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HOUSE BILL 22

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Daniel P. Silva

AN ACT

**RELATING TO EDUCATION; PROVIDING FOR REVENUE DISTRIBUTIONS TO
THE LOTTERY TUITION FUND TO ENSURE THE FUND'S ABILITY TO
CONTINUE TO PROVIDE TUITION SCHOLARSHIPS TO ELIGIBLE STUDENTS;
AMENDING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION;
DECLARING AN EMERGENCY.**

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

**Section 1. Section 6-24-3 NMSA 1978 (being Laws 1995,
Chapter 155, Section 3) is amended to read:**

**"6-24-3. PURPOSES. --The purposes of the New Mexico
Lottery Act are to:**

**A. establish and provide for the conduct of a fair
and honest lottery for the entertainment of the public; and**

**B. provide the maximum amount of revenues, without
imposing additional taxes or using other state revenues, for**

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1 the ~~[purposes]~~ purpose of

2 ~~[(1) funding critical capital outlay needs of~~
3 ~~the public schools; and~~

4 ~~(2)]~~ providing tuition assistance to resident
5 undergraduates at New Mexico post-secondary educational
6 institutions. "

7 Section 2. Section 6-24-23 NMSA 1978 (being Laws 1995,
8 Chapter 155, Section 23, as amended) is amended to read:

9 "6-24-23. LOTTERY TUITION FUND CREATED- -PURPOSE. -- [A-]

10 The "lottery tuition fund" is created in the state treasury.

11 The fund shall be administered by the ~~commission~~ on higher
12 education. Earnings from investment of the fund shall accrue
13 to the credit of the fund. ~~[Any]~~ The balance in the fund at
14 the end of ~~[any]~~ a fiscal year shall ~~[remain in the fund for~~
15 ~~appropriation by the legislature as provided in this section.~~

16 ~~B. After appropriation, if any, by the legislature~~
17 ~~for scholarships pursuant to Subsection C of Section 21-1-2~~
18 ~~NMSA 1978, the remaining money in the lottery tuition fund]~~
19 not revert to the general fund and is appropriated to the
20 commission on higher education for distribution to New
21 Mexico's public post-secondary educational institutions to
22 provide tuition assistance for New Mexico resident
23 undergraduates as provided by law. "

24 Section 3. Section 6-24-24 NMSA 1978 (being Laws 1995,
25 Chapter 155, Section 24, as amended) is amended to read:

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1 "6-24-24. DISPOSITION OF REVENUE. --

2 A. As nearly as practical, an amount equal to at
3 least fifty percent of the gross annual revenues from the sale
4 of lottery tickets shall be returned to the public in the form
5 of lottery prizes.

6 B. The authority shall transmit all net revenues
7 to the state treasurer [~~who shall deposit fifty percent of the~~
8 ~~revenues in the public school capital outlay fund for~~
9 ~~expenditure pursuant to the provisions of the Public School~~
10 ~~Capital Outlay Act and fifty percent~~] for deposit in the
11 lottery tuition fund. Estimated net revenues shall be
12 transmitted monthly to the state treasurer for deposit in the
13 [~~funds~~] fund; provided that the total amount of annual net
14 revenues for the fiscal year shall be transmitted no later
15 than August 1 each year.

16 C. In determining net revenues, operating expenses
17 of the lottery include all costs incurred in the operation and
18 administration of the lottery and all costs resulting from any
19 contracts entered into for the purchase or lease of goods or
20 services required by the lottery, including the costs of
21 supplies, materials, tickets, independent audit services,
22 independent studies, data transmission, advertising,
23 promotion, incentives, public relations, ~~communications~~,
24 ~~commissions~~ paid to lottery retailers, printing, distribution
25 of tickets, purchases of annuities or investments to be used

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1 to pay future installments of winning lottery tickets, debt
2 service and payment of any revenue bonds issued, contingency
3 reserves, transfers to the reserve fund and any other
4 necessary costs incurred in carrying out the provisions of the
5 New Mexico Lottery Act.

