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SENATE BILL 590

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Richard M. Romero

AN ACT

RELATING TO LOTTERY SCHOLARSHIPS; ENABLING STUDENTS WHOSE FAMILIES CHOOSE TO CLAIM THE FEDERAL HOPE SCHOLARSHIP TAX CREDIT OR LIFETIME LEARNING TAX CREDIT TO RECEIVE REDUCED LOTTERY TUITION SCHOLARSHIPS; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 21-1-4.3 NMSA 1978 (being Laws 1996, Chapter 71, Section 3, as amended) is amended to read:

"21-1-4.3. TUITION SCHOLARSHIPS AUTHORIZED-- CERTAIN EDUCATIONAL INSTITUTIONS. --

A. To the extent that funds are made available by the legislature from the lottery tuition fund, the boards of regents of New Mexico state university, New Mexico institute of mining and technology, eastern New Mexico university,

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1 western New Mexico university, the university of New Mexico,
2 New Mexico highlands university and northern New Mexico state
3 school shall award tuition scholarships for qualified resident
4 students attending their respective institutions and branches
5 of those institutions.

6 B. Except as authorized in Subsection C of this
7 section, the tuition scholarships authorized in this section
8 shall apply only to full-time resident students who,
9 immediately upon completion of a high school curriculum at a
10 public or accredited private New Mexico high school or upon
11 receiving a graduate equivalent diploma, are accepted for
12 entrance to and attend one of the state educational
13 institutions set forth in this section or one of the branches
14 of those institutions. Each tuition scholarship shall be
15 awarded for up to four consecutive years beginning the second
16 semester of the recipient's first year of enrollment, provided
17 that the 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.

20 C. The tuition scholarships authorized in this
21 section shall also apply to full-time resident students who,
22 immediately upon completion of a high school curriculum at a
23 public or accredited private New Mexico high school or upon
24 receiving a graduate equivalent diploma, attend a two-year
25 public post-secondary educational institution in New Mexico

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1 and who, upon the completion of that curriculum or at the end
2 of two years, whichever is sooner, transfer to one of the
3 post-secondary state educational institutions set forth in
4 this section. Those students shall be eligible for a tuition
5 scholarship for two consecutive years, provided that those
6 students maintain residency in New Mexico, maintain a grade
7 point average of 2.5 or higher on a 4.0 scale and attend the
8 institution full time during the regular academic year.

9 D. The tuition scholarships authorized in this
10 section shall also apply to full-time resident students who:

11 (1) within one hundred twenty days of
12 completion of a high school curriculum at a public or
13 accredited private New Mexico high school, or of receiving a
14 graduate equivalent diploma, begin service in the United
15 States armed forces; and

16 (2) within one hundred twenty days of
17 completion of honorable service or medical discharge from the
18 service are accepted for entrance to and attend one of the
19 state educational institutions set forth in this section.

20 E. The commission on higher education shall
21 prepare guidelines setting forth explicit student continuing
22 eligibility criteria and guidelines for administration of the
23 tuition scholarship program. Guidelines shall be distributed
24 to the board of regents of each institution to enable a
25 uniform availability of the resident student tuition

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1 scholarships.

2 F. A student who qualifies for a lottery tuition
3 scholarship pursuant to this section and whose family has or
4 will claim a federal hope scholarship tax credit or federal
5 lifetime learning tax credit for qualified tuition and
6 expenses incurred by the student shall be eligible for a
7 reduced lottery tuition scholarship equal to the amount of the
8 lottery tuition scholarship authorized for that year less the
9 amount of the tuition paid for which a federal tax credit has
10 been or will be taken for the year to which the lottery
11 tuition scholarship applies or shall forgo the lottery tuition
12 scholarship for the year, if the amount of tuition paid for
13 which a federal tax credit has been or will be claimed exceeds
14 the lottery tuition scholarship amount for that year. The
15 commission on higher education shall provide information about
16 the federal hope scholarship tax credit and federal lifetime
17 learning tax credit to eligible students and their families
18 and encourage families who would benefit from taking the
19 federal tax credit to do so as a way to provide greater
20 lottery tuition scholarship benefits for more students."

21 Section 2. Section 21-13-10 NMSA 1978 (being Laws 1963,
22 Chapter 17, Section 9, as amended) is amended to read:

23 "21-13-10. BOARD DUTIES. --

24 A. It is the duty of the community college board
25 to determine financial and educational policies of the

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1 community college. The community college board shall provide
2 for the management of the community college and execution of
3 these policies by selecting a competent president for the
4 community college, and, upon the president's recommendation,
5 the board shall employ other administrative personnel,
6 instructional staff or other personnel as may be needed for
7 the operation, maintenance and administration of the community
8 college.

