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SENATE BILL 385

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Carroll H. Leavell

AN ACT

**RELATING TO HIGHER EDUCATION; ALLOWING LOTTERY TUITION
SCHOLARSHIPS TO BE USED AT PRIVATE POST-SECONDARY EDUCATIONAL
INSTITUTIONS IN NEW MEXICO; EXTENDING THE ELIGIBILITY FOR
TUITION SCHOLARSHIPS TO QUALIFIED STUDENTS WHO ATTEND AN
EDUCATIONAL INSTITUTION IN NEW MEXICO WITHIN TWO ACADEMIC YEARS
AFTER COMPLETING HIGH SCHOOL OR RECEIVING A GRADUATE EQUIVALENT
DIPLOMA; EXTENDING ELIGIBILITY TO QUALIFIED STUDENTS WHO, AT
ANY TIME, HAVE A CERTAIN MINIMUM GRADE POINT AVERAGE.**

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

**Section 1. Section 6-24-23 NMSA 1978 (being Laws 1995,
Chapter 155, Section 23, as amended) is amended to read:**

"6-24-23. LOTTERY TUITION FUND CREATED--PURPOSE. --

**A. The "lottery tuition fund" is created in the
state treasury. The fund shall be administered by the**

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1 commission on higher education. Earnings from investment of
2 the fund shall accrue to the credit of the fund. Any balance
3 in the fund at the end of any fiscal year shall remain in the
4 fund for appropriation by the legislature as provided in this
5 section.

6 B. Money in the lottery tuition fund is
7 appropriated to the commission on higher education [~~for~~
8 ~~distribution to New Mexico's public post-secondary educational~~
9 ~~institutions~~] to provide tuition assistance for New Mexico
10 resident undergraduates as provided by law. "

11 Section 2. Section 21-1-4.3 NMSA 1978 (being Laws 1996,
12 Chapter 71, Section 3, as amended) is amended to read:

13 "21-1-4.3. TUITION SCHOLARSHIPS AUTHORIZED-- CERTAIN
14 EDUCATIONAL INSTITUTIONS. --

15 A. To the extent that funds are made available by
16 the legislature from the lottery tuition fund, the boards of
17 regents of New Mexico state university, New Mexico institute of
18 mining and technology, eastern New Mexico university, western
19 New Mexico university, the university of New Mexico, New Mexico
20 highlands university and northern New Mexico state school shall
21 award tuition scholarships for qualified resident students
22 attending their respective institutions and branches of those
23 institutions.

24 B. Except as authorized in Subsection C of this
25 section, the tuition scholarships authorized in this section

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1 shall apply only to full-time resident students who,
2 ~~[immediately upon completion of]~~ within two academic years
3 after completing a high school curriculum at a public or
4 accredited private New Mexico high school or ~~[upon]~~ receiving a
5 graduate equivalent diploma, are accepted for entrance to and
6 attend one of the state educational institutions set forth in
7 this section or one of the branches of those institutions.

8 ~~[Each]~~ A tuition scholarship shall be awarded ~~[for up to]~~ at
9 any time during the four consecutive years beginning the second
10 semester of the recipient's first year of enrollment ~~[provided]~~
11 that the recipient has ~~[maintained residency in New Mexico and~~
12 ~~maintained a]~~ an overall grade point average of 2.5 or higher
13 on a 4.0 scale ~~[during his first semester of full-time~~
14 ~~enrollment]~~.

15 C. The tuition scholarships authorized in this
16 section shall also apply to full-time resident students who,
17 ~~[immediately upon completion of]~~ within two academic years
18 after completing a high school curriculum at a public or
19 accredited private New Mexico high school or ~~[upon]~~ receiving a
20 graduate equivalent diploma, attend a two-year public post-
21 secondary educational institution in New Mexico and who, upon
22 the completion of that curriculum or at the end of two years,
23 whichever is sooner, transfer to one of the post-secondary
24 state educational institutions set forth in this section.

25 ~~[Those students]~~ Such a student shall be eligible for a tuition

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1 scholarship ~~[for]~~ at any time during the two consecutive years
2 ~~[provided that those students maintain residency in New Mexico,~~
3 ~~maintain a]~~ after transferring that the recipient has an
4 overall grade point average of 2.5 or higher on a 4.0 scale
5 ~~[and attend the institution full time during the regular~~
6 ~~academic year].~~

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

9 (1) within one hundred twenty days of
10 completion of a high school curriculum at a public or
11 accredited private New Mexico high school, or of receiving a
12 graduate equivalent diploma, begin service in the United States
13 armed forces; and

14 (2) within one hundred twenty days of
15 completion of honorable service or medical discharge from the
16 service are accepted for entrance to and attend one of the
17 state educational institutions set forth in this section.

