifty~~
4 ~~dollars (\$650) for each full-time equivalent student shall be~~
5 ~~distributed by the commission on higher education to each~~
6 ~~community college. For the first year of operation, the board~~
7 ~~of regents shall estimate the full-time equivalent student~~
8 ~~population; thereafter, the previous year's full-time~~
9 ~~equivalent student population shall be used.]~~

10 ~~F.]~~ C. The commission on higher education shall
11 not recommend an appropriation greater than three hundred
12 twenty-five dollars (\$325) for each full-time equivalent
13 student for any community college that levies a tax at a rate
14 less than two dollars (\$2.00), unless a lower amount is
15 required by operation of the rate limitation provisions of
16 Section 7-37-7.1 NMSA 1978 upon a rate [~~approved by the~~
17 ~~electors pursuant to Section 21-13-17 NMSA 1978~~] of at least
18 two dollars (\$2.00) on each one thousand dollars (\$1,000) of
19 net taxable value, as that term is defined in the Property Tax
20 Code, or any community college that reduces a previously
21 authorized tax levy, except as required by the operation of
22 the rate limitation provisions of Section 7-37-7.1 NMSA 1978.

23 ~~[G.]~~ D. The commission on higher education shall
24 require from the community college such reports as the [~~board~~]
25 commission may deem necessary for the purpose of determining

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1 the number of full-time-equivalent students at the community
2 college eligible to receive support under this section.

3 ~~[H. The commission on higher education may~~
4 ~~recommend tuition and fee rates, and in fixing tuition and fee~~
5 ~~rates, the community college board shall separately establish:~~

6 ~~(1) rates for New Mexico students residing in~~
7 ~~the community college district;~~

8 ~~(2) rates for New Mexico students not~~
9 ~~residing in the community college district; and~~

10 ~~(3) rates for out-of-state students.]~~

11 E. Community college boards shall establish
12 tuition and fee rates for their respective institutions for
13 full-time, part-time, resident and nonresident students, as
14 defined by the commission on higher education.

15 F. Community college boards may waive tuition or
16 fees for the fall and spring semesters only for students who
17 are residents of New Mexico. No community college board may
18 wave tuition or fees for more than three percent of the
19 preceding fall semester's enrollment. At least one-third of
20 the tuition and fee waivers shall be granted on the basis of
21 financial need. "

22 Section 5. Section 21-13-21 NMSA 1978 (being Laws 1963,
23 Chapter 17, Section 16, as amended) is amended to read:

24 "21-13-21. ADDITION OF SCHOOL DISTRICTS TO EXISTING
25 COMMUNITY COLLEGE DISTRICTS. --

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1 A. The qualified electors within the territorial
2 limits of any school district, group of school districts
3 within a county or school districts in an adjoining county,
4 not included in the community college district as originally
5 formed, may petition the [~~board of educational finance~~]
6 commission on higher education to be added to the community
7 college district. The [~~board of educational finance~~]
8 commission shall examine the petition and, if it finds that
9 the petition is signed by the requisite number of qualified
10 electors as provided in Sections 21-13-4 and 21-13-5 NMSA
11 1978, the [~~board of educational finance~~] commission shall
12 cause a survey to be made of the petitioning district or
13 districts to determine the desirability of the proposed
14 extension of the area of the community college district.

15 B. In conducting the survey, the [~~board of~~
16 ~~educational finance~~] commission on higher education shall
17 ascertain the attitude of the community college board and
18 collect other information as prescribed in Section 21-13-5
19 NMSA 1978. If on the basis of the survey the [~~board of~~
20 ~~educational finance~~] commission finds that the proposed
21 addition of the petitioning area will promote an improved
22 education service in the area, it shall approve the petition.
23 Thereafter, the [~~board of educational finance~~] commission
24 shall proceed to call an election within the petitioning area
25 and in the established community college district on the

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1 question of the inclusion of the area in the community college
2 district. In the election, the procedure prescribed in
3 Sections 21-13-6, 21-13-7 and 21-13-18 NMSA 1978 shall be
4 followed.

5 C. If it appears on canvass of the results of the
6 election in the office of the executive [~~secretary~~] director
7 of the [~~board of educational finance~~] commission on higher
8 education that a majority of the votes cast in each of the
9 petitioning areas and within the established community college
10 district were in favor of the addition of the petitioning area
11 or areas, the executive [~~secretary~~] director shall notify the
12 boards of education within each school district and the
13 community college board of the results of the election and
14 shall declare the extension of the boundaries of the community
15 college district to include the petitioning area or areas in
16 which the proposed addition referendum carried by a majority
17 vote. The addition shall take effect on the next succeeding
18 July 1.

19 D. The territory within each school district added
20 to any existing community college district shall automatically
21 be subject to any special levy on taxable property approved
22 for the community college district for the maintenance of
23 facilities and services and for support of bond issues. "

24 Section 6. Section 21-13-23 NMSA 1978 (being Laws 1963,
25 Chapter 17, Section 18, as amended) is amended to read:

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1 "21-13-23. DISSOLUTION OF COMMUNITY COLLEGE DISTRICTS. --

2 Community college districts may be dissolved in the following
3 manner:

4 A. submission of a plan for the dissolution of the
5 community college district to the executive [~~secretary~~
6 director of the [~~board of educational finance~~] commission on
7 higher education by a petition signed by ten percent of the
8 qualified electors residing within the district. Upon receipt
9 of a proper plan and petition, the executive [~~secretary~~
10 director shall call a special election for the purpose of
11 referring to the qualified electors residing in the district
12 the question of dissolution. Plans for the dissolution of a
13 community college district shall provide for the payment of
14 all district debts and liabilities and for the equitable
15 distribution of all remaining assets to the school districts
16 within the community college district;

17 B. if the executive [~~secretary~~] director of the
18 [~~board of educational finance~~] commission on higher education
19 finds that a majority of the qualified electors voting on the
20 issue at the special election has authorized the dissolution,
21 the community college board shall proceed with the approved
22 plan. Upon completion of the plan, the community college
23 board shall submit a full report to the executive [~~secretary~~]
24 director and a copy of the report to each local school
25 district board within the community college district; and

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1 C. upon receipt of the final report of the
2 community college board, the executive [~~secretary~~] director of
3 the [~~board of educational finance~~] commission on higher
4 education shall examine the report to determine whether any
5 outstanding obligations still exist and whether the terms of
6 the approved plan have been accomplished. If, upon
7 determination by the executive [~~secretary~~] director, no
8 obligations are yet outstanding and the provisions of the plan
9 have been fulfilled, he shall formally declare the community
10 college district dissolved. "

11 Section 7. Section 21-13-24.1 NMSA 1978 (being Laws
12 1980, Chapter 53, Section 17, as amended) is amended to read:

13 "21-13-24.1. ESTABLISHING PROCEDURES FOR INDEPENDENCE--
14 FUNDING-- TUITION-- APPROPRIATION-- LOCAL SUPPORT LEVEL--
15 OUTSTANDING INDEBTEDNESS.--Any institution established in
16 accordance with Article 14, 16 or 17 of Chapter 21 NMSA 1978
17 which desires to become an independent institution under [~~Laws~~
18 ~~1980, Chapter 53~~] the Community College Act and to receive
19 more than three hundred twenty-five dollars (\$325) per full-
20 time-equivalent student is subject to the following:

21 A. approval of the institutional request for
22 independent status by the [~~board of educational finance~~]
23 commission on higher education;

24 B. tuition rates shall be recommended by the
25 [~~board of educational finance~~] commission on higher education

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1 and shall be set by the [~~legislature~~] the community college
2 board;