9 B. The community college board shall have the
10 power to fix tuition and fee rates for resident and
11 nonresident students of the district, to accept gifts, to
12 accept federal aid, to purchase, hold, sell and rent property
13 and equipment and to promote the general welfare of the
14 institution for the best interest of educational service to
15 the people of the community college district.

16 C. To the extent that funds are made available by
17 the legislature from the lottery tuition fund, the community
18 college board shall award tuition scholarships for qualified
19 resident students attending their respective institutions.
20 All other scholarship funds available to the board shall be
21 used before granting any lottery tuition scholarships.

22 D. 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 community college. Each tuition
3 scholarship shall be awarded for up to two consecutive years
4 beginning the second semester of the recipient's first year of
5 enrollment, provided that the recipient has maintained
6 residency in New Mexico and maintained a grade-point average
7 of 2.5 or higher on a 4.0 scale during his first semester of
8 full-time enrollment.

9 E. The commission on higher education shall
10 prepare guidelines setting forth explicit student continuing
11 eligibility criteria and guidelines for administration of the
12 tuition scholarship program. Guidelines shall be distributed
13 to community college boards to enable a uniform availability
14 of the scholarship.

15 F. A student who qualifies for a lottery tuition
16 scholarship pursuant to this section and whose family has or
17 will claim a federal hope scholarship tax credit or federal
18 lifetime learning tax credit for qualified tuition and
19 expenses incurred by the student shall be eligible for a
20 reduced lottery tuition scholarship equal to the amount of the
21 lottery tuition scholarship authorized for that year less the
22 amount of the tuition paid for which a federal tax credit has
23 been or will be taken for the year to which the lottery
24 tuition scholarship applies or shall forgo the lottery tuition
25 scholarship for the year, if the amount of tuition paid for

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1 which a federal tax credit has been or will be claimed exceeds
2 the lottery tuition scholarship amount for that year. The
3 commission on higher education shall provide information about
4 the federal hope scholarship tax credit and federal lifetime
5 learning tax credit to eligible students and their families
6 and encourage families who would benefit from taking the
7 federal tax credit to do so as a way to provide greater
8 lottery tuition scholarship benefits for more students."

9 Section 3. Section 21-16-10.1 NMSA 1978 (being Laws
10 1996, Chapter 71, Section 6, as amended) is amended to read:

11 "21-16-10.1. TUITION SCHOLARSHIPS AUTHORIZED. --

12 A. To the extent that funds are made available by
13 the legislature from the lottery tuition fund, the board of a
14 technical and vocational institute shall award tuition
15 scholarships for qualified resident students attending a
16 technical and vocational institute. All other scholarship
17 funds available to the board shall be used before granting any
18 lottery tuition scholarships.

19 B. The tuition scholarships authorized in this
20 section shall apply only to full-time resident students who,
21 immediately upon completion of a high school curriculum at a
22 public or accredited private New Mexico high school or upon
23 receiving a graduate equivalent diploma, are accepted for
24 entrance to and attend a technical and vocational institute.
25 Each tuition scholarship shall be awarded for up to two

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1 consecutive years beginning the second semester of the
2 recipient's first year of enrollment, provided that the
3 recipient has maintained residency in New Mexico and
4 maintained a grade-point average of 2.5 or higher on a 4.0
5 scale during his first semester of full-time enrollment with
6 renewal of an additional two years upon transfer.

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

13 D. A student who qualifies for a lottery tuition
14 scholarship pursuant to this section and whose family has or
15 will claim a federal hope scholarship tax credit or federal
16 lifetime learning tax credit for qualified tuition and
17 expenses incurred by the student shall be eligible for a
18 reduced lottery tuition scholarship equal to the amount of the
19 lottery tuition scholarship authorized for that year less the
20 amount of the tuition paid for which a federal tax credit has
21 been or will be taken for the year to which the lottery
22 tuition scholarship applies or shall forgo the lottery tuition
23 scholarship for the year, if the amount of tuition paid for
24 which a federal tax credit has been or will be claimed exceeds
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2 the federal hope scholarship tax credit and federal lifetime
3 learning tax credit to eligible students and their families
4 and encourage families who would benefit from taking the
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