18 E. The commission on higher education shall prepare
19 guidelines setting forth explicit student continuing
20 eligibility criteria and guidelines for administration of the
21 tuition scholarship program. Guidelines shall be distributed
22 to the board of regents of each institution to enable a uniform
23 availability of the resident student tuition scholarships. "

24 Section 3. Section 21-1-4.4 NMSA 1978 (being Laws 1996,
25 Chapter 71, Section 4) is amended to read:

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1 "21-1-4.4. COMMISSION ON HIGHER EDUCATION-- DETERMINATION
2 OF TUITION SCHOLARSHIPS-- USE OF LOTTERY TUITION FUND. --

3 A. Prior to June 1 of each year, the commission on
4 higher education shall determine the amount of money available
5 for tuition scholarships [~~at state public post-secondary~~
6 ~~educational institutions~~]. Based on the amount appropriated by
7 the legislature from the lottery tuition fund and on the
8 projected [~~enrollment at all public post-secondary educational~~
9 ~~institutions~~] number of students who will apply for tuition
10 scholarships, the commission on higher education shall
11 establish the percentage of tuition that shall be awarded for
12 qualified resident students attending New Mexico public and
13 private post-secondary educational institutions. The
14 percentage of tuition awarded shall be the same for each
15 institution, regardless of the actual cost of tuition at each
16 institution, except that the amount of the tuition scholarship
17 awarded a student attending a private post-secondary
18 educational institution shall not exceed the amount of tuition
19 scholarship that the student would receive if the student was
20 attending the university of New Mexico.

21 B. In addition to the scholarships authorized in
22 Sections 21-1-4.3, 21-13-10 and 21-16-10.1 NMSA 1978, tuition
23 scholarships are available to qualifying students in all New
24 Mexico accredited private post-secondary educational
25 institutions. The commission shall promulgate rules of

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1 eligibility and other requirements for students attending
2 private post-secondary educational institutions that are
3 similar to the rules for students attending public post-
4 secondary educational institutions. "

5 Section 4. Section 21-13-10 NMSA 1978 (being Laws 1963,
6 Chapter 17, Section 9, as amended) is amended to read:

7 "21-13-10. BOARD DUTIES. --

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

17 B. The community college board shall have the power
18 to fix tuition and fee rates for resident and nonresident
19 students of the community college district, to accept gifts, to
20 accept federal aid, to purchase, hold, sell and rent property
21 and equipment and to promote the general welfare of the
22 institution for the best interest of educational service to the
23 people of the community college district.

24 C. To the extent that funds are made available by
25 the legislature from the lottery tuition fund, the community

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1 college board shall award tuition scholarships for qualified
2 resident students attending their respective institutions.

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

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

22 Section 5. Section 21-16-10.1 NMSA 1978 (being Laws 1996,
23 Chapter 71, Section 6, as amended) is amended to read:

24 "21-16-10.1. TUITION SCHOLARSHIPS AUTHORIZED. --

25 A. To the extent that funds are made available by

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1 the legislature from the lottery tuition fund, the board of a
2 technical and vocational institute shall award tuition
3 scholarships for qualified resident students attending a
4 technical and vocational institute.

5 B. The tuition scholarships authorized in this
6 section shall apply only to full-time resident students who,
7 ~~[immediately upon completion of]~~ within two academic years
8 after completing a high school curriculum at a public or
9 accredited private New Mexico high school or ~~[upon]~~ receiving a
10 graduate equivalent diploma, are accepted for entrance to and
11 attend a technical and vocational institute. ~~[Each]~~ A tuition
12 scholarship shall be awarded ~~[for up to]~~ at any time during the
13 two consecutive years beginning the second semester of the
14 recipient's first year of enrollment ~~[provided]~~ that the
15 recipient has ~~[maintained residency in New Mexico and~~
16 ~~maintained a]~~ an overall grade point average of 2.5 or higher
17 on a 4.0 scale ~~[during his first semester of full-time~~
18 ~~enrollment with renewal of an additional two years upon~~
19 ~~transfer]~~.

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

1 scholarships. "

2 Section 6. TEMPORARY PROVISION-- APPLICABILITY. --The
3 provisions of this act that extend eligibility for tuition
4 scholarships to those students who attend a post-secondary
5 educational institution within two academic years of either
6 completing a high school curriculum or receiving a graduate
7 equivalent diploma apply to students who complete a high school
8 curriculum or receive a graduate equivalent diploma on or after
9 May 1, 2003.

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