3 C. the [~~board of educational finance~~] commission
4 on higher education shall recommend an appropriation for the
5 institution based upon expenditure levels determined by [~~board~~
6 ~~of educational finance~~] commission on higher education
7 formulas in relation to its authorized program and its
8 available funds from non-general fund sources, and the
9 recommended appropriation shall be an amount not less than
10 three hundred twenty-five dollars (\$325) for each full-time-
11 equivalent student;

12 D. the minimum level of local support for
13 operational purposes shall be a tax rate of two dollars
14 (\$2.00), or any lower amount required by the operation of the
15 rate limitation provisions of Section 7-37-7.1 NMSA 1978 upon
16 an amount of at least two dollars (\$2.00) on each one thousand
17 dollars (\$1,000) of net taxable value, as that term is defined
18 in the Property Tax Code;

19 [~~E. with the approval of the board of educational~~
20 ~~finance, the community college may operate occupational~~
21 ~~education programs for secondary school students in~~
22 ~~cooperation with public school districts located within the~~
23 ~~community college district; provided that all budgeting and~~
24 ~~expenditures related to secondary occupational education~~
25 ~~programs must be separately identified, and no state money~~

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1 ~~appropriated for support of the post-secondary education~~
2 ~~program may be used to operate secondary occupational~~
3 ~~education programs;]~~ and

4 [F-] E. the community college board shall provide
5 for the assumption of any outstanding indebtedness of the
6 institution desiring to become independent by the voters of
7 the community college district. "

8 Section 8. Section 21-14-1 NMSA 1978 (being Laws 1957,
9 Chapter 143, Section 1, as amended) is amended to read:

10 "21-14-1. BRANCH COMMUNITY COLLEGE EDUCATIONAL PROGRAM
11 AND ENROLLMENT DEFINED. --

12 A. "Branch community college educational program",
13 for the purposes of Chapter 21, Article 14 NMSA 1978, includes
14 either the first two years of college education or organized
15 vocational and technical curricula of not more than two years'
16 duration designed to fit individuals for employment in
17 recognized occupations, or both.

18 B. The calculation of full-time-equivalent student
19 population for the purposes of Chapter 21, Article 14 NMSA
20 1978 shall include students enrolled in college-level courses
21 and students enrolled in vocational and technical courses
22 taught by a branch community college which is recognized by
23 the vocational education division as an area vocational school
24 or in courses which are approved by the state board of
25 education. [~~Full-time equivalent for students enrolled in~~

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1 ~~vocational and technical courses not of college level shall be~~
2 ~~calculated according to the method prescribed in Section~~
3 ~~21-16-9 NMSA 1978.]~~ Students enrolled in a course the cost of
4 which is totally reimbursed from federal, state or private
5 sources shall not be included in the calculation of full-time-
6 equivalent student population. The public school district
7 shall transfer to the branch community college the tuition and
8 fees for any student who, during the term, is counted in the
9 membership of the public school district and will receive high
10 school credit for coursework at the branch community college."

11 Section 9. Section 21-14-5 NMSA 1978 (being Laws 1957,
12 Chapter 143, Section 4, as amended) is amended to read:

13 "21-14-5. FINANCING OF BRANCH COMMUNITY COLLEGES--
14 TUITION AND FEE WAIVERS. --

15 A. Financing of branch community colleges shall be
16 by tuition and fees, which shall be set by the board of
17 regents of the parent institution, by gifts and grants and by
18 other funds as may be made available pursuant to the
19 provisions of the College District Tax Act or [Sections
20 ~~21-14-1 through 21-14-11~~] Chapter 21, Article 14 NMSA 1978.

21 B. Boards of regents of the respective parent
22 institutions of the branch community colleges may waive
23 tuition or fees for the fall and spring semesters only for
24 students who are residents of New Mexico. No board of regents
25 may waive tuition or fees for more than three percent of the

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1 preceding fall semester's enrollment in a branch community
2 college. At least one-third of the tuition and fee waivers
3 shall be granted on the basis of financial need. "

4 Section 10. Section 21-14A-2 NMSA 1978 (being Laws 1982,
5 Chapter 42, Section 2, as amended) is amended to read:

6 "21-14A-2. DEFINITIONS. -- As used in the Off-Campus
7 Instruction Act:

8 A. "off-campus instruction program" means either
9 the first two years of college education or organized
10 vocational and technical curricula of not more than two years'
11 duration designed to fit individuals for employment in
12 recognized occupations, or both; and

13 B. "full-time-equivalent student" includes
14 students enrolled in college-level courses and students
15 enrolled in vocational and technical courses taught by an off-
16 campus instruction program. [~~Full-time equivalent for~~
17 ~~students enrolled in vocational and technical courses not of~~
18 ~~college level shall be calculated according to the method~~
19 ~~prescribed in Section 21-16-9 NMSA 1978.~~] Students enrolled
20 in a course the cost of which is totally reimbursed from
21 federal, state or private sources shall not be included in the
22 calculation of full-time-equivalent student population. The
23 public school district shall transfer to the parent
24 institution the tuition and fees for any student who, during
25 the term, is counted in the membership of the public school

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1 district and will receive high school credit for coursework at
2 the off-campus site. "

3 Section 11. Section 21-16-5.1 NMSA 1978 (being Laws
4 1994, Chapter 83, Section 3) is amended to read:

5 "21-16-5.1. [~~TECHNICAL AND VOCATIONAL INSTITUTE~~] BOARD
6 MEMBERS-- ELECTED FROM DISTRICTS. --

7 A. [~~Any technical and vocational institute~~] A
8 board may provide for single-member election districts should
9 such a decision appear to be in the best interest of the
10 technical and vocational institute. If such a decision is
11 made, then members of the [~~institute~~] board shall reside in
12 and be elected from single-member districts as provided in
13 this section. Promptly after the decision is made, the board
14 shall divide the technical and vocational institute district
15 into five or seven election districts numbered 1 through 5 or
16 7, which shall constitute the single-member districts and
17 which [~~will~~] shall go into effect at the first regular board
18 election thereafter. At that election, board members shall be
19 elected for all five or seven positions on the board, with the
20 board members in seven-member districts elected to positions
21 1, 3, 5 and 7 to be elected for initial terms of two years and
22 the board members elected to positions 2, 4 and 6 to be
23 elected for initial terms of four years. In five-member
24 districts, board members elected to positions 1, 3 and 5 shall
25 be elected for initial terms of two years and the board

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1 members elected to positions 2 and 4 shall be elected for
2 initial terms of four years. After the initial election, each
3 board member shall be elected for a term of four years.

4 B. Once following each federal decennial census,
5 the board shall redistrict the technical and vocational
6 institute district into [~~seven~~] election districts [~~numbered 1~~
7 ~~through 7~~] to ensure that the districts remain as equal in
8 population as is practicable. [~~Such~~] The new districts shall
9 go into effect at the first regular board election thereafter.
10 Candidates for the new single-member districts that are
11 scheduled to be voted on at [~~such~~] the election shall reside
12 in and be elected from the appropriate new single-member
13 district. Incumbent board members whose districts before
14 redistricting were not scheduled to be voted on at [~~such~~] the
15 election need not reside in the new single-member [~~district~~]
16 districts corresponding to their position [~~number~~] numbers and
17 may serve out their [~~term~~] terms. At the second regular board
18 election held after the redistricting, all candidates for the
19 new single-member districts that are scheduled to be voted on
20 [~~at such election~~] shall reside in and be elected from the
21 appropriate single-member district.