6 D. An amount up to two percent of the gross annual
7 revenues shall be set aside as a reserve fund to cover bonuses
8 and incentive plans for lottery retailers, special promotions
9 for retailers, purchasing special promotional giveaways,
10 sponsoring special promotional events, compulsive gambling
11 rehabilitation and such other purposes as the board deems
12 necessary to maintain the integrity and meet the revenue goals
13 of the lottery. The board shall report annually to the
14 governor and each regular session of the legislature on the
15 use of the money in the reserve fund. Any balance in excess
16 of fifty thousand dollars (\$50,000) at the end of any fiscal
17 year shall be transferred to the lottery tuition fund."

18 Section 4. Section 6-24-27 NMSA 1978 (being Laws 1995,
19 Chapter 155, Section 27) is amended to read:

20 "6-24-27. REVENUE AND BUDGET REPORTS--RECORDS--
21 INDEPENDENT AUDITS.--

22 A. The board shall:

23 (1) submit quarterly and annual reports to
24 the governor, legislative finance committee and lottery
25 oversight committee disclosing the total lottery revenue,

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1 prizes, commissions, ticket costs, operating expenses and net
2 revenues of the authority during the reporting period and, in
3 the annual report, describe the organizational structure of
4 the authority and summarize the functions performed by each
5 organizational division within the authority;

6 (2) maintain weekly or more frequent records
7 of lottery transactions, including the distribution of lottery
8 tickets to retailers, revenue received, claims for prizes,
9 prizes paid, prizes forfeited and other financial transactions
10 of the authority; and

11 (3) use the state government fiscal year.

12 B. The board shall provide, for informational
13 purposes, to the department of finance and administration and
14 the legislative finance committee, by December 1 of each year,
15 a copy of the annual proposed operating budget for the
16 authority for the succeeding fiscal year. This budget
17 proposal shall also be accompanied by an estimate of the net
18 revenues to be deposited in the [~~public school capital outlay~~
19 ~~fund and the~~] lottery tuition fund for the current and
20 succeeding fiscal years.

21 C. The board shall contract with an independent
22 certified public accountant or firm for an annual financial
23 audit of the authority. The certified public accountant or
24 firm shall have no financial interest in any lottery
25 contractor. The certified public accountant or firm shall

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1 present an audit report no later than March 1 for the prior
2 fiscal year. The certified public accountant or firm shall
3 evaluate the internal auditing controls in effect during the
4 audit period. The cost of this financial audit shall be an
5 operating expense of the authority. The legislative finance
6 committee may, at any time, order an audit of any phase of the
7 operations of the authority, at the expense of the authority,
8 and shall receive a copy of the annual independent financial
9 audit. A copy of any audit performed by the certified public
10 accountant or ordered by the legislative finance committee
11 shall be transmitted to the governor, the speaker of the house
12 of representatives, the president pro tempore of the senate,
13 the legislative finance committee and the lottery oversight
14 committee. "

15 Section 5. Section 21-1-2 NMSA 1978 (being Laws 1970,
16 Chapter 9, Section 1, as amended) is amended to read:

17 "21-1-2. [~~MATRICULATION AND~~] TUITION AND FEES--
18 SCHOLARSHIPS. --

19 A. Except as otherwise provided in this section
20 and in Section 21-1-4.3 NMSA 1978, the boards of regents of
21 the university of New Mexico, New Mexico state university, New
22 Mexico highlands university, western New Mexico university,
23 eastern New Mexico university, New Mexico military institute,
24 New Mexico institute of mining and technology and New Mexico
25 junior college shall establish and charge matriculation fees

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1 and tuition fees as follows:

2 (1) each student shall be charged a
3 matriculation fee of not less than five dollars (\$5.00) upon
4 enrolling in each institution;

5 (2) each student who is a resident of New
6 Mexico shall be charged a tuition fee of not less than twenty
7 dollars (\$20.00) a year;

8 (3) each student who is not a resident of New
9 Mexico shall be charged a tuition fee of not less than fifty
10 dollars (\$50.00) a year;

11 (4) each student shall be charged a tuition
12 fee of not less than ten dollars (\$10.00) for each summer
13 session; and

14 (5) each student may be charged a tuition fee
15 for extension courses.

