

HOUSE BILL 145

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Thomas C. Taylor and Timothy M. Keller

AN ACT

RELATING TO HIGHER EDUCATION; INCREASING ELIGIBILITY FOR  
LEGISLATIVE LOTTERY SCHOLARSHIPS TO INCLUDE MILITARY DEPENDENTS  
OF NEW MEXICO RESIDENTS; CLARIFYING THAT INITIAL QUALIFICATIONS  
FOR LEGISLATIVE LOTTERY SCHOLARSHIPS ARE THE SAME AT ALL PUBLIC  
POST-SECONDARY EDUCATIONAL INSTITUTIONS.

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. LEGISLATIVE LOTTERY 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, western

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

6 B. Except as otherwise authorized in this section,  
7 the legislative lottery 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 legislative lottery scholarship  
15 shall be awarded for up to four consecutive years beginning the  
16 second semester of the recipient's first year of enrollment if  
17 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 the first semester of full-time enrollment.

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

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1 Mexico and who, upon the completion of that curriculum or at  
2 the end of two years, whichever is sooner, transfer to one of  
3 the post-secondary state educational institutions set forth in  
4 this section. Those students shall be eligible for a  
5 legislative lottery scholarship for two consecutive years if  
6 they maintain residency in New Mexico, maintain a grade point  
7 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 legislative lottery scholarships authorized  
10 in this section shall also apply to full-time resident students  
11 who:

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

17 (2) within one year of completion of honorable  
18 service or medical discharge from the service, attend one of  
19 the state educational institutions set forth in this section.

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

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1 legislative lottery scholarships.

2 F. For purposes of the legislative lottery  
3 scholarship program as it applies to students with  
4 disabilities who may require special accommodations, the  
5 higher education department, in consultation with the student  
6 and the office at the institution that serves students with  
7 disabilities, shall review both the definition of "full time"  
8 and the maximum number of consecutive semesters of  
9 eligibility and adjust either or both as deemed reasonable  
10 and appropriate, based on the student's disability needs. In  
11 no case, however, shall "full time" mean fewer than six  
12 credit hours per semester, and in no case shall eligibility  
13 extend beyond fourteen consecutive semesters.

14 G. As used in this section, "graduate equivalent  
15 diploma" means:

16 (1) a diploma or, beginning with the 2010-  
17 2011 school year, a diploma of excellence earned from a New  
18 Mexico public high school;

19 (2) a diploma earned from an accredited New  
20 Mexico private high school;

21 (3) a diploma earned from an out-of-state  
22 high school for which the secretary of public education made  
23 supplemental distributions to pay the secondary out-of-state  
24 tuition of the student because school facilities were not  
25 reasonably available in the New Mexico school district of the

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1 student's residence, pursuant to Section 22-8-30 NMSA 1978;

2 (4) a general educational development  
3 certificate, the date of issuance of which shall be  
4 considered the graduation date; or

5 (5) an equivalent high school diploma at a  
6 high school outside New Mexico if the student is a dependent  
7 of and domiciled with a New Mexico resident who is paying New  
8 Mexico income taxes but who, as a result of service in the  
9 United States armed forces, is stationed outside New Mexico  
10 at the time of graduation."

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

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

14 A. It is the duty of the community college board  
15 to determine financial and educational policies of the  
16 community college. The community college board shall provide  
17 for the management of the community college and execution of  
18 these policies by selecting a competent president for the  
19 community college, and, upon the president's recommendation,  
20 the board shall employ other administrative personnel,  
21 instructional staff or other personnel as may be needed for  
22 the operation, maintenance and administration of the  
23 community college.

24 B. The community college board shall have the  
25 power to fix tuition and fee rates for resident and

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1 nonresident students of the community college district, to  
2 accept gifts, to accept federal aid, to purchase, hold, sell  
3 and rent property and equipment and to promote the general  
4 welfare of the institution for the best interest of  
5 educational service to the people of the community college  
6 district.

7 C. To the extent that funds are made available by  
8 the legislature from the lottery tuition fund, the community  
9 college board shall award legislative lottery scholarships  
10 for qualified resident students attending their respective  
11 institutions.

12 D. Except as otherwise provided in this section,  
13 the legislative lottery scholarships authorized in this  
14 section shall apply only to full-time resident students who,  
15 immediately upon [~~completion of a high school curriculum at a~~  
16 ~~public or accredited private New Mexico high school or upon~~]  
17 receiving a graduate equivalent diploma, are accepted for  
18 entrance to and attend a community college.

19 E. The legislative lottery scholarships  
20 authorized in this section shall also apply to full-time  
21 resident students who:

22 (1) within one hundred twenty days of  
23 receiving a graduate equivalent diploma, begin service in the  
24 United States armed forces; and

25 (2) within one year of completion of

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1 honorable service or medical discharge from the service,  
2 attend a community college.