22 C. All election districts covered by this section
23 shall be contiguous, compact and as equal in population as is
24 practicable.

25 D. If any vacancy occurs in an election district

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1 where a nonresident board member had been serving, the vacancy
2 shall be filled with a resident of [~~such~~] that district."

3 Section 12. Section 21-16-8 NMSA 1978 (being Laws 1968,
4 Chapter 59, Section 1, as amended) is amended to read:

5 "21-16-8. PURPOSE OF ACT. -- [~~Whereas the state recognizes~~
6 ~~the value of public school vocational education, and the state~~
7 ~~supports vocational and technical curricula of not more than~~
8 ~~two years' duration designed to fit individuals for employment~~
9 ~~by an appropriation not less than three hundred twenty-five~~
10 ~~dollars (\$325) for each full-time equivalent student, provided~~
11 ~~such students are enrolled in a branch community college~~
12 ~~recognized by the state board of vocational education as an~~
13 ~~area vocational school.] It is the purpose of [~~this act~~] the
14 Technical and Vocational Institute Act to extend state support
15 to public school vocational and technical education programs
16 of not more than two years' duration designed to fit
17 individuals for employment, provided such individuals are
18 students enrolled in a technical and vocational institute
19 organized pursuant to the Technical and Vocational Institute
20 Act. "~~

21 Section 13. Section 21-16-10 NMSA 1978 (being Laws 1968,
22 Chapter 59, Section 3, as amended) is amended to read:

23 "21-16-10. APPROPRIATION-- DISTRIBUTION. --

24 A. The commission on higher education shall
25 recommend an appropriation for each technical and vocational

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1 institute based upon its financial requirements in relation to
2 its authorized program and its available funds from
3 non-general fund sources; provided, the recommended
4 appropriation shall be an amount not less than three hundred
5 twenty-five dollars (\$325) for each full-time-equivalent
6 student.

7 B. The commission on higher education shall by
8 ~~[regulation]~~ rule provide for the method for calculating the
9 number of full-time-equivalent students in technical and
10 vocational institutes. No student shall be included in any
11 calculation of the number of full-time-equivalent students if
12 the student is enrolled in a course, the cost of which is
13 totally reimbursed from federal, state or private sources.
14 The public school district shall transfer to the technical and
15 vocational institute the tuition and fees for any student who,
16 during the term, is counted in the membership of the public
17 school district and will receive high school credit for
18 coursework at the technical and vocational institute.

19 C. The commission on higher education shall not
20 recommend an appropriation greater than three hundred
21 twenty-five dollars (\$325) for each full-time-equivalent
22 student for any technical and vocational institute that levies
23 a tax at a rate less than two dollars (\$2.00), unless a lower
24 amount is required by operation of the rate limitation
25 provisions of Section 7-37-7.1 NMSA 1978 upon a rate approved

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1 by the electors of at least two dollars (\$2.00) on each one
2 thousand dollars (\$1,000) of net taxable value, as that term
3 is defined in the Property Tax Code, or any technical and
4 vocational institute that reduces a previously authorized tax
5 levy, except as required by the operation of the rate
6 limitation provisions of Section 7-37-7.1 NMSA 1978.

7 D. A technical and vocational institute board may
8 waive tuition or fees for the fall and spring semesters only
9 for students who are residents of New Mexico. No board may
10 waive tuition or fees for more than three percent of the
11 preceding fall semester's enrollment. At least one-third of
12 the tuition and fee waivers shall be granted on the basis of
13 financial need."

14 Section 14. Section 21-16-10.1 NMSA 1978 (being Laws
15 1996, Chapter 71, Section 6) is amended to read:

16 "21-16-10.1. TUITION SCHOLARSHIPS AUTHORIZED. --

17 A. To the extent that funds are made available by
18 the legislature from the lottery tuition fund, the board of a
19 technical and vocational institute shall award tuition
20 scholarships for qualified resident students attending a
21 technical and vocational institute.

22 B. The tuition scholarships authorized in this
23 section shall apply only to full-time resident students who,
24 immediately upon completion of a high school curriculum at a
25 public or accredited private New Mexico high school or upon

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1 receiving a graduate equivalent diploma, are accepted for
2 entrance to and attend a technical and vocational institute.
3 Each tuition scholarship shall be awarded for up to two
4 consecutive years beginning the second semester of the
5 recipient's first year of enrollment, provided that the
6 recipient has maintained residency in New Mexico and
7 maintained a grade-point average of 2.5 or higher on a 4.0
8 scale during his first semester of full-time enrollment with
9 renewal of an additional two years upon transfer.

10 C. The commission on higher education shall
11 prepare guidelines setting forth explicit student continuing
12 eligibility criteria and guidelines for administration of the
13 tuition scholarship program. Guidelines shall be distributed
14 to the boards of technical and vocational institutes to enable
15 a uniform availability of the resident student tuition
16 scholarships. "

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

19 "[NEW MATERIAL] AREA VOCATIONAL SCHOOLS. --

20 A. A local school board, alone or in cooperation
21 with other boards, may develop a plan for the establishment of
22 an area vocational school on the campus of a post-secondary
23 educational institution. The plan shall be submitted to the
24 state board of education and the commission on higher
25 education for their approval.

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1 B. The state board of education and the commission
2 on higher education may approve a plan for an area vocational
3 school if the plan adequately provides for:

4 (1) sufficient financing for the operation of
5 the school, which may include an election for a special levy
6 not to exceed one dollar (\$1.00) for each one thousand dollars
7 (\$1,000) of net taxable value and that may be in addition to
8 levies authorized by the College District Tax Act;

9 (2) a broad vocational and technical
10 education program serving a sufficient number of students to
11 achieve economic viability; and

12 (3) compliance with the state plan for
13 vocational education. "

14 Section 16. REPEAL. -- Sections 21-14-11, 21-15-1 through
15 21-15-3, 21-16-9, 21-16-11.1, 21-16-18 and 21-17-1 through
16 21-17-17 NMSA 1978 (being Laws 1963, Chapter 162, Section 9,
17 Laws 1967, Chapter 66, Sections 1, 2 and 4, Laws 1968, Chapter
18 59, Section 2, Laws 1993, Chapter 28, Section 1 and Laws 1993,
19 Chapter 114, Section 1, Laws 1964, (1st S.S.) Chapter 12,
20 Section 3, Laws 1967, Chapter 177, Sections 1 through 4, Laws
21 1988, Chapter 34, Section 1, Laws 1967, Chapter 177, Sections
22 5 and 6, Laws 1996, Chapter 71, Section 7, Laws 1973, Chapter
23 325, Section 2, Laws 1967, Chapter 177, Sections 8, 10, 11 and
24 13 through 15 and Laws 1972, Chapter 29, Section 2, as
25 amended) are repealed.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5
6 February 24, 1999

7
8 Mr. Speaker:

9
10 Your EDUCATION COMMITTEE, to whom has been referred

11
12 HOUSE BILL 299

13
14 has had it under consideration and reports same with
15 recommendation that it DO NOT PASS, but that

16 HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
17 HOUSE BILL 299

18
19 DO PASS.

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HEC/HB 299

Page 25

Respectfully submitted,

Rick Miera, Chairman

Adopted _____

(Chief Clerk)

Not Adopted _____

(Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Begaye, Burpo, Dana, Marquardt, Stapleton, Wright

Absent: None

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HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 299

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

AN ACT

RELATING TO POST-SECONDARY EDUCATION; REVISING PROVISIONS
GOVERNING PUBLIC, POST-SECONDARY EDUCATIONAL INSTITUTIONS;
AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 21-13-8 NMSA 1978 (being Laws 1963,
Chapter 17, Section 7, as amended) is amended to read:

"21-13-8. COMMUNITY COLLEGE BOARD. --

A. Community college board members shall be over
twenty-one years of age, qualified electors and residents of
the community college district.

