

1 AN ACT

2 RELATING TO HIGHER EDUCATION SCHOLARSHIPS; AMENDING CERTAIN
3 DEFINITIONS IN THE LEGISLATIVE LOTTERY TUITION SCHOLARSHIP
4 ACT; CHANGING CERTAIN REQUIREMENTS FOR ELIGIBILITY FOR THE
5 LEGISLATIVE LOTTERY TUITION SCHOLARSHIP; LOWERING THE NUMBER
6 OF REQUIRED CREDIT HOURS FOR FALL AND SPRING SEMESTERS FOR
7 LOTTERY SCHOLARSHIPS; PROVIDING AN EXCEPTION TO THE MINIMUM
8 CREDIT-HOUR ELIGIBILITY REQUIREMENT IN THE OPPORTUNITY
9 SCHOLARSHIP ACT; EXEMPTING DUAL CREDIT CLASSES FROM COUNTING
10 TOWARD THE OPPORTUNITY SCHOLARSHIP CREDIT-HOUR CAP; PROVIDING
11 FOR A SHORT-TERM CHANGE IN THE CALCULATION OF THE OPPORTUNITY
12 SCHOLARSHIP DISTRIBUTION.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

17 "21-21N-2. DEFINITIONS.--As used in the Legislative
18 Lottery Tuition Scholarship Act:

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

24 B. "comprehensive institution" means eastern
25 New Mexico university, western New Mexico university,

1 New Mexico highlands university or northern New Mexico
2 college;

3 C. "department" means the higher education
4 department;

5 D. "full time" means thirty or more credit hours
6 each year in state educational institutions and twenty-four
7 or more credit hours each year in community colleges;

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

9 F. "program semesters" means those semesters for
10 which a qualified student may receive a tuition scholarship,
11 which includes the summer semester and excludes the first
12 semester of attendance at a public post-secondary educational
13 institution;

14 G. "public post-secondary educational institution"
15 means a four-year state educational institution or a
16 community college;

17 H. "qualified student" means a full-time student
18 who graduated from a public or accredited private New Mexico
19 high school or completed the requirements of a home-based or
20 nonpublic secondary educational program in New Mexico or
21 received a high school equivalency credential while
22 maintaining residency in New Mexico and who:

23 (1) either:

24 (a) within sixteen months of graduation
25 from or completion of a secondary educational program

1 specified in this subsection, attends a public post-secondary
2 educational institution or tribal college; or

3 (b) within four months of graduation
4 from or completion of a secondary educational program
5 specified in this subsection, began service in the
6 United States armed forces and within sixteen months of
7 completion of honorable service or medical discharge from the
8 service, attends a public post-secondary educational
9 institution or tribal college; and

10 (2) successfully completed the first
11 semester at a public post-secondary educational institution
12 with a grade point average of 2.5 or higher on a 4.0 scale
13 during the first semester and took twelve or more credit
14 hours;

15 I. "research institution" means the university of
16 New Mexico, New Mexico state university or New Mexico
17 institute of mining and technology;

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

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

25 L. "tuition scholarship" means the scholarship

1 that provides tuition assistance per program semester for a
2 qualified student attending a public post-secondary
3 educational institution or tribal college."

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

8 "21-21N-3. TUITION SCHOLARSHIPS AUTHORIZED--QUALIFIED
9 STUDENTS.--

10 A. To the extent that funds are made available by
11 the legislature from the fund, the boards of regents or
12 governing bodies of public post-secondary educational
13 institutions and tribal colleges shall award tuition
14 scholarships in department-approved amounts to qualified
15 students attending their respective public post-secondary
16 educational institutions.

17 B. A qualified student is eligible to receive the
18 tuition scholarship for a maximum of seven fall and spring
19 program semesters and a maximum of three summer semesters, or
20 no more than three and one-half years for a bachelor's
21 degree, in an amount determined pursuant to the provisions of
22 Section 21-21N-4 NMSA 1978.

23 C. Except as otherwise provided in this section, a
24 tuition scholarship may be awarded to a qualified student
25 who:

1 (1) maintains residency in New Mexico;
2 (2) maintains a grade point average of 2.5
3 or higher on a 4.0 scale; and
4 (3) completes:
5 (a) for a student attending a four-year
6 public post-secondary educational institution or a tribal
7 college, thirty credit hours, which may be apportioned among
8 fall through summer semesters, with no fewer than twelve
9 credit hours in the fall and spring semesters and between
10 three and nine credit hours for summer semesters; provided
11 that the department may provide by rule for exceptions to the
12 number of summer semester credit hours; and provided further
13 that a student is not required to attend summer semesters to
14 maintain eligibility; and provided further that credit-hour
15 limits do not apply to the last semester before graduation;
16 and
17 (b) for a student attending a two-year
18 public post-secondary educational institution, twenty-four
19 credit hours, which may be apportioned among fall through
20 summer semesters, with no fewer than nine credit hours in the
21 fall and spring semesters and between three and nine credit
22 hours for summer semesters; provided that the department may
23 provide by rule for exceptions to the number of summer
24 semester credit hours; and provided further that a student is
25 not required to attend summer semesters to maintain

1 eligibility; and provided further that credit-hour limits do
2 not apply to the last semester before graduation.

