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HOUSE BILL 217

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Micaela Lara Cadena

AN ACT

RELATING TO HIGHER EDUCATION; AMENDING THE REQUIREMENTS FOR
ELIGIBILITY FOR A STUDENT TO RECEIVE A LEGISLATIVE LOTTERY
SCHOLARSHIP IN RESPONSE TO A PUBLIC HEALTH EMERGENCY.

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

1 Mexico university, western New Mexico university, New Mexico
2 highlands university or northern New Mexico college;

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

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

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

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

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

21 H. "public post-secondary educational institution"
22 means a four-year state educational institution or a community
23 college;

24 I. "qualified student", except as provided in
25 Section 21-21N-3.1 NMSA 1978, means a full-time student who

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1 graduated from a public or accredited private New Mexico high
2 school or who received a high school equivalency credential
3 while maintaining residency in New Mexico and who:

4 (1) either:

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

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

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

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

22 K. "state educational institution" means an
23 institution of higher education enumerated in Article 12,
24 Section 11 of the constitution of New Mexico;

25 L. "tribal college" means a tribally, federally or

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1 congressionally chartered post-secondary educational
2 institution located in New Mexico that is accredited by the
3 higher learning commission; and

4 M. "tuition scholarship" means the scholarship that
5 provides tuition assistance per program semester for a
6 qualified student or legacy student attending a public post-
7 secondary educational institution or tribal college."

8 SECTION 2. Section 21-21N-3 NMSA 1978 (being Laws 2014,
9 Chapter 80, Section 3, as amended by Laws 2019, Chapter 33,
10 Section 1 and by Laws 2019, Chapter 54, Section 2) is amended
11 to read:

12 "21-21N-3. TUITION SCHOLARSHIPS AUTHORIZED--QUALIFIED
13 STUDENTS.--

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

21 B. Beginning in fiscal year 2015:

22 (1) a legacy student is eligible to receive a
23 tuition scholarship until the total number of program semesters
24 for which the legislative lottery scholarship is received
25 pursuant to the former provisions of Sections 21-1-4.3,

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1 21-13-10 and 21-16-10.1 NMSA 1978 or the Legislative Lottery
2 Tuition Scholarship Act reaches eight; provided that the legacy
3 student maintains residency in New Mexico, maintains a grade
4 point average of 2.5 or higher on a 4.0 scale and completes
5 twelve or more credit hours per program semester; and

6 (2) except as provided in Section 21-21N-3.1
7 NMSA 1978, a qualified student who is not a legacy student is
8 eligible to receive the tuition scholarship for a maximum of
9 seven program semesters and in an amount determined pursuant to
10 the provisions of Section 21-21N-4 NMSA 1978.

11 C. Except as otherwise provided in this section and
12 in Section 21-21N-3.1 NMSA 1978, a tuition scholarship may be
13 awarded to a qualified student who:

14 (1) maintains residency in New Mexico;

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

17 (3) completes:

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

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

24 D. For students with disabilities who may require
25 accommodations, the department, in consultation with the

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1 student and the office at the public post-secondary educational
2 institution or the tribal college that serves students with
3 disabilities, shall review both the definition of "full time"
4 and the maximum number of consecutive program semesters of
5 eligibility and adjust either or both as deemed reasonable and
6 appropriate, based on the student's disability needs. In no
7 case, however, shall "full time" mean fewer than six credit
8 hours per semester, and in no case shall eligibility extend
9 beyond fourteen consecutive program semesters. The definition
10 of "qualified student" notwithstanding, a New Mexico resident
11 who had to leave the state to receive an education pursuant to
12 the federal Individuals with Disabilities Education Act shall
13 be eligible for a tuition scholarship if the student graduated
14 from an accredited high school in another state and otherwise
15 meets the qualifications for a tuition scholarship pursuant to
16 the definition of "qualified student" and this section."

17 SECTION 3. A new Section 21-21N-3.1 NMSA 1978 is enacted
18 to read:

19 "21-21N-3.1. [NEW MATERIAL] PUBLIC HEALTH EMERGENCY--
20 QUALIFIED STUDENTS.--

21 A. Based on a public health emergency, the
22 secretary of higher education may include in the definition of
23 a "qualified student" a student who graduated from a public or
24 accredited private New Mexico high school or who received a
25 high school equivalency credential while maintaining residency

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1 in New Mexico and who:

- 2 (1) maintains residency in New Mexico;
- 3 (2) maintains a cumulative grade point average
- 4 of 2.0 or higher on a 4.0 scale; and
- 5 (3) completes twelve or more credit hours per
- 6 program semester at a state educational institution or nine or
- 7 more hours at a community college.

8 B. The secretary of higher education may determine
9 that:

- 10 (1) any semester a student receives a tuition
- 11 scholarship that occurs during a public health emergency does
- 12 not count as a program semester for which the student received
- 13 a tuition scholarship; and
- 14 (2) a student who is otherwise eligible for a
- 15 tuition scholarship who failed to complete a program semester
- 16 or was not enrolled during a public health emergency remains
- 17 eligible for a tuition scholarship.

18 C. As used in this section, "public health
19 emergency" means a state of public health emergency declared
20 pursuant to Section 12-10A-5 NMSA 1978."