SENATE BILL 276

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

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AN ACT

RELATING TO HIGHER EDUCATION; AMENDING THE LEGISLATIVE LOTTERY
TUITION SCHOLARSHIP ACT; PROVIDING FOR DIFFERENTIATED AWARDS;
PROVIDING AN APPLICATION PROCESS; REQUIRING ADDITIONAL
REPORTING REQUIREMENTS.

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

SECTION 1. A new section of the Legislative Lottery
Tuition Scholarship Act is enacted to read:

"[NEW MATERIAL] LOTTERY TUITION SCHOLARSHIP--REQUEST
FORM--DEPARTMENT DETERMINATION.--

A. By August 1, 2017, the department shall develop
and provide to all public post-secondary educational
institutions a printed and electronic form for requesting a
lottery tuition scholarship.

B. No later than July 1, 2017 and no later than May

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1   1 of each subsequent year, based on the amount appropriated by

2   the legislature from the fund and on the projected enrollment

3   at all public post-secondary educational institutions, the

4   department shall:

5   (1)   determine the total amount of money

6   available for lottery tuition scholarships at all public post-

7   secondary educational institutions;

8   (2)   maintain, increase or reduce the

9   percentages of lottery tuition scholarships to award the

10   maximum amount available while maintaining the solvency of the

11   fund as projected in the most recent actuarial evaluation of

12   the fund; and

13   (3)   notify all public post-secondary

14   educational institutions of the determinations made pursuant to

15   Paragraphs (1) and (2) of this subsection."

16   **SECTION 2.** A new section of the Legislative Lottery

17   Tuition Scholarship Act is enacted to read:

18   "[NEW MATERIAL] LOTTERY TUITION SCHOLARSHIP--APPLICATION

19   BY STUDENT.--Prior to consideration for a lottery tuition

20   scholarship each year, a student shall timely:

21   A.   submit to the intended public post-secondary

22   educational institution a signed form requesting a lottery

23   tuition scholarship; and

24   B.   file a free application for federal student aid

25   provided pursuant to the federal Higher Education Act of 1965

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1 to produce an expected family contribution amount."

2 **SECTION 3.** Section 21-21N-4 NMSA 1978 (being Laws 2014,

3 Chapter 80, Section 4, as amended) is repealed and a new

4 Section 21-21N-4 NMSA 1978 is enacted to read:

5 "21-21N-4. [NEW MATERIAL] LOTTERY TUITION SCHOLARSHIP--

6 DIFFERENTIATED AWARDS.--

7 A. The amount of a lottery tuition scholarship

8 shall be a percentage of tuition and shall be based on the

9 program semester of enrollment and the type of public post-

10 secondary educational institution the student is attending as

11 follows:

12 (1) for students attending a community

13 college:

14 (a) for the first and second program

15 semesters, up to sixty percent of tuition; and

16 (b) for the third program semester, up

17 to one hundred percent of tuition;

18 (2) for students attending a comprehensive

19 institution:

20 (a) for the first program semester, up

21 to forty percent of tuition;

22 (b) for the second and third program

23 semesters, up to fifty percent of tuition;

24 (c) for the fourth program semester, up

25 to eighty percent of tuition; and

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(d) for the fifth through seventh

program semesters, up to one hundred percent of tuition; and

(3) for students attending a research

institution:

(a) for the first program semester, up

to forty percent of tuition;

(b) for the second and third program

semesters, up to fifty percent of tuition;

(c) for the fourth program semester, up

to eighty percent of tuition; and

(d) for the fifth through seventh

program semesters, up to one hundred percent of tuition.

B. In determining distribution and awards for the

lottery tuition scholarship program, the department shall:

(1) maintain the minimum fund balance pursuant

to Section 21-21N-5 NMSA 1978;

(2) distribute to all public post-secondary

educational institutions an amount not to exceed the remaining

balance in the fund; and

(3) subject to the provisions of Paragraphs

(1) and (2) of this subsection, distribute to each public

post-secondary educational institution an amount based on:

(a) the projected enrollment at each

four-year public post-secondary educational institution of

qualified students in their first through seventh program

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semesters, including qualified students in their fourth through

seventh program semesters who transferred from community

colleges;

(b) the projected enrollment at each

community college of qualified students in their first through

third program semesters; and

(c) a uniform percentage of the average

of in-state tuition costs charged by: 1) research institutions

for each research institution; 2) comprehensive institutions

for each comprehensive institution; and 3) community colleges

for each community college, except that the uniform percentage

for a two-year state educational institution shall be based on

the uniform percentage for community colleges."

SECTION 4. Section 21-21N-6 NMSA 1978 (being Laws 2014,

Chapter 80, Section 6) is amended to read:

"21-21N-6. DEPARTMENT RULEMAKING AND REPORTING.--

A. The department shall promulgate rules setting

forth explicit criteria in accordance with the Legislative

Lottery Tuition Scholarship Act for:

(1) student qualification and continuing

eligibility; [and

(2) calculating the tuition scholarship award

amount pursuant to Section 4 of the Legislative Lottery Tuition

Scholarship Act and guidelines for the administration of the

tuition scholarship program]

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(2) determining the same or any increase or reduction in the percentage of a lottery tuition scholarship award pursuant to the Legislative Lottery Tuition Scholarship Act; and

(3) guidelines for the administration of the lottery tuition scholarship program.

B. Immediately after promulgation, the rules shall be distributed to boards of regents and governing boards of public post-secondary educational institutions.

[B.] C. The department shall report by November 1 of each year to the legislative finance committee and the department of finance and administration on:

(1) the status of the fund;

(2) tuition scholarship program participation data aggregated for each public post-secondary educational institution to show:

(a) the number of qualified students and the number of legacy students who received tuition scholarships in the prior twelve-month period;

(b) the total number of students, including qualified students and legacy students, enrolled in the prior twelve-month period;

(c) for each qualified student and each legacy student, the component amounts of the lottery tuition scholarship received and the amount of unmet need that was not

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offset by the lottery tuition scholarship;

[(c)] (d) for each semester, the amount

of tuition scholarships funded and the amount of tuition costs

that were not offset by the tuition scholarship; [and

(d)] (e) the number of qualified

students and the number of legacy students who graduated with a

degree and, for each qualified student, the number of

consecutive semesters [and nonconsecutive semesters] attended

prior to graduation; and

(f) the number of qualified students and

the number of legacy students who received a lottery tuition

scholarship and subsequently became ineligible for a lottery

tuition scholarship and the reasons for ineligibility; and

(3) any additional information required or

requested by the legislative finance committee or the

department of finance and administration."

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