B. Community college board members shall be
elected for staggered terms of six years from April 1
succeeding their elections; provided that terms and staggering
shall continue to be as they are on January 1, 1998. All
vacancies caused in any other manner than by the expiration of
the term of office shall be filled by appointment by the
remaining members. An individual appointed by the remaining

members of the board to fill a vacancy in office shall serve until the next community college board election, at which time candidates shall file for and be elected to fill the vacant position to serve the remainder of the unexpired term.

1
2 C. [~~The _____~~] A community college
3 board shall select from its members a chairman and secretary
4 who shall serve in these offices until the next regular
5 community college board election. After each
6 [~~_____~~] community college board election, the
members shall proceed to reorganize."

7 Section 2. Section 21-13-11 NMSA 1978 (being Laws 1963,
8 Chapter 17, Section 10, as amended) is amended to read:

9 "21-13-11. STANDARDS AND ACCREDITING OF COMMUNITY
10 COLLEGES. --

11 A. The [~~board of educational finance shall, in~~
12 ~~conjunction with the~~] community college board shall prescribe
13 the course of study for the community [~~colleges established~~
14 ~~pursuant to the Community College Act~~] college and shall
15 define, in conjunction with the commission on higher
16 education, official standards of excellence in all matters
17 relating to the administration, course of study and quality of
18 instruction, except that the prescribed standards may not be
19 less in quality or quantity than those prescribed for other
20 state institutions of higher learning by the regional
accrediting agency [~~which~~] that accredits other colleges and
universities of the state.

21 [~~B. The community college board may elect to~~
22 ~~affiliate with the board of regents of a higher educational~~
23 ~~institution. Upon a mutual agreement by the board of regents~~
24 ~~and community college board, the board of regents shall~~
25 ~~exercise all powers given the board of educational finance~~
~~under this section, and the president of the higher~~

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1 ~~educational institution shall exercise the powers of the~~
2 ~~executive secretary of the board of educational finance under~~
3 ~~this section for the term of the agreement. No agreement~~
4 ~~shall be for less than five years, and agreements shall be~~
5 ~~noncancelable except by mutual consent.~~

6 ~~C.] B.~~ The executive [~~secretary~~] director of the
7 [~~board of educational finance~~] commission on higher education
8 shall annually inspect, or investigate through the requirement
9 of reports prescribed by him, each community college [~~created~~
10 ~~pursuant to the Community College Act~~]. The inspection or
11 investigation by report shall be conducted upon the facilities
12 and program of each community college to determine the extent
13 of compliance with the rules [~~and regulations~~] promulgated by
14 the [~~board of educational finance~~] commission. A report of
15 each inspection or final investigation by report shall be made
16 to the [~~board of educational finance~~] commission.

17 ~~D.] C.~~ In the event of any serious deviation from
18 established practices and procedures or any [~~defects~~]
19 deficiencies that impair the quality of the instructional
20 program in any community college, [~~created pursuant to the~~
21 ~~provisions of the Community College Act, the board of~~
22 ~~educational finance~~] the commission on higher education shall
23 first call these to the attention of the president of the
24 community college and the community college board.

25 ~~E.] D.~~ In the case of repeated failure to meet
the [~~specified standards, the board of educational finance~~]
standards provided for in Subsection A of this section, the
commission on higher education may take action discontinuing

1 the approval of any community college so delinquent. Upon a
 2 showing that the unsatisfactory conditions have been remedied,
 3 the ~~[board of educational finance]~~ commission may reinstate
 4 its approval of a disapproved community college."

5 Section 3. Section 21-13-12 NMSA 1978 (being Laws 1963,
 6 Chapter 17, Section 11, as amended) is amended to read:

7 "21-13-12. ~~[TITLES]~~ DEGREES AND CERTIFICATES AWARDED. --
 8 The community college board of ~~[any]~~ a community college may
 9 award the appropriate degree upon the completion of a
 10 curriculum organized for that purpose and approved by the
 11 ~~[board of educational finance The]~~ commission on higher
 12 education. An associate ~~[title]~~ degree or certificate may be
 13 awarded only to students as recommended by the faculty, ~~[and]~~
 14 the chief academic ~~[administrative]~~ officer and the president
 15 of the community college as having completed satisfactorily
 16 the prescribed course of study."

17 Section 4. Section 21-13-19 NMSA 1978 (being Laws 1968,
 18 Chapter 70, Section 2, as amended) is amended to read:

19 "21-13-19. ENROLLMENT DEFINED-- PAYMENTS. --

20 ~~[A. As used in the Community College Act, "full-~~
 21 ~~time equivalent student" means:-~~

22 (1) ~~a student enrolled for one or several~~
 23 ~~terms which in the aggregate consist of thirty-two weeks and~~
 24 ~~who is taking twenty-three or more contact hours per week for~~
 25 ~~the term or terms for which he is enrolled; or~~

(2) ~~a computed student symbolized by each~~
 whole unit of a figure arrived at by dividing the aggregate
 number of contact hours taken by all students taking less than

~~twenty-three contact hours a week during a term or terms which total thirty-two weeks by the number twenty-three.~~

~~B. For the purpose of computing the number of full-time equivalent students for the technical and vocational payment, the following formulae shall be used:~~

~~(1) for full-time equivalent students based on full-time students, the formula is:~~

~~full-time equivalent = $\frac{\text{number of full-time students for which enrolled}}{32}$; and~~

~~(2) for full-time equivalent students based on part-time students, the formula is:~~

~~full-time equivalent = $\frac{\text{total weekly contact hours for which enrolled}}{736}$.~~

~~C. For the purpose of calculating the community college payment, full-time equivalent student for those students enrolled in noncollege credit technical and vocational courses shall be defined as and shall be computed on the same bases set out in Subsections A and B of this section for full-time equivalent students under the technical and vocational payment.]~~

A. For those students in community colleges taking college-level courses, full-time equivalent students shall be defined and computed by the commission on higher education in the same manner in which it defines and computes full-time equivalent students for all other college-level programs within its jurisdiction.

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1 ~~[D.]~~ B. No student shall be included in any
 2 calculations made under the provisions of this section if the
 3 student is enrolled in a course the cost of which is totally
 4 reimbursed from federal, state or private sources. The public
 5 school district shall transfer to the community college the
 6 tuition and fees for any student who, during the term, is
 7 counted in the membership of the public school district and
 8 will receive high school credit for coursework at the
 9 community college.

10 ~~[E. An amount not less than six hundred fifty~~
 11 ~~dollars (\$650) for each full-time equivalent student shall be~~
 12 ~~distributed by the commission on higher education to each~~
 13 ~~community college. For the first year of operation, the board~~
 14 ~~of regents shall estimate the full-time equivalent student~~
 15 ~~population; thereafter, the previous year's full-time~~
 16 ~~equivalent student population shall be used.]~~

17 ~~F.]~~ C. The commission on higher education shall
 18 not recommend an appropriation greater than three hundred
 19 twenty-five dollars (\$325) for each full-time equivalent
 20 student for any community college that levies a tax at a rate
 21 less than two dollars (\$2.00), unless a lower amount is
 22 required by operation of the rate limitation provisions of
 23 Section 7-37-7.1 NMSA 1978 upon a rate [~~approved by the~~
 24 ~~electors pursuant to Section 21-13-17 NMSA 1978]~~ of at least
 25 two dollars (\$2.00) on each one thousand dollars (\$1,000) of
 net taxable value, as that term is defined in the Property Tax
 Code, or any community college that reduces a previously
 authorized tax levy, except as required by the operation of

1 the rate limitation provisions of Section 7-37-7.1 NMSA 1978.