16 B. Except as otherwise provided in this section
17 and in Section 21-1-4.3 NMSA 1978, the board of regents of
18 northern New Mexico state school shall establish and charge
19 each student a matriculation fee and a tuition fee.

20 C. The board of regents of each institution may
21 establish and grant gratis scholarships to students who are
22 residents of New Mexico in an amount not to exceed [the
23 ~~matriculation fee or~~] tuition and fees [~~or both~~]. These
24 scholarships are in addition to the lottery tuition
25 scholarships authorized in Section 21-1-4.3 NMSA 1978 and

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1 shall be granted to the full extent of available funds before
2 lottery tuition scholarships are granted. The number of
3 scholarships established and granted pursuant to this
4 subsection shall not exceed three percent of the preceding
5 fall semester enrollment in each institution and shall not be
6 established and granted for summer sessions. The president of
7 each institution shall select and recommend to the board of
8 regents of his institution, as recipients of scholarships,
9 students who possess good moral character and satisfactory
10 initiative, scholastic standing and personality. At least
11 thirty-three and one-third percent of the gratis scholarships
12 established and granted by each board of regents each year
13 shall be granted on the basis of financial need.

14 D. The board of regents of each institution set
15 out in this subsection may establish and grant, in addition to
16 those scholarships provided for in Subsection C of this
17 section, athletic scholarships for tuition and fees. In no
18 event shall the board of regents of any institution be allowed
19 to award scholarships for tuition and fees for more than the
20 number of athletic scholarships set out in this subsection and
21 in no event shall more than seventy-five percent of the
22 scholarships granted be for out-of-state residents:

23 (1) the board of regents of the university of
24 New Mexico may grant up to two hundred ninety-three athletic
25 scholarships;

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1 (2) the board of regents of New Mexico state
2 university may grant up to two hundred seventy athletic
3 scholarships;

4 (3) the boards of regents of New Mexico
5 highlands university, eastern New Mexico university and
6 western New Mexico university may each grant up to one hundred
7 forty athletic scholarships; and

8 (4) the board of regents of New Mexico junior
9 college may grant up to fifty-two athletic scholarships.

10 E. In the event that the number of athletic
11 scholarships exceeds the number of athletic scholarships
12 permitted that institution by regulations and bylaws of the
13 national collegiate athletic association or the national
14 association of intercollegiate athletics of which that
15 institution is a member, the appropriate board of regents
16 shall reduce the number of authorized tuition scholarships to
17 comply with association rules and regulations.

18 F. Matriculation fees [~~and~~], tuition fees and
19 other fees shall be fixed and made payable as directed by the
20 board of regents of each institution, collected by the
21 officers of each institution and accounted for as are other
22 funds of the institutions. Matriculation fees shall be
23 charged only once for each institution in which a student
24 enrolls. "

25 Section 6. Section 21-1-4.3 NMSA 1978 (being Laws 1996,

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1 Chapter 71, Section 3, as amended) is amended to read:

2 "21-1-4.3. TUITION SCHOLARSHIPS AUTHORIZED-- CERTAIN
3 EDUCATIONAL INSTITUTIONS. --

4 A. To the extent that funds are ~~made~~ available
5 ~~[by the legislature]~~ from the lottery tuition fund, the boards
6 of regents of New Mexico state university, New Mexico
7 institute of mining and technology, eastern New Mexico
8 university, western New Mexico university, the university of
9 New Mexico, New Mexico highlands university and northern New
10 Mexico state school shall award tuition scholarships for
11 qualified resident students attending their respective
12 institutions and branches of those institutions.

13 B. Except as authorized in Subsection C of this
14 section, the tuition scholarships authorized in this section
15 shall ~~apply~~ be awarded only to full-time resident students
16 who, immediately upon completion of a high school curriculum
17 at a public or accredited private New Mexico high school or
18 upon receiving a graduate equivalent diploma, are accepted for
19 entrance to and attend one of the state educational
20 institutions set forth in this section or one of the branches
21 of those institutions. Each tuition scholarship shall be
22 awarded for up to four consecutive years beginning the second
23 semester of the recipient's first year of enrollment, provided
24 that the recipient has maintained residency in New Mexico and
25 maintained a grade point average of 2.5 or higher on a 4.0

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1 scale during his first semester of full-time enrollment.

