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HOUSE BILL 348

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

INTRODUCED BY

Alonzo Baldonado

AN ACT

RELATING TO HIGHER EDUCATION; ENACTING THE LEGISLATIVE LOTTERY TUITION WAIVER ACT; PROVIDING FOR A TUITION WAIVER CONDITIONED ON THE ATTAINMENT OF A FOUR-YEAR DEGREE; AMENDING, REPEALING, RECOMPILING AND ENACTING SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1 through 5 of this act may be cited as the "Legislative Lottery Tuition Waiver Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Legislative Lottery Tuition Waiver Act:

A. "community college" means a branch community college of a state educational institution or a community college or technical and vocational institute established

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1 pursuant to Chapter 21, Article 13 or 16 NMSA 1978,  
2 respectively;

3 B. "comprehensive institution" means eastern New  
4 Mexico university, western New Mexico university, New Mexico  
5 highlands university or northern New Mexico college;

6 C. "department" means the higher education  
7 department;

8 D. "fund" means the lottery tuition fund;

9 E. "legislative lottery tuition waiver" means a  
10 conditional waiver for tuition costs incurred by a qualified  
11 student attending any public post-secondary educational  
12 institution;

13 F. "public post-secondary educational institution"  
14 means a community college, comprehensive institution, research  
15 institution or state educational institution;

16 G. "qualified student" means a student who meets  
17 eligibility requirements pursuant to the Legislative Lottery  
18 Tuition Waiver Act and department rules; who graduated with a  
19 diploma from a public or accredited private New Mexico high  
20 school; who completed a home school program in the state; or  
21 who received a high school equivalency credential in the state  
22 and, within thirty months, the student:

23 (1) was accepted for entrance to and attended  
24 a public post-secondary educational institution; or

25 (2) began service in the United States armed

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1 forces and within one year of completion of honorable service  
2 or medical discharge from the service attended a public post-  
3 secondary educational institution;

4 H. "research institution" means the university of  
5 New Mexico, New Mexico state university or New Mexico institute  
6 of mining and technology; and

7 I. "state educational institution" means an  
8 institution of higher education enumerated in Article 12,  
9 Section 11 of the constitution of New Mexico.

10 SECTION 3. [NEW MATERIAL] LEGISLATIVE LOTTERY TUITION  
11 WAIVER--AUTHORIZED--QUALIFIED STUDENTS--CONDITIONS OF WAIVER.--

12 A. To the extent that funds are made available by  
13 the legislature from the fund, the boards of regents or  
14 governing bodies of public post-secondary educational  
15 institutions shall provide legislative lottery tuition waivers  
16 to qualified students attending their respective public post-  
17 secondary educational institutions:

18 (1) after completion of the first semester of  
19 full-time enrollment with a grade point average of 2.5 or  
20 higher on a 4.0 scale at a public post-secondary educational  
21 institution;

22 (2) for up to seven semesters of attendance at  
23 a comprehensive institution, research institution or state  
24 educational institution or three semesters of attendance at a  
25 community college followed by four semesters of attendance at a

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1 comprehensive institution, research institution or state  
2 educational institution; provided that the seven semesters of  
3 eligibility for legislative lottery tuition waivers may be  
4 completed in up to five academic years;

5 (3) for each semester that the qualified  
6 student:

7 (a) maintains residency in New Mexico;

8 (b) maintains a grade point average of  
9 2.5 or higher on a 4.0 scale;

10 (c) completes twelve or more credit  
11 hours; and

12 (d) meets any additional eligibility  
13 requirements established in rule by the department; and

14 (4) provided that the qualified student signs  
15 a contract:

16 (a) acknowledging that the legislative  
17 lottery tuition waiver is conditioned upon the qualified  
18 student's attainment of a bachelor of science or bachelor of  
19 arts degree within five academic years of initial enrollment at  
20 a public post-secondary educational institution; and

21 (b) agreeing to the terms of repayment  
22 in the event the qualified student fails to earn a bachelor of  
23 science or bachelor of arts degree within two years after the  
24 last date of enrollment at a public post-secondary educational  
25 institution.

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1           B. Notwithstanding the eligibility provisions for a  
2 qualified student set forth in this section, the department, in  
3 consultation with a student with disabilities and the office at  
4 a public post-secondary educational institution that serves  
5 students with disabilities, shall review the minimum credit  
6 hours and the maximum number of consecutive semesters required  
7 for eligibility in this section and adjust either or both as  
8 deemed reasonable and appropriate, based on the needs of the  
9 student with disabilities who requires and requests an  
10 accommodation. In no case, however, shall fewer than six  
11 credit hours per semester be required, and in no case shall  
12 eligibility extend beyond fourteen consecutive semesters.

13           SECTION 4. [NEW MATERIAL] LEGISLATIVE LOTTERY TUITION  
14 WAIVER--CONTRACT FOR CONDITIONAL WAIVER--TERMS.--

15           A. The legislative lottery tuition waiver shall be  
16 evidenced by a contract between the qualified student and the  
17 department acting on behalf of the state. The contract shall  
18 provide for the payment by the state of the costs of tuition  
19 and shall be conditioned on the qualified student's attainment  
20 of a four-year degree pursuant to Section 3 of the Legislative  
21 Lottery Tuition Waiver Act.

