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SENATE BILL

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO LEGAL SERVICES; AMENDING SECTIONS OF THE COMMUNITY GOVERNANCE ATTORNEY ACT; TRANSFERRING THE DUTIES TO PUBLICIZE AND ADMINISTER CONTRACTS FOR THE COMMUNITY GOVERNANCE ATTORNEY AND CONDITIONAL TUITION WAIVER PROGRAM FROM THE HIGHER EDUCATION DEPARTMENT TO THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW; ALLOWING STATE AGENCIES TO HIRE COMMUNITY GOVERNANCE ATTORNEYS; ELIMINATING THE REQUIREMENT FOR EMPLOYING AGENCIES TO PROVIDE FIFTY PERCENT OF ATTORNEY SALARIES IN NONSTATE FUNDS.

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

SECTION 1. Section 21-21Q-3 NMSA 1978 (being Laws 2019, Chapter 43, Section 3, as amended) is amended to read:

"21-21Q-3. COMMUNITY GOVERNANCE ATTORNEY AND CONDITIONAL TUITION WAIVER PROGRAM CREATED--ADMINISTRATION--RULEMAKING

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1 SELECTION PROCESS--REPAYMENT.--

2 A. The "community governance attorney and
3 conditional tuition waiver program" is created and shall be
4 administered by the department. The department shall:

5 (1) promulgate rules [~~for implementing~~] to
6 implement and administer the program and for a reasonable
7 living stipend in consultation with the university; provided
8 that the maximum living stipend shall be based upon the
9 availability of funds and information provided by the
10 university regarding the current cost of attendance at the
11 university;

12 [~~(2) publicize the program to law students and~~
13 ~~to prospective law students;~~

14 ~~(3)]~~ (2) collect and manage repayment from
15 students who do not meet their obligations under the program;
16 and

17 [~~(4) solicit and~~] (3) accept funds for the
18 program, including grants and donations.

19 B. The university shall publicize the program to
20 law students and prospective law students.

21 [~~B.~~] C. Participants shall enter the program in
22 their final year of law school. The [~~department~~] commission
23 shall select participants according to [~~rules it promulgates~~
24 ~~and, in consultation with the commission~~] program rules and
25 shall create a standard process for law students to apply to

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1 participate in the program.

2 ~~[G-]~~ D. The department shall award no more than two
3 new waivers a year, in addition to renewing existing waivers
4 for eligible participants, subject to the availability of
5 funding.

6 ~~[D-]~~ E. Participation in the program shall be
7 evidenced by a contract between the participant and the
8 department. The contract shall provide for the payment of a
9 participant's waiver and shall be conditioned upon the
10 participant fulfilling the program obligations and meeting the
11 university's standards for satisfactory academic progress. An
12 applicant to the program shall sign the contract prior to being
13 accepted into the program.

14 ~~[E-]~~ F. The contract shall include the following
15 terms for repayment of the waiver:

16 (1) interest shall accrue upon termination of
17 the participant's course of study at the following interest
18 rates:

19 (a) eighteen percent per year if the
20 participant completes a course of study and no portion of the
21 principal and interest is forgiven pursuant to Subsection ~~[F]~~ G
22 of this section; and

23 (b) seven percent per year in all other
24 cases; and

25 (2) the maximum period for repayment shall be

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1 ten years, commencing six months from the date the participant
2 completes or discontinues the course of study.

3 ~~[F-]~~ G. The contract shall provide that the
4 department forgive fifty percent of a waiver for each year that
5 a participant is employed full time as a community governance
6 attorney with a maximum salary of not more than fifty thousand
7 dollars (\$50,000) per year, subject to adjustment by the
8 commission pursuant to Subsection ~~[G]~~ H of this section.

9 ~~[G-]~~ H. The commission may approve subsequent
10 increases in the maximum salary established pursuant to
11 Subsection ~~[F]~~ G of this section; provided that the maximum
12 salary shall not exceed the salary rate for entry-level
13 attorneys paid by legal service assistance entities in New
14 Mexico that receive funding from the federally established
15 legal services corporation."

16 **SECTION 2.** Section 21-21Q-4 NMSA 1978 (being Laws 2019,
17 Chapter 43, Section 4) is amended to read:

18 "21-21Q-4. COMMISSION--DUTIES.--

19 A. The "community governance attorney commission"
20 is created. The commission shall be composed of five members
21 as follows:

- 22 (1) the secretary or the secretary's designee;
23 (2) the dean of the university or the dean's
24 designee; and
25 (3) three members appointed by the governor;

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1 provided that one member shall be a member of an acequia, one
2 member shall be a current or past member of the land grant
3 council and one member shall be a current or past member of the
4 colonias infrastructure board and a resident of a colonia.

5 B. Staff and meeting space for the commission shall
6 be provided by the university. The commission shall elect a
7 chair and such other officers as it deems appropriate and shall
8 meet at the call of the chair. Members of the commission shall
9 receive per diem and mileage pursuant to the Per Diem and
10 Mileage Act and shall receive no other compensation.

11 C. The commission shall:

12 (1) make recommendations to the department on
13 applicants for the program;

14 (2) advise the department on the adoption of
15 rules to implement the provisions of the Community Governance
16 Attorney Act; and

17 (3) pursuant to the Procurement Code, solicit
18 proposals for disbursement from the fund for legal services.

19 [~~4~~] D. The university shall, with the approval of
20 the commission, enter into contracts for expenditure of the
21 fund for the purpose of providing community governance attorney
22 services for acequias, land grants-mercedes and low-income
23 residents of colonias on issues regarding the governance of
24 colonias. The contracts shall be entered into with the
25 university, state agencies or [~~with~~] nonprofit organizations

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1 whose mission [~~is to provide~~] includes providing a range of
2 free legal services to acequias, land grants or low-income New
3 Mexicans. No contract shall provide funding in excess of one-
4 half of a full-time community governance attorney position [~~and~~
5 ~~each contract shall be executed only with service providers~~
6 ~~that have secured sufficient matching nonstate funding to~~
7 ~~provide a full-time position; and~~

8 ~~(5) adopt such rules as are necessary to carry~~
9 ~~out the provisions of this section.~~

10 ~~D. The department, pursuant to rules of the~~
11 ~~commission, shall administer the contracts and programs~~
12 ~~provided for in this section]."~~

13 SECTION 3. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2025.