2 [G.] D. The commission on higher education shall
3 require from the community college such reports as the [~~board~~
4 ~~may deem~~] commission deems necessary for the purpose of
5 determining the number of full-time-equivalent students at the
6 community college eligible to receive support under this
7 section.

8 ~~[H. The commission on higher education may~~
9 ~~recommend tuition and fee rates, and in fixing tuition and fee~~
10 ~~rates, the community college board shall separately establish:~~

11 ~~(1) rates for New Mexico students residing in~~
12 ~~the community college district;~~

13 ~~(2) rates for New Mexico students not~~
14 ~~residing in the community college district; and~~

15 ~~(3) rates for out-of-state students.]~~

16 E. A community college board shall establish
17 tuition and fee rates for its respective institutions for
18 full-time, part-time, resident and nonresident students, as
19 defined by the commission on higher education.

20 F. A community college board may establish and
21 grant gratis scholarships to students who are residents of New
22 Mexico in an amount not to exceed the matriculation fee or
23 tuition and fees, or both. Except as provided for lottery
24 scholarships, the number of scholarships established and
25 granted shall not exceed three percent of the preceding fall
semester enrollment in each institution and shall not be
established and granted for summer sessions. The president of
each institution shall select and recommend to the community

1 college board of his institution, as recipients of
 2 scholarships, students who possess good moral character and
 3 satisfactory initiative, scholastic standing and personality.
 4 At least thirty-three and one-third percent of the gratis
 5 scholarships established and granted by each community college
 6 board each year shall be granted on the basis of financial
 7 need."

8 Section 5. Section 21-13-21 NMSA 1978 (being Laws 1963,
 9 Chapter 17, Section 16, as amended) is amended to read:

10 "21-13-21. ADDITION OF SCHOOL DISTRICTS TO EXISTING
 11 COMMUNITY COLLEGE DISTRICTS. --

12 A. The qualified electors within the territorial
 13 limits of [~~any~~] a school district, group of school districts
 14 within a county or school districts in an adjoining county,
 15 not included in the community college district as originally
 16 formed, may petition the [~~board of educational finance~~]
 17 commission on higher education to be added to the community
 18 college district. The [~~board of educational finance~~]
 19 commission shall examine the petition and, if it finds that
 20 the petition is signed by the requisite number of qualified
 21 electors as provided in Sections 21-13-4 and 21-13-5 NMSA
 22 1978, the [~~board of educational finance~~] commission shall
 23 cause a survey to be made of the petitioning district [~~or~~
 24 ~~districts~~] to determine the desirability of the proposed
 25 extension of the area of the community college district.

26 B. In conducting the survey, the [~~board of~~
 27 ~~educational finance~~] commission on higher education shall
 28 ascertain the attitude of the community college board and

1 collect other information as prescribed in Section 21-13-5
2 NMSA 1978. If on the basis of the survey the [~~board of~~
3 ~~educational finance~~] commission finds that the proposed
4 addition of the petitioning [area] district will promote an
5 improved education service in the area, it shall approve the
6 petition. Thereafter, the [~~board of educational finance~~]
7 commission shall proceed to call an election within the
8 petitioning [area] district and in the established community
9 college district on the question of the inclusion of the area
10 in the community college district. In the election, the
11 procedure prescribed in Sections 21-13-6, 21-13-7 and 21-13-18
12 NMSA 1978 shall be followed.

12 C. If it appears on canvass of the results of the
13 election in the office of the executive [~~secretary~~] director
14 of the [~~board of educational finance~~] commission on higher
15 education that a majority of the votes cast in each of the
16 petitioning areas and within the established community college
17 district [~~were~~] was in favor of the addition of the
18 petitioning area [~~or areas~~], the executive [~~secretary~~]
19 director shall notify the boards of education within each
20 school district and the community college board of the results
21 of the election and shall declare the extension of the
22 boundaries of the community college district to include the
23 petitioning area [~~or areas~~] in which the proposed addition
24 referendum carried by a majority vote. The addition shall
25 take effect on the next succeeding July 1.

D. The territory within each school district added
to any existing community college district shall automatically

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1 be subject to any special levy on taxable property approved
 2 for the community college district for the maintenance of
 3 facilities and services and for support of bond issues."

4 Section 6. Section 21-13-23 NMSA 1978 (being Laws 1963,
 5 Chapter 17, Section 18, as amended) is amended to read:

6 "21-13-23. DISSOLUTION OF COMMUNITY COLLEGE DISTRICTS. --
 7 Community college districts may be dissolved in the following
 8 manner:

9 A. submission of a plan for the dissolution of the
 10 community college district to the executive [~~secretary~~]
 11 director of the [~~board of educational finance~~] commission on
 12 higher education by a petition signed by ten percent of the
 13 qualified electors residing within the district. Upon receipt
 14 of a proper plan and petition, the executive [~~secretary~~]
 15 director shall call a special election for the purpose of
 16 referring to the qualified electors residing in the district
 17 the question of dissolution. Plans for the dissolution of a
 18 community college district shall provide for the payment of
 19 all district debts and liabilities and for the equitable
 20 distribution of all remaining assets to the school districts
 21 within the community college district;

22 B. if the executive [~~secretary~~] director of the
 23 [~~board of educational finance~~] commission on higher education
 24 finds that a majority of the qualified electors voting on the
 25 issue at the special election has authorized the dissolution,
 the community college board shall proceed with the approved
 plan. Upon completion of the plan, the community college
 board shall submit a full report to the executive [~~secretary~~]

1 director and a copy of the report to each local school
2 district board within the community college district; and

3 C. upon receipt of the final report of the
4 community college board, the executive [~~secretary~~] director of
5 the [~~board of educational finance~~] commission on higher
6 education shall examine the report to determine whether any
7 outstanding obligations still exist and whether the terms of
8 the approved plan have been accomplished. If, upon
9 determination by the executive [~~secretary~~] director, no
10 obligations are yet outstanding and the provisions of the plan
11 have been fulfilled, he shall formally declare the community
12 college district dissolved."

12 Section 7. Section 21-13-24.1 NMSA 1978 (being Laws
13 1980, Chapter 53, Section 17, as amended) is amended to read:

14 "21-13-24.1. ESTABLISHING PROCEDURES FOR INDEPENDENCE--
15 FUNDING--TUTION--APPROPRIATION--LOCAL SUPPORT LEVEL--
16 OUTSTANDING INDEBTEDNESS.--Any institution established in
17 accordance with [~~Article 14, 16 or 17 of~~] Chapter 21, Article
18 14 or 16 NMSA 1978 [~~which~~] that desires to become an
19 independent institution [~~under Laws 1980, Chapter 53~~] pursuant
20 to the Community College Act and to receive more than three
21 hundred twenty-five dollars (\$325) per full-time-equivalent
22 student is subject to the following:

23 A. approval of the institutional request for
24 independent status by the [~~board of educational finance~~]
25 commission on higher education;

B. tuition rates shall be recommended by the
[~~board of educational finance~~] commission on higher education

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[bracketed material] = delete

1 and shall be set by the [~~legislature~~] community college board;

