

HOUSE BILL 217

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO HIGHER EDUCATION; AMENDING THE REQUIREMENTS FOR ELIGIBILITY FOR A STUDENT TO RECEIVE A LEGISLATIVE LOTTERY SCHOLARSHIP IN RESPONSE TO A PUBLIC HEALTH EMERGENCY HSEIC→;
DECLARING AN EMERGENCY←HSEIC .

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

SECTION 1. Section 21-21N-2 NMSA 1978 (being Laws 2014, Chapter 80, Section 2, as amended) is amended to read:

.218882.2AIC March 2, 2021 (10:05am)

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"21-21N-2. DEFINITIONS.--As used in the Legislative Lottery Tuition Scholarship Act:

A. "community college" means a branch community college of a four-year state educational institution, a two-year state educational institution or a community college or technical and vocational institute established pursuant to Chapter 21, Article 13 or 16 NMSA 1978, respectively;

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

C. "department" means the higher education department;

D. "full time" means fifteen or more credit hours each semester of the regular academic year in state educational institutions and twelve or more credit hours each semester of the regular academic year in community colleges or for legacy students in any program semester;

E. "fund" means the lottery tuition fund;

F. "legacy student" means a full-time resident student who has received for three or more program semesters by the end of fiscal year 2014 the legislative lottery scholarship awarded pursuant to the former provisions of Sections 21-1-4.3, 21-13-10 and 21-16-10.1 NMSA 1978 prior to the enactment of the Legislative Lottery Tuition Scholarship Act;

G. "program semesters" means those semesters for

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which a legacy or qualified student may receive a tuition scholarship and excludes the first semester of attendance at a public post-secondary educational institution;

H. "public post-secondary educational institution" means a four-year state educational institution or a community college;

I. "qualified student", except as provided in Section 21-21N-3.1 NMSA 1978, means a full-time student who graduated from a public or accredited private New Mexico high school or who received a high school equivalency credential while maintaining residency in New Mexico and who:

(1) either:

(a) within sixteen months of graduation or receipt of a high school equivalency credential, was accepted for entrance to and attended a public post-secondary educational institution; or

(b) within four months of graduation or receipt of a high school equivalency credential, began service in the United States armed forces and within sixteen months of completion of honorable service or medical discharge from the service, attended a public post-secondary educational institution; and

(2) successfully completed the first semester at a public post-secondary educational institution with a grade point average of 2.5 or higher on a 4.0 scale during the first

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semester of full-time enrollment;

J. "research institution" means the university of New Mexico, New Mexico state university or New Mexico institute of mining and technology;

K. "state educational institution" means an institution of higher education enumerated in Article 12, Section 11 of the constitution of New Mexico;

L. "tribal college" means a tribally, federally or congressionally chartered post-secondary educational institution located in New Mexico that is accredited by the higher learning commission; and

M. "tuition scholarship" means the scholarship that provides tuition assistance per program semester for a qualified student or legacy student attending a public post-secondary educational institution or tribal college."

SECTION 2. Section 21-21N-3 NMSA 1978 (being Laws 2014, Chapter 80, Section 3, as amended by Laws 2019, Chapter 33, Section 1 and by Laws 2019, Chapter 54, Section 2) is amended to read:

"21-21N-3. TUITION SCHOLARSHIPS AUTHORIZED--QUALIFIED STUDENTS.--

A. To the extent that funds are made available by the legislature from the fund, the boards of regents or governing bodies of public post-secondary educational institutions and tribal colleges shall award tuition

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scholarships in department-approved amounts to qualified students and legacy students attending their respective public post-secondary educational institutions.

B. Beginning in fiscal year 2015:

(1) a legacy student is eligible to receive a tuition scholarship until the total number of program semesters for which the legislative lottery scholarship is received pursuant to the former provisions of Sections 21-1-4.3, 21-13-10 and 21-16-10.1 NMSA 1978 or the Legislative Lottery Tuition Scholarship Act reaches eight; provided that the legacy student maintains residency in New Mexico, maintains a grade point average of 2.5 or higher on a 4.0 scale and completes twelve or more credit hours per program semester; and

(2) except as provided in Section 21-21N-3.1 NMSA 1978, a qualified student who is not a legacy student is eligible to receive the tuition scholarship for a maximum of seven program semesters and in an amount determined pursuant to the provisions of Section 21-21N-4 NMSA 1978.

C. Except as otherwise provided in this section and in Section 21-21N-3.1 NMSA 1978, a tuition scholarship may be awarded to a qualified student who:

- (1) maintains residency in New Mexico;
- (2) maintains a grade point average of 2.5 or higher on a 4.0 scale; and
- (3) completes:

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(a) for a student attending a four-year public post-secondary educational institution or a tribal college, fifteen or more credit hours per program semester; and

(b) for a student attending a two-year public post-secondary educational institution, twelve or more credit hours per program semester.

D. For students with disabilities who may require accommodations, the department, in consultation with the student and the office at the public post-secondary educational institution or the tribal college that serves students with disabilities, shall review both the definition of "full time" and the maximum number of consecutive program semesters of eligibility and adjust either or both as deemed reasonable and appropriate, based on the student's disability needs. In no case, however, shall "full time" mean fewer than six credit hours per semester, and in no case shall eligibility extend beyond fourteen consecutive program semesters. The definition of "qualified student" notwithstanding, a New Mexico resident who had to leave the state to receive an education pursuant to the federal Individuals with Disabilities Education Act shall be eligible for a tuition scholarship if the student graduated from an accredited high school in another state and otherwise meets the qualifications for a tuition scholarship pursuant to the definition of "qualified student" and this section."

SECTION 3. A new Section 21-21N-3.1 NMSA 1978 is enacted

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to read:

"21-21N-3.1. [NEW MATERIAL] PUBLIC HEALTH EMERGENCY--
QUALIFIED STUDENTS.--

A. Based on a public health emergency, the secretary of higher education may include in the definition of a "qualified student" a student who graduated from a public or accredited private New Mexico high school or who received a high school equivalency credential while maintaining residency in New Mexico and who:

- (1) maintains residency in New Mexico;
- (2) maintains a cumulative grade point average of 2.0 or higher on a 4.0 scale; and
- (3) completes twelve or more credit hours per program semester at a state educational institution or nine or more hours at a community college.

B. The secretary of higher education may determine that:

- (1) any semester a student receives a tuition scholarship that occurs during a public health emergency does not count as a program semester for which the student received a tuition scholarship; and
- (2) a student who is otherwise eligible for a tuition scholarship who failed to complete a program semester or was not enrolled during a public health emergency remains eligible for a tuition scholarship.

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C. As used in this section, "public health emergency" means a state of public health emergency declared pursuant to Section 12-10A-5 NMSA 1978 HSEIC→affecting the entire state←HSEIC ."

HSEIC→SECTION 4. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.←HSEIC