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HOUSE BILL 363

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Eliseo Lee Alcon and D. Wonda Johnson and Anthony Allison and  
Derrick J. Lente and Harry Garcia

AN ACT

RELATING TO HIGHER EDUCATION; ALLOWING TRIBAL COLLEGES TO  
RECEIVE FUNDS FROM THE LOTTERY TUITION FUND.

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, as amended) 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, New Mexico

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1 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;

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

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1 credential while maintaining residency in New Mexico and who:

2 (1) either:

3 (a) within sixteen months of graduation  
4 or receipt of a high school equivalency credential, was  
5 accepted for entrance to and attended a public post-secondary  
6 educational institution; or

7 (b) within four months of graduation or  
8 receipt of a high school equivalency credential, began service  
9 in the United States armed forces and within sixteen months of  
10 completion of honorable service or medical discharge from the  
11 service, attended a public post-secondary educational  
12 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~~

23 L. "tribal college" means a tribally, federally or  
24 congressionally chartered post-secondary educational  
25 institution located in New Mexico that is accredited by the

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1 north central association of colleges and schools; and

2 [~~H.~~] M. "tuition scholarship" means the scholarship  
3 that provides tuition assistance per program semester for a  
4 qualified student or legacy student attending a public post-  
5 secondary educational institution."

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

8 "21-21N-3. TUITION SCHOLARSHIPS AUTHORIZED--QUALIFIED  
9 STUDENTS.--

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

17 B. Beginning in fiscal year 2015:

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

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1 twelve or more credit hours per program semester; and

2 (2) a qualified student who is not a legacy  
3 student is eligible to receive the tuition scholarship for a  
4 maximum of seven program semesters and in an amount determined  
5 pursuant to the provisions of Section 21-21N-4 NMSA 1978.

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

8 (1) maintains residency in New Mexico;

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

11 (3) completes:

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

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

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

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1 case, however, shall "full time" mean fewer than six credit  
2 hours per semester, and in no case shall eligibility extend  
3 beyond fourteen consecutive program semesters."

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

6 "21-21N-4. TUITION SCHOLARSHIP AMOUNT--FUND.--

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

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

13 (2) determine the award amount for research  
14 institutions, comprehensive institutions, tribal colleges and  
15 community colleges; and

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

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

22 (1) maintain the minimum fund balance pursuant  
23 to Section 21-21N-5 NMSA 1978;

24 (2) distribute to all public post-secondary  
25 educational institutions and tribal colleges an amount not to

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1 exceed the remaining balance in the fund; and

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

6 (a) the projected enrollment at each  
7 four-year public post-secondary educational institution and  
8 tribal college of qualified students in their first through  
9 seventh program semesters, including qualified students in  
10 their fourth through seventh program semesters who transferred  
11 from community colleges;

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

15 (c) an award for each scholarship  
16 recipient distributed in amounts as follows: 1) one thousand  
17 five hundred dollars (\$1,500) per scholarship per program  
18 semester for a student enrolled at a research institution;  
19 2) one thousand twenty dollars (\$1,020) per scholarship per  
20 program semester for a student enrolled at a comprehensive  
21 institution or tribal college; and 3) three hundred eighty  
22 dollars (\$380) per scholarship per program semester for a  
23 student enrolled at a community college.

24 C. If the total amount available pursuant to  
25 Paragraph (1) of Subsection A of this section is less than the

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1 amount calculated in Subsection B of this section, the  
2 department shall decrease the scholarship award amounts in a  
3 manner that maintains the distribution in the same proportions  
4 as provided in Subparagraph (c) of Paragraph (3) of Subsection  
5 B of this section.

6 D. If the total amount available pursuant to  
7 Paragraph (1) of Subsection A of this section is more than the  
8 amount calculated in Subsection B of this section, the  
9 department shall increase the scholarship award amounts in a  
10 manner that maintains the distribution in the same proportions  
11 as provided in Subparagraph (c) of Paragraph (3) of Subsection  
12 B of this section."

13 SECTION 4. Section 21-21N-5 NMSA 1978 (being Laws 1995,  
14 Chapter 155, Section 23, as amended) is amended to read:

15 "21-21N-5. LOTTERY TUITION FUND CREATED--PURPOSE.--

16 A. The "lottery tuition fund" is created in the  
17 state treasury. The fund shall be administered by the  
18 department. Earnings from investment of the fund shall accrue  
19 to the credit of the fund. The fund shall maintain an annual  
20 average balance of two million dollars (\$2,000,000), and any  
21 balance in the fund at the end of any fiscal year shall remain  
22 in the fund for appropriation by the legislature as provided in  
23 this section.

24 B. Money in the fund shall be appropriated by the  
25 legislature to the department for distribution to New Mexico's

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1 public post-secondary educational institutions and tribal  
2 colleges to provide tuition assistance for qualified students  
3 and legacy students as provided in the Legislative Lottery  
4 Tuition Scholarship Act."