2 C. the [~~board of educational finance~~] commission
 3 on higher education shall recommend an appropriation for the
 4 institution based upon expenditure levels determined by [~~board~~
 5 ~~of educational finance~~] commission formulas in relation to its
 6 authorized program and its available funds from nongeneral
 7 fund sources, and the recommended appropriation shall be an
 8 amount not less than three hundred twenty-five dollars (\$325)
 for each full-time-equivalent student;

9 D. the minimum level of local support for
 10 operational purposes shall be a tax rate of two dollars
 11 (\$2.00), or any lower amount required by the operation of the
 12 rate limitation provisions of Section 7-37-7.1 NMSA 1978 upon
 13 an amount of at least two dollars (\$2.00) on each one thousand
 14 dollars (\$1,000) of net taxable value, as that term is defined
 in the Property Tax Code;

15 [~~E. with the approval of the board of educational~~
 16 ~~finance, the community college may operate occupational~~
 17 ~~education programs for secondary school students in~~
 18 ~~cooperation with public school districts located within the~~
 19 ~~community college district; provided that all budgeting and~~
 20 ~~expenditures related to secondary occupational education~~
 21 ~~programs must be separately identified, and no state money~~
 22 ~~appropriated for support of the post-secondary education~~
 23 ~~program may be used to operate secondary occupational~~
~~education programs;]~~ and

24 [F.] E. the community college board shall provide
 25 for the assumption of any outstanding indebtedness of the

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1 institution desiring to become independent by the voters of
2 the community college district."

3 Section 8. Section 21-14-1 NMSA 1978 (being Laws 1957,
4 Chapter 143, Section 1, as amended) is amended to read:

5 "21-14-1. BRANCH COMMUNITY COLLEGE EDUCATIONAL PROGRAM
6 AND ENROLLMENT DEFINED. --

7 A. "Branch community college educational program",
8 for the purposes of Chapter 21, Article 14 NMSA 1978, includes
9 either the first two years of college education or organized
10 vocational and technical curricula of not more than two years'
11 duration designed to fit individuals for employment in
12 recognized occupations, or both.

13 B. The calculation of full-time-equivalent student
14 population for the purposes of Chapter 21, Article 14 NMSA
15 1978 shall include students enrolled in college-level courses
16 and students enrolled in vocational and technical courses
17 taught by a branch community college [~~which~~] that is
18 recognized by the vocational education division as an area
19 vocational school or in courses [~~which~~] that are approved by
20 the state board of education. [~~Full-time equivalent for~~
21 ~~students enrolled in vocational and technical courses not of~~
22 ~~college level shall be calculated according to the method~~
23 ~~prescribed in Section 21-16-9 NMSA 1978.~~] Students enrolled
24 in a course the cost of which is totally reimbursed from
25 federal, state or private sources shall not be included in the
calculation of full-time-equivalent student population. The
public school district shall transfer to the branch community
college the tuition and fees for any student who, during the

1 term, is counted in the membership of the public school
 2 district and will receive high school credit for coursework at
 3 the branch community college. "

4 Section 9. Section 21-14-5 NMSA 1978 (being Laws 1957,
 5 Chapter 143, Section 4, as amended) is amended to read:

6 "21-14-5. FINANCING OF BRANCH COMMUNITY COLLEGES--
 7 TUITION AND FEE WAIVERS. --

8 A. Financing of branch community colleges shall be
 9 by tuition and fees, which shall be set by the board of
 10 regents of the parent institution, by gifts and grants and by
 11 other funds as may be made available pursuant to the
 12 provisions of the College District Tax Act or [Sections
 13 21-14-1 through 21-14-11] Chapter 21, Article 14 NMSA 1978.

14 B. The board of regents of the respective parent
 15 institution of the branch community college may establish and
 16 grant gratis scholarships to students of the branch community
 17 college who are residents of New Mexico in an amount not to
 18 exceed the matriculation fee or tuition and fees, or both.
 19 Except as provided in Section 21-1-4.3 NMSA 1978, the number
 20 of scholarships established and granted shall not exceed three
 21 percent of the preceding fall semester enrollment in the
 22 branch community college and shall not be established and
 23 granted for summer sessions. The president of each
 24 institution shall select and recommend to the board of regents
 25 of his institution, as recipients of scholarships, students
who possess good moral character and satisfactory initiative,
scholastic standing and personality. At least thirty-three
and one-third percent of the gratis scholarships established

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1 and granted by the board of regents for a branch community
2 college each year shall be granted on the basis of financial
3 need."

4 Section 10. Section 21-14A-2 NMSA 1978 (being Laws 1982,
5 Chapter 42, Section 2, as amended) is amended to read:

6 "21-14A-2. DEFINITIONS. -- As used in the Off-Campus
7 Instruction Act:

8 A. "off-campus instruction program" means either
9 the first two years of college education or organized
10 vocational and technical curricula of not more than two years'
11 duration designed to fit individuals for employment in
12 recognized occupations, or both; and

13 B. "full-time-equivalent student" includes
14 students enrolled in college-level courses and students
15 enrolled in vocational and technical courses taught by an off-
16 campus instruction program. [~~Full-time equivalent for~~
17 ~~students enrolled in vocational and technical courses not of~~
18 ~~college level shall be calculated according to the method~~
19 ~~prescribed in Section 21-16-9 NMSA 1978.~~] Students enrolled
20 in a course the cost of which is totally reimbursed from
21 federal, state or private sources shall not be included in the
22 calculation of full-time-equivalent student population. The
23 public school district shall transfer to the parent
24 institution the tuition and fees for any student who, during
25 the term, is counted in the membership of the public school
district and will receive high school credit for coursework at
the off-campus site."

Section 11. Section 21-16-2 NMSA 1978 (being Laws 1963,

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Chapter 108, Section 2) is amended to read:

"21-16-2. DEFINITIONS. -- As used in ~~[this act]~~ Chapter 21, Article 16 NMSA 1978:

A. "technical and vocational institute" means a public educational institution, ~~[which shall provide]~~ including a post-secondary educational institution organized before July 1, 1999 as an area vocational school pursuant to Chapter 21, Article 17 NMSA 1978 that provides not to exceed two years of vocational and technical curricula and, in addition, some appropriate courses and programs in the arts and sciences;

B. "board" means the governing board of the ~~[technical and vocational institute]~~ district;

C. ~~["full-time student equivalent"]~~ "full-time equivalent student" means ~~[a student taking a least twelve credit hours per term]~~ that term as it is defined in Section 21-16-9 NMSA 1978;

~~[D. "part-time student equivalent" means a student taking less than twelve credit hours per term; and~~

~~E.] D.~~ "school district" means ~~[what is commonly referred to in this state as an administrative unit]~~ that term as it is defined in Subsection J of Section 22-1-2 NMSA 1978;
and

E. "district" means a technical and vocational institute district. "

Section 12. Section 21-16-5.1 NMSA 1978 (being Laws 1994, Chapter 83, Section 3) is amended to read:

