



The Legislature
of the
State of New Mexico

49th Legislature, First Session

LAWS 2009

CHAPTER 47

SENATE BILL 28, as amended

Introduced by

SENATOR MARY JANE M. GARCIA



CHAPTER 47

AN ACT

1
2 RELATING TO HIGHER EDUCATION; CHANGING THE PROPORTION OF THE
3 PRESIDENT'S GRATIS SCHOLARSHIPS AT PUBLIC POST-SECONDARY
4 EDUCATIONAL INSTITUTIONS TO BE GRANTED BASED ON FINANCIAL
5 NEED.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 Section 1. Section 21-1-2 NMSA 1978 (being Laws 1970,
9 Chapter 9, Section 1, as amended) is amended to read:

10 "21-1-2. MATRICULATION AND TUITION FEES.--

11 A. Except as otherwise provided in this section
12 and in Section 21-1-4.3 NMSA 1978, the boards of regents of
13 the university of New Mexico, New Mexico state university,
14 New Mexico highlands university, western New Mexico
15 university, eastern New Mexico university, New Mexico
16 military institute and New Mexico institute of mining and
17 technology shall establish and charge matriculation fees and
18 tuition fees as follows:

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

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

25 (3) each student who is not a resident of

1 New Mexico shall be charged a tuition fee of not less than
2 fifty dollars (\$50.00) a year;

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

6 (5) each student may be charged a tuition
7 fee for extension courses.

8 B. Except as otherwise provided in this section
9 and in Section 21-1-4.3 NMSA 1978, the board of regents of
10 northern New Mexico college shall establish and charge each
11 student a matriculation fee and a tuition fee.

12 C. The board of regents of each institution may
13 establish and grant gratis scholarships to students who are
14 residents of New Mexico in an amount not to exceed the
15 matriculation fee or tuition and fees, or both. These
16 scholarships are in addition to the lottery tuition
17 scholarships authorized in Section 21-1-4.3 NMSA 1978 and
18 shall be granted to the full extent of available funds before
19 lottery tuition scholarships are granted. The number of
20 scholarships established and granted pursuant to this
21 subsection shall not exceed three percent of the preceding
22 fall semester enrollment in each institution and shall not be
23 established and granted for summer sessions. The president
24 of each institution shall select and recommend to the board
25 of regents of the institution, as recipients of scholarships,

1 students who possess good moral character and satisfactory
2 initiative, scholastic standing and personality. Beginning
3 with the fall semester of 2010, a minimum of one-half of the
4 gratis scholarships established and granted by each board of
5 regents each year shall be granted on the basis of financial
6 need, and beginning with the fall semester of 2011, a minimum
7 of two-thirds of the gratis scholarships established and
8 granted by each board of regents each year shall be granted
9 on the basis of financial need.

10 D. The board of regents or governing board of each
11 institution set out in this subsection may establish and
12 grant, in addition to those scholarships provided for in
13 Subsection C of this section, athletic scholarships for
14 tuition and fees. In no event shall the board of regents of
15 any institution be allowed to award scholarships for tuition
16 and fees for more than the number of athletic scholarships
17 set out in this subsection and in no event shall more than
18 seventy-five percent of the scholarships granted be for
19 out-of-state residents:

20 (1) the board of regents of the university
21 of New Mexico may grant up to two hundred ninety-three
22 athletic scholarships;

23 (2) the board of regents of New Mexico state
24 university may grant up to two hundred seventy athletic
25 scholarships;

1 (3) the boards of regents of New Mexico
2 highlands university, eastern New Mexico university and
3 western New Mexico university may each grant up to one
4 hundred forty athletic scholarships; and

5 (4) the governing board of New Mexico junior
6 college may grant up to fifty-two athletic scholarships.

7 E. In the event that the number of athletic
8 scholarships exceeds the number of athletic scholarships
9 permitted that institution by regulations and bylaws of the
10 national collegiate athletic association or the national
11 association of intercollegiate athletics of which that
12 institution is a member, the appropriate board of regents
13 shall reduce the number of authorized tuition scholarships to
14 comply with association rules and regulations.

15 F. Matriculation fees and tuition fees shall be
16 fixed and made payable as directed by the board of regents of
17 each institution, collected by the officers of each
18 institution and accounted for as are other funds of the
19 institutions. Matriculation fees shall be charged only once
20 for each institution in which a student enrolls."

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

23 "21-13-19. ENROLLMENT DEFINED--PAYMENTS.--

24 A. For those students in community colleges taking
25 college-level courses, full-time-equivalent students shall be

1 defined and computed by the higher education department in
2 the same manner in which it defines and computes
3 full-time-equivalent students for all other college-level
4 programs within its jurisdiction.