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

10 ~~[F-]~~ G. The higher education department shall  
11 prepare guidelines setting forth explicit student continuing  
12 eligibility criteria and guidelines for administration of the  
13 legislative lottery scholarship program. Guidelines shall be  
14 distributed to community college boards to enable a uniform  
15 availability of the resident student lottery tuition  
16 scholarships.

17 ~~[F-]~~ H. For purposes of the legislative lottery  
18 scholarship program as it applies to students with  
19 disabilities who may require special accommodations, the  
20 higher education department, in consultation with the student  
21 and the office at the community college that serves students  
22 with disabilities, shall review both the definition of "full  
23 time" and the maximum number of consecutive semesters of  
24 eligibility and adjust either or both as deemed reasonable  
25 and appropriate, based on the student's disability needs. In

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1 no case, however, shall "full time" mean fewer than six  
2 credit hours per semester, and in no case shall eligibility  
3 extend beyond fourteen consecutive semesters.

4 I. As used in this section, "graduate equivalent  
5 diploma" means:

6 (1) a diploma or, beginning with the 2010-  
7 2011 school year, a diploma of excellence earned from a New  
8 Mexico public high school;

9 (2) a diploma earned from an accredited New  
10 Mexico private high school;

11 (3) a diploma earned from an out-of-state  
12 high school for which the secretary of public education made  
13 supplemental distributions to pay the secondary out-of-state  
14 tuition of the student because school facilities were not  
15 reasonably available in the New Mexico school district of the  
16 student's residence, pursuant to Section 22-8-30 NMSA 1978;

17 (4) a general educational development  
18 certificate, the date of issuance of which shall be  
19 considered the graduation date; or

20 (5) an equivalent high school diploma at a  
21 high school outside New Mexico if the student is a dependent  
22 of and domiciled with a New Mexico resident who is paying New  
23 Mexico income taxes but who, as a result of service in the  
24 United States armed forces, is stationed outside New Mexico  
25 at the time of graduation."

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1           SECTION 3. Section 21-16-10.1 NMSA 1978 (being Laws  
2 1996, Chapter 71, Section 6, as amended) is amended to read:

3           "21-16-10.1. LEGISLATIVE LOTTERY SCHOLARSHIPS  
4 AUTHORIZED.--

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

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

24           C. The legislative lottery scholarships  
25 authorized in this section shall also apply to full-time

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1 resident students who:

2 (1) within one hundred twenty days of  
3 receiving a graduate equivalent diploma, begin service in the  
4 United States armed forces; and

5 (2) within one year of completion of  
6 honorable service or medical discharge from the service,  
7 attend a community college.

8 [~~G-~~] D. The higher education department shall  
9 prepare guidelines setting forth explicit student continuing  
10 eligibility criteria and guidelines for administration of the  
11 legislative lottery scholarship program. Guidelines shall be  
12 distributed to the boards of technical and vocational  
13 institutes to enable a uniform availability of the resident  
14 student legislative lottery scholarships.

15 [~~D-~~] E. For purposes of the legislative lottery  
16 scholarship program as it applies to students with  
17 disabilities who may require special accommodations, the  
18 higher education department, in consultation with the student  
19 and the office at the technical and vocational institute that  
20 serves students with disabilities, shall review both the  
21 definition of "full time" and the maximum number of  
22 consecutive semesters of eligibility and adjust either or  
23 both as deemed reasonable and appropriate, based on the  
24 student's disability needs. In no case, however, shall "full  
25 time" mean fewer than six credit hours per semester, and in

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1 no case shall eligibility extend beyond fourteen consecutive  
2 semesters.

3 F. As used in this section, "graduate equivalent  
4 diploma" means:

5 (1) a diploma or, beginning with the 2010-  
6 2011 school year, a diploma of excellence earned from a New  
7 Mexico public high school;

8 (2) a diploma earned from an accredited New  
9 Mexico private high school;

10 (3) a diploma earned from an out-of-state  
11 high school for which the secretary of public education made  
12 supplemental distributions to pay the secondary out-of-state  
13 tuition of the student because school facilities were not  
14 reasonably available in the New Mexico school district of the  
15 student's residence, pursuant to Section 22-8-30 NMSA 1978;

16 (4) a general educational development  
17 certificate, the date of issuance of which shall be  
18 considered the graduation date; or

19 (5) an equivalent high school diploma at a  
20 high school outside New Mexico if the student is a dependent  
21 of and domiciled with a New Mexico resident who is paying New  
22 Mexico income taxes but who, as a result of service in the  
23 United States armed forces, is stationed outside New Mexico  
24 at the time of graduation."

25 SECTION 4. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2014.

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