5 SECTION 5. Section 21-21N-7 NMSA 1978 (being Laws 2015,  
6 Chapter 84, Section 2) is amended to read:

7 "21-21N-7. LOTTERY STUDENT COMMUNITY OUTREACH PILOT  
8 PROJECT--TUITION SCHOLARSHIP RECIPIENTS--ADDITIONAL  
9 REQUIREMENTS--MENTORING--TRAINING.--

10 A. The "lottery student community outreach pilot  
11 project" is created as a six-year study that encourages  
12 students who receive a tuition scholarship pursuant to the  
13 Legislative Lottery Tuition Scholarship Act at participating  
14 public post-secondary educational institutions or tribal  
15 colleges to volunteer to provide community outreach, chiefly  
16 through mentoring public school students. Tuition scholarship  
17 students are not required to participate to maintain their  
18 tuition scholarship. The purpose of the pilot project is to  
19 demonstrate that:

20 (1) both mentors and mentees receive similar  
21 benefits, including improved grades and on-time graduation and  
22 a renewed sense of confidence, purpose and community and civic  
23 engagement;

24 (2) this service improves the community in  
25 which the student volunteer works and the public school student

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1 lives;

2 (3) mentoring by young adults can help  
3 disadvantaged public school students narrow the achievement  
4 gap; improve cognitive, social and behavioral skills; and lead  
5 to higher test scores and success in school; and

6 (4) mentoring can also help the student  
7 volunteer improve the student volunteer's skills, test scores  
8 and success in college and inculcate civic and social  
9 engagement in community life.

10 B. The pilot project shall be administered by the  
11 department and shall be conducted with at least three public  
12 post-secondary educational institutions around the state,  
13 ideally with at least one from the research institutions, at  
14 least one from the comprehensive universities or tribal  
15 colleges and at least one from the branch and independent  
16 community colleges and with at least five hundred tuition  
17 scholarship students. Preference for the pilot project shall  
18 be given to institutions in areas with high poverty rates and  
19 in public schools with eighty-five percent or more of the  
20 students eligible for free or reduced-fee lunch and high  
21 English language learner populations. The department may  
22 expand the pilot project during its term to more participants.

23 C. The department shall certify a list of nonprofit  
24 community- and education-oriented organizations that maintain  
25 relationships with public schools with which student volunteers

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1 may work. The organizations shall identify public schools in  
2 their areas that are interested in having mentors and shall  
3 develop a mentoring training program for student volunteers.  
4 The organizations shall also identify community-based outreach  
5 or specific community-based projects appropriate for students  
6 in their first program semester or students unable to mentor  
7 during the school year.

8 D. A participating community- and education-  
9 oriented organization shall monitor and evaluate the work of  
10 the student volunteers and the time spent mentoring or  
11 participating in community-based projects as well as the  
12 progress of the public school students being mentored.

13 E. The department shall determine application  
14 requirements and procedures for public post-secondary  
15 educational institutions, tribal colleges, nonprofit community-  
16 and education- oriented organizations and student volunteers to  
17 apply for the pilot project, criteria to evaluate applications  
18 and quantitative and qualitative measures of the pilot  
19 project's efficacy.

20 F. In addition to other requirements and  
21 qualifications in the Legislative Lottery Tuition Scholarship  
22 Act, a tuition scholarship student who participates in the  
23 pilot project shall provide at least two hours per week of  
24 community outreach with public school students in the area of  
25 the public post-secondary educational institution or tribal

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1 college the student attends. The community outreach shall  
2 consist of:

- 3 (1) partnering with community-based
- 4 organizations and assisting with community-based projects;
- 5 (2) mentoring public school students; or
- 6 (3) mentoring first-year college students.

7 G. The following schedule of community outreach for  
8 student volunteers is:

- 9 (1) students in their first program semester
- 10 shall partner with a community-based organization to assist it
- 11 in community outreach or specific community-based projects;
- 12 (2) students in their sophomore and junior
- 13 years shall mentor students in grades kindergarten through
- 14 twelve; and
- 15 (3) students in their senior year shall mentor
- 16 freshmen college students.

17 H. If a tuition scholarship student who wants to  
18 participate is unable to perform the community outreach service  
19 during the school year because of class load, work requirements  
20 or other reasons, the student volunteer may volunteer for an  
21 approved community outreach project that will be available for  
22 the student to participate in during semester breaks or the  
23 summer for a total of at least thirty-two hours.

24 I. Public schools that choose to participate in the  
25 pilot project shall identify willing students who would benefit

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1 from participation. The student's teacher or school principal  
2 shall work with the nonprofit organization and the student  
3 volunteer to determine what activities and types of engagement  
4 would benefit the mentee student.

5 J. The department shall establish reporting and  
6 evaluation requirements for all participants in the pilot  
7 project. The department shall provide interim and final  
8 reports annually to the governor and the legislature.

9 K. The participating public post-secondary  
10 educational institutions, tribal colleges, nonprofit community-  
11 and education-oriented organizations and public schools shall  
12 actively seek public and private grants and donations for any  
13 costs of the pilot project. Grants and donations shall be kept  
14 and expended as other grants and donations of the institution,  
15 tribal college, organization or public school."

16 SECTION 6. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is July 1, 2019.