"21-16-5.1. ~~[TECHNICAL AND VOCATIONAL INSTITUTE]~~ BOARD

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MEMBERS- - ELECTED FROM DISTRICTS- - ELECTIONS. - -

1
2 A. ~~[Any technical and vocational institute board~~
3 ~~may provide for single-member election districts should such a~~
4 ~~decision appear to be in the best interest of the technical~~
5 ~~and vocational institute. If such a decision is made, then~~
6 ~~members of the institute board]~~ A district board shall be
7 composed of five or seven members elected for four-year terms
8 who shall reside in and be elected from single-member
9 districts as provided in this section. [Promptly after the
10 decision is made, the board shall divide the technical and
11 vocational institute district into seven election districts
12 numbered 1 through 7, which shall constitute the single-member
13 districts and which will go into effect at the first regular
14 board election thereafter. At that election] On July 1, 1999
15 any board, the members of which have not been elected from
16 single-member districts, shall district and hold a special
17 election within one year from the effective date of this 1999
18 act. If the board is a seven-member board, board members
19 shall be elected for all seven positions on the board, with
20 the board members elected to positions 1, 3, 5 and 7 to be
21 elected for initial terms of two years and the board members
22 elected to positions 2, 4 and 6 to be elected for initial
23 terms of four years. If the board is a five-member board,
24 board members elected to positions 1, 3 and 5 shall be elected
25 for initial terms of two years and board members elected to
positions 2 and 4 shall be elected for initial terms of four
years. After the initial election for a district board, each
board member shall be elected for a term of four years.

underscored material = new
[bracketed material] = delete

1 B. Except where specific provision is otherwise
 2 provided by law, all election proceedings for technical and
 3 vocational institute district elections shall be conducted
 4 pursuant to the provisions of the School Election Law with the
 5 president of the institute serving in the place of the
 6 superintendent of schools in every case.

7 [~~B.~~] C. Once following each federal decennial
 8 census, the board shall redistrict the technical and
 9 vocational institute district into [~~seven~~] election districts
 10 [~~numbered 1 through 7~~] to ensure that the districts remain as
 11 equal in population as is practicable. [~~Such~~] The new
 12 districts shall go into effect at the first regular board
 13 election thereafter. Candidates for the new single-member
 14 districts that are scheduled to be voted on at [~~such~~] the
 15 election shall reside in and be elected from the appropriate
 16 new single-member district. Incumbent board members whose
 17 districts before redistricting were not scheduled to be voted
 18 on at [~~such~~] the election need not reside in the new single-
 19 member [~~district~~] districts corresponding to their position
 20 [~~number~~] numbers and may serve out their [~~term~~] terms. At the
 21 second regular board election held after the redistricting,
 22 all candidates for the new single-member districts that are
 23 scheduled to be voted on [~~at such election~~] shall reside in
 24 and be elected from the appropriate single-member district.

25 [~~C.~~] D. All election districts covered by this
 section shall be contiguous, compact and as equal in
 population as is practicable.

 [~~D. If any~~] E. A vacancy occurring on the board

1 shall be filled in the same manner as provided for school
2 board vacancies in Section 22-5-9 NMSA 1978; provided,
3 however, a vacancy that occurs in an election district where a
4 nonresident board member had been serving [~~the vacancy~~] shall
5 be filled with a resident of [~~such~~] that district. "

6 Section 13. Section 21-16-7 NMSA 1978 (being Laws 1963,
7 Chapter 108, Section 7) is amended to read:

8 "21-16-7. STANDARDS. -- The state board of education
9 shall, in conjunction with the board, prescribe the course of
10 study for the technical and vocational institute [~~and~~]. The
11 board, in conjunction with the commission on higher education,
12 shall define official standards of excellence in all matters
13 relating to the administration, course of study and quality of
14 instruction. "

15 Section 14. Section 21-16-8 NMSA 1978 (being Laws 1968,
16 Chapter 59, Section 1, as amended) is amended to read:

17 "21-16-8. PURPOSE OF ACT. -- [~~Whereas the state recognizes~~
18 ~~the value of public school vocational education, and the state~~
19 ~~supports vocational and technical curricula of not more than~~
20 ~~two years' duration designed to fit individuals for employment~~
21 ~~by an appropriation not less than three hundred twenty-five~~
22 ~~dollars (\$325) for each full-time equivalent student, provided~~
23 ~~such students are enrolled in a branch community college~~
24 ~~recognized by the state board of vocational education as an~~
25 ~~area vocational school.] It is the purpose of [~~this act~~] the
Technical and Vocational Institute Act to extend state support
to public school vocational and technical education programs
of not more than two years' duration designed to fit~~

1 individuals for employment, provided such individuals are
2 students enrolled in a technical and vocational institute
3 organized pursuant to the Technical and Vocational Institute
4 Act. "

5 Section 15. Section 21-16-10 NMSA 1978 (being Laws 1968,
6 Chapter 59, Section 3, as amended) is amended to read:

7 "21-16-10. APPROPRIATION--DISTRIBUTION.--

8 A. The commission on higher education shall
9 recommend an appropriation for each technical and vocational
10 institute based upon its financial requirements in relation to
11 its authorized program and its available funds from
12 non-general fund sources; provided, the recommended
13 appropriation shall be an amount not less than three hundred
14 twenty-five dollars (\$325) for each full-time-equivalent
15 student.

16 B. The commission on higher education shall by
17 [~~regulation~~] rule provide for the method for calculating the
18 number of full-time-equivalent students in technical and
19 vocational institutes. No student shall be included in any
20 calculation of the number of full-time-equivalent students if
21 the student is enrolled in a course, the cost of which is
22 totally reimbursed from federal, state or private sources.
23 The public school district shall transfer to the technical and
24 vocational institute the tuition and fees for any student who,
25 during the term, is counted in the membership of the public
school district and will receive high school credit for
coursework at the technical and vocational institute.

C. The commission on higher education shall not

underscored material = new
[bracketed material] = delete

1 recommend an appropriation greater than three hundred
2 twenty-five dollars (\$325) for each full-time-equivalent
3 student for any technical and vocational institute that levies
4 a tax at a rate less than two dollars (\$2.00), unless a lower
5 amount is required by operation of the rate limitation
6 provisions of Section 7-37-7.1 NMSA 1978 upon a rate approved
7 by the electors of at least two dollars (\$2.00) on each one
8 thousand dollars (\$1,000) of net taxable value, as that term
9 is defined in the Property Tax Code, or any technical and
10 vocational institute that reduces a previously authorized tax
11 levy, except as required by the operation of the rate
12 limitation provisions of Section 7-37-7.1 NMSA 1978.

12 D. The board may establish and grant gratis
13 scholarships to students who are residents of New Mexico in an
14 amount not to exceed the matriculation fee or tuition and
15 fees, or both. Except as provided in Section 21-16-10.1 NMSA
16 1978, the number of scholarships established and granted shall
17 not exceed three percent of the preceding fall semester
18 enrollment in the technical and vocational institute and shall
19 not be established and granted for summer sessions. The
20 president of the technical and vocational institute shall
21 select and recommend to the board as recipients of
22 scholarships students who possess good moral character and
23 satisfactory initiative, scholastic standing and personality.
24 At least thirty-three and one-third percent of the gratis
25 scholarships established and granted by the board each year
shall be granted on the basis of financial need. "

Section 16. Section 21-16-10.1 NMSA 1978 (being Laws

1 1996, Chapter 71, Section 6) is amended to read:

2 "21-16-10.1. TUITION SCHOLARSHIPS AUTHORIZED. --

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

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

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

Section 17. Section 21-16-14 NMSA 1978 (being Laws 1963,

. 127690. 2

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1 Chapter 108, Section 11) is amended to read:

2 "21-16-14. ADDITION OF SCHOOL DISTRICTS TO EXISTING
3 TECHNICAL AND VOCATIONAL INSTITUTE DISTRICTS. --

4 A. Any school district, group of school districts
5 within a county or school districts in an adjoining county,
6 not included in the technical and vocational institute
7 district as originally formed, may petition the state board of
8 education to be added to the technical and vocational
9 institute district. The state board of education shall
10 examine the petition, and, if it finds that the petition is
11 signed by the requisite number of qualified voters as provided
12 in Section [~~3 of the Technical and Vocational Institute Act~~]
13 21-16-3 NMSA 1978, the state board of education shall cause a
14 survey to be made of the petitioning district or districts to
15 determine the desirability of the proposed extension of the
16 area of the technical and vocational institute district.