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

24 SECTION 3. Section 21-21R-2 NMSA 1978 (being Laws 2022,
25 Chapter 42, Section 2) is amended to read:

1 "21-21R-2. DEFINITIONS.--As used in the Opportunity
2 Scholarship Act:

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

8 B. "department" means the higher education
9 department;

10 C. "eligible student" means a New Mexico resident
11 who is enrolled in a public post-secondary educational
12 institution or tribal college at any time following high
13 school graduation or the award of a high school equivalency
14 credential and who meets other conditions for eligibility;

15 D. "public post-secondary educational institution"
16 means a four-year state educational institution or a
17 community college;

18 E. "scholarship" means the opportunity
19 scholarship;

20 F. "state educational institution" means an
21 institution of higher education enumerated in Article 12,
22 Section 11 of the constitution of New Mexico; and

23 G. "tribal college" means a tribally, federally or
24 congressionally chartered post-secondary educational
25 institution located in New Mexico that is accredited by the

1 higher learning commission."

2 SECTION 4. Section 21-21R-3 NMSA 1978 (being Laws 2022,
3 Chapter 42, Section 3) is amended to read:

4 "21-21R-3. CONDITIONS FOR ELIGIBILITY.--

5 A. A scholarship may be awarded to an eligible
6 student who:

7 (1) has not earned a baccalaureate degree at
8 the time the scholarship is awarded;

9 (2) is enrolled in at least six credit hours
10 per semester and no more than eighteen credit hours per fall
11 or spring semester; except that the credit-hour limits do not
12 apply to a student in the last semester before graduation;

13 (3) is enrolled in at least three and no
14 more than nine credit hours per summer semester; provided
15 that a student is not required to attend a summer semester to
16 maintain eligibility;

17 (4) maintains a cumulative grade point
18 average of 2.5 on a 4.0 scale; and

19 (5) has complied with other rules
20 promulgated by the department to carry out the provisions of
21 the Opportunity Scholarship Act.

22 B. A scholarship may be awarded for the summer
23 semester; provided that the student enrolls in at least three
24 and no more than nine credit hours; and provided further that
25 the summer semester is not required to maintain eligibility;

1 and provided further that credit-hour limits do not apply to
2 a student in the last semester before graduation.

3 C. A scholarship may be awarded for one
4 credit-bearing certificate or certificates, only one
5 associate degree and only one bachelor's degree per student.

6 D. A scholarship for a credit-bearing certificate
7 may only be awarded where data indicates that the certificate
8 is in high demand by New Mexico employers as determined by
9 the department in consultation with the workforce solutions
10 department.

11 E. Students with disabilities or exceptional
12 mitigating circumstances may petition for a waiver of
13 eligibility, credit-hour limits or other requirements on a
14 per semester basis. The lead financial aid officer of the
15 public post-secondary institution or tribal college shall
16 exercise professional judgment in consideration of any
17 request for a waiver."

18 SECTION 5. Section 21-21R-4 NMSA 1978 (being Laws 2022,
19 Chapter 42, Section 4) is amended to read:

20 "21-21R-4. SCHOLARSHIP AUTHORIZED--ADMINISTRATION.--

21 A. The department shall administer the Opportunity
22 Scholarship Act and shall promulgate rules to carry out the
23 provisions of that act.

24 B. Scholarships shall be awarded to qualified
25 eligible students in an amount not to exceed one hundred

1 percent of tuition and fees after all other state financial
2 aid has been applied. Qualifications shall be determined by
3 rule of the department.

4 C. Prior to June 1 of each year, based on the
5 amount appropriated by the legislature from the opportunity
6 scholarship fund and on the projected enrollment at all
7 public post-secondary educational institutions and tribal
8 colleges, the department shall:

9 (1) determine the total amount of money
10 available for all scholarships for eligible students;

11 (2) determine the award amount for public
12 post-secondary educational institutions and tribal colleges;
13 and

14 (3) notify all public post-secondary
15 educational institutions and tribal colleges of the
16 determinations made pursuant to Paragraphs (1) and (2) of
17 this subsection.

18 D. In determining distribution and award amounts
19 for the scholarships, the department shall:

20 (1) distribute to all public post-secondary
21 educational institutions and tribal colleges an amount not to
22 exceed the remaining balance in the opportunity scholarship
23 fund; and

24 (2) subject to the provisions of
25 Paragraph (1) of this subsection, distribute to each public

1 post-secondary educational institution and tribal college an
2 amount based on the projected enrollment at each public
3 post-secondary educational institution and tribal college.

4 E. Prior to June 1 of each year through fiscal
5 year 2028, the department shall determine the maximum
6 distribution to each public post-secondary educational
7 institution and tribal college based on the annual increase
8 in the higher education price index for the mountain region."

9 SECTION 6. Section 21-21R-5 NMSA 1978 (being Laws 2022,
10 Chapter 42, Section 5) is amended to read:

11 "21-21R-5. DURATION OF SCHOLARSHIP AUTHORIZED.--

12 A. Each scholarship is for a period of one
13 semester, including the summer semester. A scholarship may
14 be renewed if the eligible student continues to meet the
15 conditions of eligibility.

16 B. Scholarships may be provided to an eligible
17 student until the eligible student receives a credit-bearing
18 certificate or certificates.

19 C. Scholarships may be provided to an eligible
20 student for up to ninety credit hours for the completion of
21 one associate degree; provided that dual credit courses that
22 an eligible student previously completed shall not count
23 toward the credit-hour cap.

24 D. Scholarships may be provided to an eligible
25 student for up to one hundred sixty credit hours for the

