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HOUSE BILL 69

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Joy Garratt and Leo Jaramillo

AN ACT

RELATING TO HIGHER EDUCATION; ENACTING THE PUBLIC SERVICE LOAN FORGIVENESS MULTIPLIER ACT; PROVIDING A MULTIPLIER FOR ADJUNCT AND CONTINGENT FACULTY AT POST-SECONDARY EDUCATIONAL INSTITUTIONS; PROVIDING FOR THE CERTIFICATION OF FULL-TIME EMPLOYMENT STATUS; PROVIDING FOR NOTICE AND RENEWAL OF A PUBLIC SERVICE LOAN FORGIVENESS FORM; PROVIDING FOR THE DISSEMINATION OF PUBLIC SERVICE LOAN FORGIVENESS INFORMATION.

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

SECTION 1. A new section of Chapter 21 NMSA 1978 is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Public Service Loan Forgiveness Multiplier Act"."

SECTION 2. A new section of Chapter 21 NMSA 1978 is enacted to read:

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1 "[NEW MATERIAL] DEFINITIONS.--As used in the Public
2 Service Loan Forgiveness Multiplier Act:

3 A. "certifying employment" means either completing
4 the employer sections of the public service loan forgiveness
5 form or sharing data directly with the United States department
6 of education that corresponds to the information required for
7 the public service loan forgiveness form;

8 B. "employee" means someone who works for a public
9 service employer, regardless of whether the public service
10 employer considers that work to be full-time or part-time,
11 contingent or contracted, or who receives a form W-2 from the
12 employer;

13 C. "full-time" means the lesser of:

14 (1) working at least an average of thirty
15 hours per week or working at least an average of thirty hours
16 per week throughout a contractual or employment period of at
17 least eight months in a twelve-month period; or

18 (2) an hourly standard adopted by the United
19 States department of education;

20 D. "public service employer" means a post-secondary
21 educational institution in the state that is designated as a
22 qualifying employer under the federal public service loan
23 forgiveness program by the United States department of
24 education;

25 E. "public service loan forgiveness form" means the

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1 form used by the United States department of education to
2 certify an individual's employment at a public service
3 organization and is used to determine eligibility for the
4 purposes of the public service loan forgiveness program; and

5 F. "public service loan forgiveness program" means
6 the federal loan forgiveness program established pursuant to 34
7 C.F.R. Section 685.219, as amended."

8 SECTION 3. A new section of Chapter 21 NMSA 1978 is
9 enacted to read:

10 "[NEW MATERIAL] CERTIFICATION OF EMPLOYMENT--HOUR
11 MULTIPLIER--DETERMINATION OF FULL-TIME EMPLOYMENT.--

12 A. For the purposes of certifying employment for
13 the public service loan forgiveness program for employees who
14 are former or current adjunct professors or contingent faculty
15 at a post-secondary educational institution, a public service
16 employer shall credit at least four and thirty-five hundredths
17 hours worked for each hour of credit or classroom contact time,
18 regardless of when the hours are worked, including hours worked
19 on or after October 1, 2007. The provisions of this subsection
20 shall not supersede any greater adjustment factor established
21 by a collective bargaining agreement or employer policy in
22 recognition of additional work associated with lecture or
23 classroom time for the purpose of the public service loan
24 forgiveness program and shall have no other applicability for
25 public service employers and employees.

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1 B. When determining whether an employee is
2 considered full-time, for the purpose of certifying employment
3 for the public service loan forgiveness program only, a public
4 service employer shall not treat any adjusted total hours
5 worked pursuant to this section differently from hours worked
6 without an adjustment factor.

7 C. For the purpose of certifying employment only, a
8 public service employer shall:

9 (1) consider as full-time, as necessary, any
10 employee who satisfies the definition of "full-time" pursuant
11 to Subsection C of Section 2 of the Public Service Loan
12 Forgiveness Multiplier Act; and

13 (2) treat as a continuous employment period
14 any consecutive academic terms for which an employee teaches,
15 regardless of whether such hours are taught pursuant to
16 separate employment contracts and regardless of whether such
17 academic terms are separated by routine academic vacation, but
18 only to the extent that doing so maximizes the amount of time
19 for which an employee's employment can be considered full-time.

