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SENATE BILL 124

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

George K. Munoz and Mimi Stewart

AN ACT

RELATING TO HIGHER EDUCATION; AMENDING CERTAIN DEFINITIONS IN THE LEGISLATIVE LOTTERY TUITION SCHOLARSHIP ACT; CHANGING CERTAIN REQUIREMENTS FOR ELIGIBILITY FOR 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, 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;

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1 B. "comprehensive institution" means eastern New
2 Mexico university, western New Mexico university, New Mexico
3 highlands university or northern New Mexico college;

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

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

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

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

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

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

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1 I. "qualified student" means a full-time student
2 who graduated from a public or accredited private New Mexico
3 high school in the state or completed the requirements of a
4 home-based or non-public-school primary educational program in
5 the state or received a high school equivalency credential
6 while maintaining residency in New Mexico and who:

7 (1) either:

8 (a) within sixteen months of graduation
9 from a public school in this state or completion of the
10 requirements of a home-based or non-public-school primary
11 educational program or receipt of a high school equivalency
12 credential, was accepted for entrance to and attended a public
13 post-secondary educational institution; or

14 (b) within four months of graduation
15 from a public school in this state or completion of the
16 requirements of a home-based or non-public-school primary
17 educational program or receipt of a high school equivalency
18 credential, began service in the United States armed forces and
19 within sixteen months of completion of honorable service or
20 medical discharge from the service, attended a public post-
21 secondary educational institution; and

22 (2) successfully completed the first semester
23 at a public post-secondary educational institution with a grade
24 point average of 2.5 or higher on a 4.0 scale during the first
25 semester ~~[of full-time enrollment]~~ and took fifteen or more

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1 credit hours;

2 J. "regular academic year" means any consecutive
3 period of two program semesters, three quarters or other
4 comparable units commencing with the fall term each year;

5 [~~J.~~] K. "research institution" means the university
6 of New Mexico, New Mexico state university or New Mexico
7 institute of mining and technology;

8 [~~K.~~] L. "state educational institution" means an
9 institution of higher education enumerated in Article 12,
10 Section 11 of the constitution of New Mexico;

11 [~~L.~~] M. "tribal college" means a tribally,
12 federally or congressionally chartered post-secondary
13 educational institution located in New Mexico that is
14 accredited by the higher learning commission; and

15 [~~M.~~] N. "tuition scholarship" means the scholarship
16 that provides tuition assistance per program semester for a
17 qualified student or legacy student attending a public post-
18 secondary educational institution or tribal college."

19 **SECTION 2.** Section 21-21N-3 NMSA 1978 (being Laws 2014,
20 Chapter 80, Section 3, as amended by Laws 2019, Chapter 33,
21 Section 1 and by Laws 2019, Chapter 54, Section 2) is amended
22 to read:

23 "21-21N-3. TUITION SCHOLARSHIPS AUTHORIZED--QUALIFIED
24 STUDENTS.--

25 A. To the extent that funds are made available by
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1 the legislature from the fund, the boards of regents or
2 governing bodies of public post-secondary educational
3 institutions and tribal colleges shall award tuition
4 scholarships in department-approved amounts to qualified
5 students and legacy students attending their respective public
6 post-secondary educational institutions.

7 B. Beginning in fiscal year 2015:

8 (1) a legacy student is eligible to receive a
9 tuition scholarship until the total number of program semesters
10 for which the legislative lottery scholarship is received
11 pursuant to the former provisions of Sections 21-1-4.3,
12 21-13-10 and 21-16-10.1 NMSA 1978 or the Legislative Lottery
13 Tuition Scholarship Act reaches eight; provided that the legacy
14 student maintains residency in New Mexico, maintains a grade
15 point average of 2.5 or higher on a 4.0 scale and completes
16 twelve or more credit hours per program semester; and

17 (2) a qualified student who is not a legacy
18 student is eligible to receive the tuition scholarship for a
19 maximum of [~~seven program semesters~~] four regular academic
20 years and in an amount determined pursuant to the provisions of
21 Section 21-21N-4 NMSA 1978.

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

24 (1) maintains residency in New Mexico;

25 (2) maintains a grade point average of 2.5 or

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1 higher on a 4.0 scale; and

2 (3) completes:

3 (a) for a student attending a four-year
4 public post-secondary educational institution or a tribal
5 college, [~~fifteen or more credit hours per program semester~~]
6 thirty or more credit hours each regular academic year; and

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

10 D. For students with disabilities who may require
11 accommodations, the department, in consultation with the
12 student and the office at the public post-secondary educational
13 institution or the tribal college that serves students with
14 disabilities, shall review both the definition of "full time"
15 and the maximum number of [~~consecutive program semesters~~]
16 regular academic years of eligibility and adjust either or both
17 as deemed reasonable and appropriate, based on the student's
18 disability needs. In no case, however, shall "full time" mean
19 fewer than six credit hours per semester, and in no case shall
20 eligibility extend beyond [~~fourteen consecutive program~~
21 ~~semesters~~] seven regular academic years. The definition of
22 "qualified student" notwithstanding, a New Mexico resident who
23 had to leave the state to receive an education pursuant to the
24 federal Individuals with Disabilities Education Act shall be
25 eligible for a tuition scholarship if the student graduated

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1 from an accredited high school in another state and otherwise
2 meets the qualifications for a tuition scholarship pursuant to
3 the definition of "qualified student" and this section."

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

6 "21-21N-6. DEPARTMENT RULEMAKING AND REPORTING.--

7 A. The department shall promulgate rules setting
8 forth explicit criteria in accordance with the Legislative
9 Lottery Tuition Scholarship Act for:

10 (1) student qualification and continuing
11 eligibility; and

12 (2) calculating the tuition scholarship award
13 amount pursuant to Section [~~4 of the Legislative Lottery~~
14 ~~Tuition Scholarship Act~~] 21-21N-4 NMSA 1978 and guidelines for
15 the administration of the tuition scholarship program.

16 B. The department shall report by November 1 of each
17 year to the legislative finance committee and the department of
18 finance and administration on:

19 (1) the status of the fund;

20 (2) tuition scholarship program
21 participation data aggregated for each public post-secondary
22 educational institution to show:

23 (a) the number of qualified students and
24 the number of legacy students who received tuition scholarships
25 in the prior twelve-month period;

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1 (b) the total number of students,
2 including qualified students and legacy students, enrolled in
3 the prior twelve-month period;

4 (c) for each semester, the amount of
5 tuition scholarships funded and the amount of tuition costs
6 that were not offset by the tuition scholarship; and

7 (d) the number of qualified students and
8 the number of legacy students who graduated with a degree and,
9 for each qualified student, the number of consecutive semesters
10 and nonconsecutive semesters attended prior to graduation; and

11 (3) any additional information required or
12 requested by the legislative finance committee or the
13 department of finance and administration."

14 SECTION 4. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2022.