2 C. The tuition scholarships authorized in this
3 section shall also apply to full-time resident students who,
4 immediately upon completion of a high school curriculum at a
5 public or accredited private New Mexico high school or upon
6 receiving a graduate equivalent diploma, attend a two-year
7 public post-secondary educational institution in New Mexico
8 and who, upon the completion of that curriculum or at the end
9 of two years, whichever is sooner, transfer to one of the
10 post-secondary state educational institutions set forth in
11 this section. Those students shall be eligible for a tuition
12 scholarship for two consecutive years, provided that those
13 students maintain residency in New Mexico, maintain a grade
14 point average of 2.5 or higher on a 4.0 scale and attend the
15 institution full time during the regular academic year.

16 D. The tuition scholarships authorized in this
17 section shall also apply to full-time resident students who:

18 (1) within one hundred twenty days of
19 completion of a high school curriculum at a public or
20 accredited private New Mexico high school, or of receiving a
21 graduate equivalent diploma, begin service in the United
22 States armed forces; and

23 (2) within one hundred twenty days of
24 completion of honorable service or medical discharge from the
25 service are accepted for entrance to and attend one of the

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1 state educational institutions set forth in this section.

2 E. The commission on higher education shall
3 prepare guidelines setting forth explicit student continuing
4 eligibility criteria and guidelines for administration of the
5 tuition scholarship program. Guidelines shall be distributed
6 to the board of regents of each institution to enable a
7 uniform availability of the resident student tuition
8 scholarships. "

9 Section 7. Section 21-1-4.4 NMSA 1978 (being Laws 1996,
10 Chapter 71, Section 4) is amended to read:

11 "21-1-4.4. COMMISSION ON HIGHER EDUCATION-- DETERMINATION
12 OF LOTTERY TUITION SCHOLARSHIPS-- USE OF LOTTERY TUITION
13 FUND. --Prior to June 1 of each year, the commission on higher
14 education shall determine the amount of money available for
15 lottery tuition scholarships at state public post-secondary
16 educational institutions. Based on the amount [~~appropriated~~
17 ~~by the legislature~~] available from the lottery tuition fund
18 and on the projected enrollment at all public post-secondary
19 educational institutions, the commission on higher education
20 shall establish the percentage of tuition that shall be
21 awarded for qualified resident students attending New Mexico
22 public post-secondary educational institutions. The
23 percentage of tuition awarded shall be the same for each
24 institution, regardless of the actual cost of tuition at each
25 institution. "

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1 Section 8. Section 21-13-10 NMSA 1978 (being Laws 1963,
2 Chapter 17, Section 9, as amended) is amended to read:

3 "21-13-10. BOARD DUTIES. --

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

14 B. The community college board shall have the
15 power to fix tuition and fee rates for resident and
16 nonresident students of the 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
20 the people of the community college district.

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

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1 available to the board shall be used before granting any
2 lottery tuition scholarships.

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

15 E. The commission on higher education shall
16 prepare guidelines setting forth explicit student continuing
17 eligibility criteria and guidelines for administration of the
18 tuition scholarship program. Guidelines shall be distributed
19 to community college boards to enable a uniform availability
20 of the scholarship. "

21 Section 9. Section 21-13-19 NMSA 1978 (being Laws 1968,
22 Chapter 70, Section 2, as amended) is amended to read:

23 "21-13-19. ENROLLMENT DEFINED-- PAYMENTS-- SCHOLARSHIPS. --

24 A. For those students in community colleges taking
25 college-level courses, full-time-equivalent students shall be

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1 defined and computed by the commission on higher education in
2 the same manner in which it defines and computes full-time-
3 equivalent students for all other college-level programs
4 within its jurisdiction.