17 B. In conducting the survey, the state board of
18 education, in conjunction with the commission on higher
19 education, shall ascertain the attitude of the technical and
20 vocational institute board and collect other information as
21 prescribed in Section [~~3~~] 21-16-3 NMSA 1978. If on the basis
22 of the survey the state board of education finds that the
23 proposed addition of the school district or districts will
24 promote an improved education service in the area, it shall
25 approve the petition. Thereafter, the state board of
education shall proceed to call an election within the
petitioning school district or districts and in the
established technical and vocational institute district on the

1 question of the inclusion of the area in the institute
2 district.

3 C. If it appears on canvass of the results of the
4 election that a majority of the votes cast in each of the
5 petitioning school districts and within the established
6 institute district [~~were~~] was in favor of the addition of the
7 petitioning school district or districts, the state board of
8 education shall notify the [~~boards of education within~~] local
9 school board of each school district and the technical and
10 vocational institute board of the results of the election and
11 shall declare the extension of the boundaries of the institute
12 district to include the petitioning school district or
13 districts in which the proposed addition referendum carried by
14 a majority vote.

15 D. Each school district added to any existing
16 technical and vocational institute district shall
17 automatically be subject to any special levy on taxable
18 property approved for the institute district for the
19 maintenance of facilities and services and for support of bond
20 issues. "

21 Section 18. Section 21-16-15 NMSA 1978 (being Laws 1963,
22 Chapter 108, Section 12) is amended to read:

23 "21-16-15. DISSOLUTION OF DISTRICTS. -- Technical and
24 vocational institute districts may be dissolved in the
25 following manner:

A. [~~submission of~~] a plan for the dissolution of
the technical and vocational institute district shall be
submitted to the state board of education by a petition signed

1 by ten percent of the qualified electors residing in the
2 district. Upon approval of the plan, the state board of
3 education shall call a special election for the purpose of
4 referring to the voters residing in the district the question
5 of dissolution. Plans for the dissolution of a technical and
6 vocational institute district [~~must~~] shall provide for the
7 payment of all district debts and liabilities and for the
8 equitable distribution of all remaining assets to the school
9 districts within the technical and vocational institute
district;

10 B. if a majority of the qualified electors voting
11 at the special election [~~authorize~~] authorizes the
12 dissolution, the [~~technical and vocational institute district~~]
13 board shall proceed with the approved plan. Upon completion
14 of the plan, the board shall submit a full report to the state
board of education and the commission on higher education; and

15 C. upon receipt of the final report of the board,
16 the state board of education, in conjunction with the
17 commission on higher education, shall examine the report to
18 determine whether [~~or not~~] any outstanding obligations [~~still~~]
19 exist and whether the terms of the approved plan have been
20 accomplished. If upon determination by the state board of
21 education no obligations are [~~yet~~] outstanding and the
22 provisions of the plan have been fulfilled, [~~they~~] the state
23 board of education shall formally declare the technical and
vocational institute district dissolved. "

24 Section 19. A new section of the Public School Code is
25 enacted to read:

1 " [NEW MATERIAL] AREA VOCATIONAL HIGH SCHOOLS. --

2 A. A local school board, alone or in cooperation
3 with other boards, may develop a plan for the establishment of
4 an area vocational high school on the campus of a post-
5 secondary educational institution to facilitate sharing of
6 facilities. The plan shall be submitted to the state board of
7 education and the commission on higher education for their
8 approval.

9 B. The state board of education and the commission
10 on higher education may approve a plan for an area vocational
11 high school if the plan adequately provides for:

12 (1) sufficient financing for the operation of
13 the school, which may include an election for a special levy
14 not to exceed one dollar (\$1.00) for each one thousand dollars
15 (\$1,000) of net taxable value and that may be in addition to
16 levies authorized by the College District Tax Act;

17 (2) a broad vocational and technical
18 education program serving a sufficient number of students to
19 achieve economic viability; and

20 (3) compliance with the state plan for
21 vocational education. "

22 Section 20. TEMPORARY PROVISIONS. -- Upon the effective
23 date of this act:

24 A. those post-secondary educational institutions
25 organized pursuant to Chapter 21, Article 17 NMSA 1978 shall
be deemed to be organized pursuant to Chapter 21, Article 16
NMSA 1978;

B. all personnel, money, appropriations, records,

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1 equipment and other property acquired by the post-secondary
2 educational institutions organized pursuant to Chapter 21,
3 Article 17 NMSA 1978 prior to the effective date of this act
4 shall be deemed transferred to the respective technical and
5 vocational institution deemed to be organized pursuant to
6 Chapter 21, Article 16 NMSA 1978 on the effective date of this
7 act and held by that technical and vocational institute until
8 such institute is dissolved pursuant to the procedures of the
9 Technical and Vocational Institute Act;

9 C. all taxes levied to pay for any principal and
10 interest on bonds of the area vocational schools in addition
11 to taxes levied for operating, maintaining and providing
12 facilities for area vocational schools shall continue in
13 effect until such levy is disapproved pursuant to the
14 procedures set out in the Technical and Vocational Institute
15 Act;

15 D. all existing contracts and agreements in effect
16 as to the area vocational schools shall be binding and
17 effective as to their successor institutions deemed organized
18 pursuant to the Technical and Vocational Institute Act; and

19 E. all references in law to the area vocational
20 schools organized pursuant to Chapter 21, Article 17 NMSA 1978
21 existing before the effective date of this act shall be
22 construed to be references to technical and vocational
23 institutes organized pursuant to Chapter 21, Article 16 NMSA
24 1978 after the effective date of this act.

24 Section 21. REPEAL. -- Sections 21-14-11, 21-15-1 through
25 21-15-3, 21-16-5, 21-16-9, 21-16-11.1, 21-16-18 and 21-17-1

1 through 21-17-17 NMSA 1978 (being Laws 1963, Chapter 162,
 2 Section 9, Laws 1967, Chapter 66, Sections 1, 2 and 4, Laws
 3 1963, Chapter 108, Section 5, Laws 1968, Chapter 59, Section
 4 2, Laws 1993, Chapter 28, Section 1 and Laws 1993, Chapter
 5 114, Section 1, Laws 1964, (1st S.S.) Chapter 12, Section 3,
 6 Laws 1967, Chapter 177, Sections 1 through 4, Laws 1988,
 7 Chapter 34, Section 1, Laws 1967, Chapter 177, Sections 5 and
 8 6, Laws 1996, Chapter 71, Section 7, Laws 1973, Chapter 325,
 9 Section 2, Laws 1967, Chapter 177, Sections 8, 10, 11 and 13
 10 through 15 and Laws 1972, Chapter 29, Section 2, as amended)
 are repealed.

11 Section 22. EFFECTIVE DATE. --The effective date of the
 12 provisions of this act is July 1, 1999.

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FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

March 16, 1999

Mr. President:

Your EDUCATION COMMITTEE, to whom has been referred

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 299

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

Respectfully submitted,

Cynthia Nava, Chairman

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Boitano, Gorham, Jennings

Absent: None

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HEC/HB 299

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FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

March 19, 1999

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been
referred

HOUSE EDUCATION COMMITTEE SUBSTITUTE
FOR HOUSE BILL 299

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

Respectfully submitted,

Shannon Robinson, Chairman