

1 SENATE BILL 349

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Peter Wirth

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9  
10 AN ACT

11 RELATING TO HIGHER EDUCATION; RAISING THE CAP FOR PUBLIC  
12 SERVICE ATTORNEY LOAN REPAYMENTS.

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

15 SECTION 1. Section 21-22F-5 NMSA 1978 (being Laws 2005,  
16 Chapter 83, Section 5, as amended) is amended to read:

17 "21-22F-5. LOAN REPAYMENT PROGRAM--PARTICIPANT  
18 ELIGIBILITY--AWARD CRITERIA.--

19 A. An applicant shall be licensed to practice in  
20 New Mexico as an attorney and shall declare an intent to  
21 practice as an attorney in public service employment.

22 B. Prior to submitting an application to the public  
23 service law loan repayment program, an applicant shall apply to  
24 all available legal education loan repayment programs offered  
25 by the applicant's law school for which the applicant

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1 qualifies.

2 C. An applicant who intends to practice as an  
3 attorney in a public service employment position that earns  
4 more than [~~forty-five thousand dollars (\$45,000)~~] fifty-five  
5 thousand dollars (\$55,000) per year is not eligible for  
6 participation in the public service law loan repayment program.

7 D. Prior to receiving a loan repayment award, the  
8 applicant shall file with the department:

9 (1) a declaration of intent to practice as an  
10 attorney in public service employment;

11 (2) proof of prior application to all legal  
12 education loan repayment programs offered by the applicant's  
13 law school for which the applicant qualifies; and

14 (3) documentation that includes the  
15 applicant's total legal education debt, salary, any amounts  
16 received by the applicant from other law loan repayment  
17 programs and other sources of income deemed by the department  
18 as appropriate for consideration; provided that the applicant  
19 shall not be required to disclose amounts of income from  
20 military service.

21 E. Award criteria shall provide that:

22 (1) preference in making awards shall be to  
23 applicants who:

24 (a) have graduated from the university  
25 of New Mexico law school;

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1 (b) have the greatest financial need  
2 based on legal education indebtedness and salary;

3 (c) work in public service employment  
4 that has the lowest salaries; and

5 (d) work in public service employment in  
6 underserved areas of New Mexico that are in greatest need of  
7 attorneys practicing in public service employment;

8 (2) an applicant's employment as an attorney  
9 in public service employment prior to participation in the  
10 public service law loan repayment program shall not count as  
11 time spent toward the minimum three-year period of service  
12 requirement pursuant to the contract between the participating  
13 attorney and the department acting on behalf of the state;

14 (3) award amounts are dependent upon the  
15 applicant's total legal education debt, salary and sources of  
16 income other than income from military service deemed by the  
17 department as appropriate for consideration;

18 (4) award amounts may be modified based upon  
19 available funding or other special circumstances;

20 (5) an award shall not exceed the total legal  
21 education debt of any participant;

22 (6) award amounts shall be reduced by the sum  
23 of the total award amounts received by the participant from  
24 other legal education loan repayment programs; and

25 (7) an award determination may be appealed to

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1 the secretary of higher education.

2 F. The following legal education debts are not  
3 eligible for repayment pursuant to the Public Service Law Loan  
4 Repayment Act:

5 (1) amounts incurred as a result of  
6 participation in state or law school loan-for-service programs  
7 or other state or law school programs whose purposes state that  
8 service be provided in exchange for financial assistance;

9 (2) scholarships that have a service component  
10 or obligation;

11 (3) personal loans from relatives or friends;  
12 and

13 (4) loans that exceed individual standard  
14 school expense levels."