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SENATE BILL 280

**52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO HIGHER EDUCATION; CLARIFYING DEFINITIONS AND OTHER PROVISIONS OF THE LEGISLATIVE LOTTERY TUITION SCHOLARSHIP ACT.

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

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

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

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

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

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1 New Mexico highlands university or northern New Mexico college;

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

4 D. "full time" means fifteen or more credit hours  
5 each semester of the regular academic year in state educational  
6 institutions and twelve or more credit hours each semester of  
7 the regular academic year in community colleges or for legacy  
8 students in any program semester;

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

10 F. "legacy student" means a full-time resident  
11 student who has received for three or more program semesters by  
12 the end of fiscal year 2014 the legislative lottery scholarship  
13 awarded pursuant to the former provisions of Sections 21-1-4.3,  
14 21-13-10 and 21-16-10.1 NMSA 1978 prior to the enactment of the  
15 Legislative Lottery Tuition Scholarship Act;

16 G. "program semesters" means those semesters for  
17 which a legacy or qualified student may receive a tuition  
18 scholarship and excludes the first semester of attendance at a  
19 public post-secondary educational institution;

20 H. "public post-secondary educational institution"  
21 means a four-year state educational institution or a community  
22 college [~~comprehensive institution, research institution or~~  
23 ~~state educational institution~~];

24 I. "qualified student" means a full-time student  
25 who graduated from a public or accredited private New Mexico

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1 high school or who received a high school equivalency  
2 credential while maintaining residency in New Mexico and who:

3 (1) either:

4 (a) immediately upon graduation or  
5 receipt of a credential was accepted for entrance to and  
6 attended a public post-secondary educational institution; or

7 (b) within one hundred twenty days of  
8 completion of a high school curriculum or receipt of a high  
9 school equivalency credential began service in the United  
10 States armed forces and within one year of completion of  
11 honorable service or medical discharge from the service,  
12 attended a public post-secondary educational institution; and

13 (2) successfully completed the first semester  
14 at a public post-secondary educational institution with a grade  
15 point average of 2.5 or higher on a 4.0 scale during the first  
16 semester of full-time enrollment;

17 J. "research institution" means the university of  
18 New Mexico, New Mexico state university or New Mexico institute  
19 of mining and technology;

20 K. "state educational institution" means an  
21 institution of higher education enumerated in Article 12,  
22 Section 11 of the constitution of New Mexico [~~and excludes a~~  
23 ~~research institution~~]; and

24 L. "tuition scholarship" means the scholarship that  
25 provides tuition assistance per program semester for a

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1 qualified student or legacy student attending a public post-  
2 secondary educational institution."

3 SECTION 2. Section 21-21N-3 NMSA 1978 (being Laws 2014,  
4 Chapter 80, Section 3) is amended to read:

5 "21-21N-3. TUITION SCHOLARSHIPS AUTHORIZED--QUALIFIED  
6 STUDENTS.--

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

14 B. Beginning in fiscal year 2015:

15 (1) a legacy student is eligible to receive a  
16 tuition scholarship until the total number of program semesters  
17 for which the legislative lottery scholarship [~~was~~] is received  
18 pursuant to the former provisions of Sections 21-1-4.3,  
19 21-13-10 and 21-16-10.1 NMSA 1978 or the Legislative Lottery  
20 Tuition Scholarship Act reaches eight; provided that the legacy  
21 student maintains residency in New Mexico, maintains a grade  
22 point average of 2.5 or higher on a 4.0 scale and completes  
23 twelve or more credit hours per program semester; and

24 (2) a qualified student who is not a legacy  
25 student is eligible to receive the tuition scholarship for a

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1 maximum of seven program semesters and in an amount determined  
2 pursuant to the provisions of Section [~~4 of the Legislative~~  
3 ~~Lottery Tuition Scholarship Act~~] 21-21N-4 NMSA 1978.

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

6 (1) maintains residency in New Mexico;

7 (2) maintains a grade point average of 2.5 or  
8 higher on a 4.0 scale; and

9 (3) completes:

10 (a) for a student attending a four-year  
11 public post-secondary educational institution, fifteen or more  
12 credit hours per program semester; and

13 (b) for a student attending a two-year  
14 public post-secondary educational institution, twelve or more  
15 credit hours per program semester.

16 D. For students with disabilities who may require  
17 accommodations, the department, in consultation with the  
18 student and the office at the public post-secondary educational  
19 institution that serves students with disabilities, shall  
20 review both the definition of "full time" and the maximum  
21 number of consecutive program semesters of eligibility and  
22 adjust either or both as deemed reasonable and appropriate,  
23 based on the student's disability needs. In no case, however,  
24 shall "full time" mean fewer than six credit hours per  
25 semester, and in no case shall eligibility extend beyond

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1 fourteen consecutive program semesters."

2 SECTION 3. Section 21-21N-4 NMSA 1978 (being Laws 2014,  
3 Chapter 80, Section 4) is amended to read:

4 "21-21N-4. TUITION SCHOLARSHIP AMOUNT--FUND.--

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

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

11 (2) determine the uniform percentage by which  
12 to calculate tuition scholarships for qualified students  
13 attending any public post-secondary educational institution;  
14 and

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

18 B. In determining distribution and award amounts  
19 for the tuition scholarship program, the department shall:

20 (1) maintain the minimum fund balance pursuant  
21 to Section [~~5 of the Legislative Lottery Tuition Scholarship~~  
22 ~~Act~~] 21-21N-5 NMSA 1978;

23 (2) distribute to all public post-secondary  
24 educational institutions an amount not to exceed the remaining  
25 balance in the fund; and

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1 (3) subject to the provisions of Paragraphs  
2 (1) and (2) of this subsection, distribute to each public post-  
3 secondary educational institution an amount based on:

4 (a) the projected enrollment at each  
5 ~~[comprehensive institution, research institution and state~~  
6 ~~educational institution]~~ four-year public post-secondary  
7 educational institution of qualified students in their ~~[second~~  
8 ~~through eighth]~~ first through seventh program semesters,  
9 including qualified students in their ~~[fifth through eighth]~~  
10 fourth through seventh program semesters who transferred from  
11 community colleges;

12 (b) the projected enrollment at each  
13 community college of qualified students in their ~~[second~~  
14 ~~through fourth]~~ first through third program semesters; and

15 (c) a uniform percentage of the average  
16 of in-state tuition costs charged by: 1) research institutions  
17 for each research institution; 2) comprehensive institutions  
18 for each comprehensive institution; and 3) community colleges  
19 for each community college, except that the uniform percentage  
20 for a two-year state educational institution shall be based on  
21 the uniform percentage for community colleges."