

1 AN ACT
2 RELATED TO PUBLIC SERVICE LAW LOAN REPAYMENT; REMOVING THE
3 EARNINGS CAP FOR ELIGIBILITY FOR CERTAIN LOAN REPAYMENT
4 ASSISTANCE.

5
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

9 "21-22F-5. LOAN REPAYMENT PROGRAM--PARTICIPANT
10 ELIGIBILITY--AWARD CRITERIA.--

11 A. An applicant shall be licensed to practice in
12 New Mexico as an attorney and shall declare an intent to
13 practice as an attorney in public service employment.

14 B. Prior to submitting an application to the
15 public service law loan repayment program, an applicant shall
16 apply to all available legal education loan repayment
17 programs offered by the applicant's law school for which the
18 applicant qualifies.

19 C. Prior to receiving a loan repayment award, the
20 applicant shall file with the department:

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

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

1 (3) documentation that includes the
2 applicant's total legal education debt, salary, any amounts
3 received by the applicant from other law loan repayment
4 programs and other sources of income deemed by the department
5 as appropriate for consideration; provided that the applicant
6 shall not be required to disclose amounts of income from
7 military service.

8 D. Award criteria shall provide that:

9 (1) preference in making awards shall be to
10 applicants who:

11 (a) have graduated from the university
12 of New Mexico law school;

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

15 (c) work in public service employment
16 that has the lowest salaries; and

17 (d) work in public service employment
18 in underserved areas of New Mexico that are in greatest need
19 of attorneys practicing in public service employment;

20 (2) an applicant's employment as an attorney
21 in public service employment prior to participation in the
22 public service law loan repayment program shall not count as
23 time spent toward the minimum three-year period of service
24 requirement pursuant to the contract between the
25 participating attorney and the department acting on behalf of

1 the state;

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

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

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

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

13 (7) an award determination may be appealed
14 to the secretary of higher education.

15 E. The following legal education debts are not
16 eligible for repayment pursuant to the Public Service Law
17 Loan Repayment Act:

18 (1) amounts incurred as a result of
19 participation in state or law school loan-for-service
20 programs or other state or law school programs whose purposes
21 state that service be provided in exchange for financial
22 assistance;

23 (2) scholarships that have a service
24 component or obligation;

25 (3) personal loans from relatives or