5 B. No student shall be included in any
6 calculations made under the provisions of this section if the
7 student is enrolled in a course the cost of which is totally
8 reimbursed from federal, state or private sources.

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

21 D. The higher education department shall require
22 from the community college such reports as the department
23 deems necessary for the purpose of determining the number of
24 full-time-equivalent students at the community college
25 eligible to receive support under this section.

1 E. A community college board shall establish
2 tuition and fee rates for its respective institutions for
3 full-time, part-time, resident and nonresident students, as
4 defined by the higher education department.

5 F. A community college board may establish and
6 grant gratis scholarships to students who are residents of
7 New Mexico in an amount not to exceed the matriculation fee
8 or tuition and fees, or both. The gratis scholarships are in
9 addition to the lottery tuition scholarships authorized in
10 Section 21-13-10 NMSA 1978 and shall be granted to the full
11 extent of available funds before lottery tuition scholarships
12 are granted. The number of scholarships established and
13 granted pursuant to this subsection shall not exceed three
14 percent of the preceding fall semester enrollment in each
15 institution and shall not be established and granted for
16 summer sessions. The president of each institution shall
17 select and recommend to the community college board of the
18 president's institution, as recipients of scholarships,
19 students who possess good moral character and satisfactory
20 initiative, scholastic standing and personality. All of the
21 gratis scholarships established and granted by each community
22 college board each year shall be granted on the basis of
23 financial need.

24 G. A student in a home school or private school
25 who meets the eligibility criteria in rules promulgated by

1 the public education department and higher education
2 department may apply for dual credit courses, provided that
3 the student pays the full cost of dual credit courses."

4 Section 3. 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 Chapter 21,
13 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
21 three percent of the preceding fall semester enrollment in
22 the 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
25 regents of the president's institution, as recipients of

1 scholarships, students who possess good moral character and
2 satisfactory initiative, scholastic standing and personality.
3 Beginning with the fall semester of 2010, a minimum of
4 one-half of the gratis scholarships established and granted
5 by the board of regents for a branch community college each
6 year shall be granted on the basis of financial need, and
7 beginning with the fall semester of 2011, a minimum of
8 two-thirds of the gratis scholarships established and granted
9 by each board of regents each year shall be granted on the
10 basis of financial need."

11 Section 4. Section 21-16-10 NMSA 1978 (being Laws 1968,
12 Chapter 59, Section 3, as amended) is amended to read:

13 "21-16-10. APPROPRIATION--DISTRIBUTION.--

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

21 B. The higher education department shall by rule
22 provide for the method for calculating the number of
23 full-time-equivalent students in technical and vocational
24 institutes. No student shall be included in any calculation
25 of the number of full-time-equivalent students if the student

1 is enrolled in a course, the cost of which is totally
2 reimbursed from federal, state or private sources.

3 C. The higher education department shall not
4 recommend an appropriation greater than three hundred
5 twenty-five dollars (\$325) for each full-time-equivalent
6 student for any technical and vocational institute that
7 levies a tax at a rate less than two dollars (\$2.00), unless
8 a lower amount is required by operation of the rate
9 limitation provisions of Section 7-37-7.1 NMSA 1978 upon a
10 rate approved by the electors of at least two dollars (\$2.00)
11 on each one thousand dollars (\$1,000) of net taxable value,
12 as that term is defined in the Property Tax Code, or any
13 technical and vocational institute that reduces a previously
14 authorized tax levy, except as required by the operation of
15 the rate limitation provisions of Section 7-37-7.1 NMSA 1978.

16 D. The board may establish and grant gratis
17 scholarships to students who are residents of New Mexico in an
18 amount not to exceed the matriculation fee or tuition and
19 fees, or both. The gratis scholarships are in addition to the
20 lottery tuition scholarships authorized in Section 21-16-10.1
21 NMSA 1978 and shall be granted to the full extent of available
22 funds before lottery tuition scholarships are granted. The
23 number of scholarships established and granted pursuant to
24 this subsection shall not exceed three percent of the
25 preceding fall semester enrollment in the technical and

Diane D. Denish

Diane D. Denish, President
Senate

Lenore M. Naranjo
Lenore M. Naranjo, Chief Clerk
Senate

Ben Lujan

Ben Lujan, Speaker
House of Representatives

Stephen R. Arias

Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this 31st day of March, 2009

Bill Richardson

Governor Bill Richardson
State of New Mexico

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