



The Legislature
of the
State of New Mexico

51st Legislature, 1st Session

LAWS 2013

CHAPTER _____

HOUSE BILL 327

~~POCKET VETOED~~

Introduced by

REPRESENTATIVE BRIAN F. EGOLF AND SENATOR PHIL A. GRIEGO

REPRESENTATIVE JIM R. TRUJILLO



1 AN ACT

2 RELATING TO HIGHER EDUCATION; REQUIRING THE HIGHER EDUCATION
3 DEPARTMENT TO INCLUDE ALL PHYSICAL EDUCATION STUDENT CREDIT
4 HOURS FOR PURPOSES OF DETERMINING FUNDING FOR COMMUNITY
5 COLLEGES AND BRANCH COMMUNITY COLLEGES THAT PROVIDE PHYSICAL
6 EDUCATION.

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

9 SECTION 1. Section 21-13-19 NMSA 1978 (being Laws 1968,
10 Chapter 70, Section 2, as amended) is amended to read:

11 "21-13-19. ENROLLMENT DEFINED--PAYMENTS.--

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

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

22 C. The higher education department shall not
23 recommend an appropriation greater than three hundred
24 twenty-five dollars (\$325) for each full-time-equivalent
25 student for any community college that levies a tax at a rate

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

9 D. The higher education department shall require
10 from the community college such reports as the department
11 deems necessary for the purpose of determining the number of
12 full-time-equivalent students at the community college
13 eligible to receive support under this section.

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

18 F. A community college board may establish and
19 grant gratis scholarships to students who are residents of New
20 Mexico in an amount not to exceed the matriculation fee or
21 tuition and fees, or both. The gratis scholarships are in
22 addition to the lottery tuition scholarships authorized in
23 Section 21-13-10 NMSA 1978 and shall be granted to the full
24 extent of available funds before lottery tuition scholarships
25 are granted. The number of scholarships established and

1 granted pursuant to this subsection shall not exceed three
2 percent of the preceding fall semester enrollment in each
3 institution and shall not be established and granted for
4 summer sessions. The president of each institution shall
5 select and recommend to the community college board of the
6 president's institution, as recipients of scholarships,
7 students who possess good moral character and satisfactory
8 initiative, scholastic standing and personality. All of the
9 gratis scholarships established and granted by each community
10 college board each year shall be granted on the basis of
11 financial need.

12 G. A student in a home school or private school
13 who meets the eligibility criteria in rules promulgated by the
14 public education department and higher education department
15 may apply for dual credit courses, provided that the student
16 pays the full cost of dual credit courses.

17 H. The higher education department shall include
18 all physical education student credit hours for purposes of
19 determining funding for any community college that provides
20 physical education courses."

21 SECTION 2. Section 21-14-9 NMSA 1978 (being Laws 1973,
22 Chapter 371, Section 1, as amended) is amended to read:

23 "21-14-9. STATE SUPPORT--APPROPRIATION.--

24 A. The higher education department shall recommend
25 an appropriation for each branch community college based upon

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

6 B. The higher education department shall not
7 recommend an appropriation greater than three hundred twenty-
8 five dollars (\$325) for each full-time-equivalent student for
9 any branch community college that levies a tax at a rate less
10 than one dollar (\$1.00), unless a lower amount is required by
11 operation of the rate limitation provisions of Section
12 7-37-7.1 NMSA 1978 upon a rate approved by the electors of at
13 least one dollar (\$1.00) on each one thousand dollars (\$1,000)
14 of net taxable value, as that term is defined in the Property
15 Tax Code, or any branch community college that reduces a
16 previously authorized tax levy, except as required by the
17 operation of the rate limitation provisions of Section
18 7-37-7.1 NMSA 1978.

19 C. The higher education department shall include
20 all physical education student credit hours for purposes of
21 determining funding for any branch community college that
22 provides physical education courses."

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S/ W. KEN MARTINEZ
W. KEN MARTINEZ, SPEAKER
HOUSE OF REPRESENTATIVES

S/ STEPHEN R. ARIAS
STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES

S/ JOHN A. SANCHEZ
JOHN A. SANCHEZ, PRESIDENT
SENATE

S/ LENORE M. NARANJO
LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this _____ day of _____, 2013

SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO

OFFICE OF THE GOVERNOR

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