5 B. No student shall be included in any
6 calculations made under the provisions of this section if the
7 student is enrolled in a course the cost of which is totally
8 reimbursed from federal, state or private sources. The public
9 school district shall transfer to the community college the
10 tuition and fees for any student who, during the term, is
11 counted in the membership of the public school district and
12 will receive high school credit for coursework at the
13 community college.

14 C. The commission on higher education shall not
15 recommend an appropriation greater than three hundred twenty-
16 five dollars (\$325) for each full-time-equivalent student for
17 any community college that levies a tax at a rate less than
18 two dollars (\$2.00), unless a lower amount is required by
19 operation of the rate limitation provisions of Section
20 7-37-7.1 NMSA 1978 upon a rate of at least two dollars (\$2.00)
21 on each one thousand dollars (\$1,000) of net taxable value, as
22 that term is defined in the Property Tax Code, or any
23 community college that reduces a previously authorized tax
24 levy, except as required by the operation of the rate
25 limitation provisions of Section 7-37-7.1 NMSA 1978.

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1 D. The commission on higher education shall
2 require from the community college such reports as the
3 commission deems necessary for the purpose of determining the
4 number of full-time-equivalent students at the community
5 college eligible to receive support under this section.

6 E. A community college board shall establish
7 tuition and fee rates for its respective institutions for
8 full-time, part-time, resident and nonresident students, as
9 defined by the commission on higher education.

10 F. A community college board may establish and
11 grant gratis scholarships to students who are residents of New
12 Mexico in an amount not to exceed [~~the matriculation fee or~~]
13 tuition and fees [~~or both. Except as provided for lottery~~
14 ~~scholarships~~]. These scholarships are in addition to the
15 lottery tuition scholarships authorized in Section 21-13-10
16 NMSA 1978 and shall be granted to the full extent of available
17 funds before lottery tuition scholarships are granted. The
18 number of gratis scholarships established and granted shall
19 not exceed three percent of the preceding fall semester
20 enrollment in each institution and shall not be established
21 and granted for summer sessions. The president of each
22 institution shall select and recommend to the community
23 college board of his institution, as recipients of
24 scholarships, students who possess good moral character and
25 satisfactory initiative, scholastic standing and personality.

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1 At least thirty-three and one-third percent of the gratis
2 scholarships established and granted by each community college
3 board each year shall be granted on the basis of financial
4 need. "

5 Section 10. Section 21-14-5 NMSA 1978 (being Laws 1957,
6 Chapter 143, Section 4, as amended) is amended to read:

7 "21-14-5. FINANCING OF BRANCH COMMUNITY COLLEGES--
8 TUITION AND FEE [~~WAIVERS~~] SCHOLARSHIPS. --

9 A. Financing of branch community colleges shall be
10 by tuition and fees, which shall be set by the board of
11 regents of the parent institution, by gifts and grants and by
12 other funds as may be made available pursuant to the
13 provisions of the College District Tax Act or Chapter 21,
14 Article 14 NMSA 1978.

15 B. The board of regents of the respective parent
16 institution of the branch community college may establish and
17 grant gratis scholarships to students of the branch community
18 college who are residents of New Mexico in an amount not to
19 exceed [~~the matriculation fee or~~] tuition and fees [~~or both~~.
20 ~~Except as provided in Section 21-1-4.3 NMSA 1978~~]. These
21 scholarships are in addition to the lottery tuition
22 scholarships authorized in Section 21-1-4.3 NMSA 1978 and
23 shall be granted to the full extent of available funds before
24 lottery tuition scholarships are granted. The number of
25 gratis scholarships established and granted shall not exceed

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1 three percent of the preceding fall semester enrollment in the
2 branch community college and shall not be established and
3 granted for summer sessions. The president of each
4 institution shall select and recommend to the board of regents
5 of his institution, as recipients of scholarships, students
6 who possess good moral character and satisfactory initiative,
7 scholastic standing and personality. At least thirty-three
8 and one-third percent of the gratis scholarships established
9 and granted by the board of regents for a branch community
10 college each year shall be granted on the basis of financial
11 need. "

12 Section 11. Section 21-16-10 NMSA 1978 (being Laws 1968,
13 Chapter 59, Section 3, as amended) is amended to read:

14 "21-16-10. APPROPRIATION- - DISTRIBUTION- - SCHOLARSHIPS. - -

15 A. The commission on higher education shall
16 recommend an appropriation for each technical and vocational
17 institute based upon its financial requirements in relation to
18 its authorized program and its available funds from non-
19 general fund sources; provided, the recommended appropriation
20 shall be an amount not less than three hundred twenty-five
21 dollars (\$325) for each full-time-equivalent student.