20 D. A public service employer shall adopt a policy
21 of maximizing the amount of time for which an employee's
22 employment can be considered full-time. Nothing in this
23 section shall require a public service employee to increase the
24 number of contracted hours for which the employee is paid.

25 E. Notwithstanding the provisions of this section,

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1 should the United States department of education promulgate
2 rules related to the calculation of hours worked for the
3 purposes of certifying employment for the public service loan
4 forgiveness program that are more favorable to employees than
5 those requirements provided herein, those rules shall govern."

6 SECTION 4. A new section of Chapter 21 NMSA 1978 is
7 enacted to read:

8 "[NEW MATERIAL] EMPLOYMENT CERTIFICATION--PUBLIC SERVICE
9 LOAN FORGIVENESS FORM--CALCULATION OF TIME WORKED.--

10 A. In the event that the United States department
11 of education permits public service employers to certify
12 employment for past or present individual employees or groups
13 of employees directly with the United States department of
14 education or its agents, notwithstanding any other provision of
15 law, a public service employer shall be permitted to send to
16 the United States department of education or its agents the
17 information necessary for employment certification.

18 B. Subject to the provisions of this section, a
19 public service employer shall certify the employment of:

20 (1) any former or current employee who
21 requests that the public service employer complete a public
22 service loan forgiveness form; and

23 (2) any employee who is ending work with the
24 public service employer.

25 C. The public service employer shall certify the

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1 period of employment requested by the former or current
2 employee or, if no period is specified, shall certify a former
3 or current employee's entire period of employment.

4 D. Post-secondary educational institutions shall
5 use the calculation established in Section 3 of the Public
6 Service Loan Forgiveness Multiplier Act and may apply it to
7 hours worked beginning October 1, 2007, only for the purpose of
8 determining whether a part-time employee is considered full-
9 time for the public service loan forgiveness program.

10 E. A public service employer shall not unreasonably
11 delay certifying employment.

12 F. Nothing in this section shall prevent a public
13 service employer from seeking permission from employees prior
14 to certifying the employees' employment."

15 SECTION 5. A new section of Chapter 21 NMSA 1978 is
16 enacted to read:

17 "[NEW MATERIAL] HIGHER EDUCATION DEPARTMENT DUTIES--PUBLIC
18 SERVICE EMPLOYER DUTIES--DISSEMINATION OF LOAN FORGIVENESS
19 INFORMATION.--

20 A. The secretary of higher education or the
21 secretary's designee shall develop and update, as necessary,
22 materials designed to promote and increase awareness of the
23 public service loan forgiveness program. The secretary or the
24 secretary's designee may use materials developed by other state
25 agencies or by the United States department of education, as

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1 appropriate. The materials shall include:

2 (1) a standardized letter for public service
3 employers to distribute to employees that briefly summarizes
4 the public service loan forgiveness program, provides
5 information about what eligible employees are required to do to
6 benefit from the program and recommends that eligible employees
7 contact their student loan service for additional resources;

8 (2) a detailed fact sheet describing the
9 public service loan forgiveness program, including the official
10 websites maintained by the United States department of
11 education for the program and by the United States department
12 of the treasury for student loan borrower resources; and

13 (3) a document containing frequently asked
14 questions about the public service loan forgiveness program.

15 B. The secretary of higher education shall
16 coordinate with other state agencies and offices, as necessary,
17 to make the materials available to public service employers.

18 C. Each public service employer shall annually
19 provide to all employees the most recent available version of
20 the materials required pursuant to Subsection A of this section
21 in written or electronic form. In addition to those materials,
22 a public service employer shall provide a newly hired employee
23 with those same materials within thirty days of the employee's
24 first day of employment by mail, by electronic mail or during
25 an in-person new employee orientation."

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SECTION 6. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.