22           B. In the event the qualified student fails to meet  
23 the requirements of Section 3 of the Legislative Lottery  
24 Tuition Waiver Act, the amount of waived tuition costs shall  
25 become payable:

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1 (1) as a loan with principal-bearing interest  
2 at the rate of seven percent per year;

3 (2) two years after the last date of  
4 enrollment at a public post-secondary educational institution;

5 (3) in monthly increments in the amount and  
6 for the term set by the department in each contract; and

7 (4) with such other provisions and conditions  
8 as determined by the department and contained in the contract.

9 SECTION 5. Section 6-24-23 NMSA 1978 (being Laws 1995,  
10 Chapter 155, Section 23, as amended) is recompiled in the  
11 Legislative Lottery Tuition Waiver Act and is amended to read:

12 "LOTTERY TUITION FUND CREATED--PURPOSE.--

13 A. The "lottery tuition fund" is created in the  
14 state treasury. The fund shall be administered by the  
15 [~~commission on higher education~~] department. Earnings from  
16 investment of the fund shall accrue to the credit of the fund.

17 Any balance in the fund at the end of any fiscal year shall  
18 remain in the fund for appropriation by the legislature as  
19 provided in this section.

20 B. Money in the [~~lottery tuition~~] fund [~~is~~] shall  
21 be appropriated by the legislature to the [~~commission on higher~~  
22 ~~education~~] department for distribution to New Mexico's public  
23 post-secondary educational institutions to provide tuition  
24 assistance for [~~New Mexico resident undergraduates as provided~~  
25 ~~by law~~] qualified students as provided in the Legislative

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1 Lottery Tuition Waiver Act."

2 SECTION 6. Section 21-13-10 NMSA 1978 (being Laws 1963,  
3 Chapter 17, Section 9, as amended) is amended to read:

4 "21-13-10. BOARD DUTIES.--

5 A. It is the duty of the community college board to  
6 determine financial and educational policies of the community  
7 college. The community college board shall provide for the  
8 management of the community college and execution of these  
9 policies by selecting a competent president for the community  
10 college, and, upon the president's recommendation, the board  
11 shall employ other administrative personnel, instructional  
12 staff or other personnel as may be needed for the operation,  
13 maintenance and administration of the community college.

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

21 ~~[G. To the extent that funds are made available by~~  
22 ~~the legislature from the lottery tuition fund, the community~~  
23 ~~college board shall award legislative lottery scholarships for~~  
24 ~~qualified resident students attending their respective~~  
25 ~~institutions.~~

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1           D. ~~The legislative lottery scholarships authorized~~  
2 ~~in this section shall apply only to full-time resident students~~  
3 ~~who, immediately upon completion of a high school curriculum at~~  
4 ~~a public or accredited private New Mexico high school or upon~~  
5 ~~receiving a graduate equivalent diploma, are accepted for~~  
6 ~~entrance to and attend a community college. Each legislative~~  
7 ~~lottery scholarship shall be awarded for up to two consecutive~~  
8 ~~years beginning the second semester of the recipient's first~~  
9 ~~year of enrollment, provided that the recipient has maintained~~  
10 ~~residency in New Mexico and maintained a grade point average of~~  
11 ~~2.5 or higher on a 4.0 scale during the first semester of full-~~  
12 ~~time enrollment.~~

13           E. ~~The higher education department shall prepare~~  
14 ~~guidelines setting forth explicit student continuing~~  
15 ~~eligibility criteria and guidelines for administration of the~~  
16 ~~legislative lottery scholarship program. Guidelines shall be~~  
17 ~~distributed to community college boards to enable a uniform~~  
18 ~~availability of the resident student lottery tuition~~  
19 ~~scholarships.~~

20           F. ~~For purposes of the legislative lottery~~  
21 ~~scholarship program as it applies to students with disabilities~~  
22 ~~who may require special accommodations, the higher education~~  
23 ~~department, in consultation with the student and the office at~~  
24 ~~the community college that serves students with disabilities,~~  
25 ~~shall review both the definition of "full time" and the maximum~~

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1 ~~number of consecutive semesters of eligibility and adjust~~  
2 ~~either or both as deemed reasonable and appropriate, based on~~  
3 ~~the student's disability needs. In no case, however, shall~~  
4 ~~"full time" mean fewer than six credit hours per semester, and~~  
5 ~~in no case shall eligibility extend beyond fourteen consecutive~~  
6 ~~semesters.]"~~

7 SECTION 7. REPEAL.--Sections 21-1-4.3, 21-1-4.4 and  
8 21-16-10.1 NMSA 1978 (being Laws 1996, Chapter 71, Sections 3,  
9 4 and 6, as amended) are repealed.

10 SECTION 8. EMERGENCY.--It is necessary for the public  
11 peace, health and safety that this act take effect immediately.