22 B. The commission on higher education shall by
23 rule provide for the method for calculating the number of
24 full-time-equivalent students in technical and vocational
25 institutes. No student shall be included in any calculation

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1 of the number of full-time-equivalent students if the student
2 is enrolled in a course, the cost of which is totally
3 reimbursed from federal, state or private sources. The public
4 school district shall transfer to the technical and vocational
5 institute the tuition and fees for any student who, during the
6 term, is counted in the membership of the public school
7 district and will receive high school credit for coursework at
8 the technical and vocational institute.

9 C. The commission on higher education shall not
10 recommend an appropriation greater than three hundred
11 twenty-five dollars (\$325) for each full-time-equivalent
12 student for any technical and vocational institute that levies
13 a tax at a rate less than two dollars (\$2.00), unless a lower
14 amount is required by operation of the rate limitation
15 provisions of Section 7-37-7.1 NMSA 1978 upon a rate approved
16 by the electors of at least two dollars (\$2.00) on each one
17 thousand dollars (\$1,000) of net taxable value, as that term
18 is defined in the Property Tax Code, or any technical and
19 vocational institute that reduces a previously authorized tax
20 levy, except as required by the operation of the rate
21 limitation provisions of Section 7-37-7.1 NMSA 1978.

22 D. The board may establish and grant gratis
23 scholarships to students who are residents of New Mexico in an
24 amount not to exceed [the matriculation fee or] tuition and
25 fees [or both. Except as provided in Section 21-16-10.1 NMSA

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1 ~~1978~~]. These scholarships are in addition to the lottery
2 tuition scholarships authorized in Section 21-16-10.1 NMSA
3 1978 and shall be granted to the full extent of available
4 funds before lottery tuition scholarship are granted. The
5 number of scholarships established and granted shall not
6 exceed three percent of the preceding fall semester enrollment
7 in the technical and vocational institute and shall not be
8 established and granted for summer sessions. The president of
9 the technical and vocational institute shall select and
10 recommend to the board as recipients of scholarships students
11 who possess good moral character and satisfactory initiative,
12 scholastic standing and personality. At least thirty-three
13 and one-third percent of the gratis scholarships established
14 and granted by the board each year shall be granted on the
15 basis of financial need. "

16 Section 12. Section 21-16-10.1 NMSA 1978 (being Laws
17 1996, Chapter 71, Section 6, as amended) is amended to read:

18 "21-16-10.1. LOTTERY TUITION SCHOLARSHIPS AUTHORIZED. --

19 A. To the extent that funds are [~~made~~] available
20 [~~by the legislature~~] from the lottery tuition fund, the board
21 of a technical and vocational institute shall award lottery
22 tuition scholarships for qualified resident students attending
23 a technical and vocational institute. All other scholarship
24 funds available to the board shall be used before granting any
25 lottery tuition scholarships.

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B. The lottery tuition scholarships authorized in this section shall apply only to full-time resident students who, immediately upon completion of a high school curriculum at a public or accredited private New Mexico high school or upon receiving a graduate equivalent diploma, are accepted for entrance to and attend a technical and vocational institute. Each lottery tuition scholarship shall be awarded for up to two consecutive years beginning the second semester of the recipient's first year of enrollment, provided that the recipient has maintained residency in New Mexico and maintained a grade-point average of 2.5 or higher on a 4.0 scale during his first semester of full-time enrollment with renewal of an additional two years upon transfer.

C. The commission on higher education shall prepare guidelines setting forth explicit student continuing eligibility criteria and guidelines for administration of the tuition scholarship program. Guidelines shall be distributed to the boards of technical and vocational institutes to enable a uniform availability of the scholarships. "

Section 13. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.