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HOUSE BILL 359

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Dennis J. Roch

AN ACT

RELATING TO LEGISLATIVE LOTTERY SCHOLARSHIPS; ALLOWING HOME-  
BASED EDUCATIONAL PROGRAM STUDENTS TO RECEIVE LEGISLATIVE  
LOTTERY SCHOLARSHIPS.

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

**SECTION 1.** Section 21-1-4.3 NMSA 1978 (being Laws 1996,  
Chapter 71, Section 3, as amended) is amended to read:

"21-1-4.3. LEGISLATIVE LOTTERY SCHOLARSHIPS  
AUTHORIZED--CERTAIN EDUCATIONAL INSTITUTIONS.--

A. To the extent that funds are made available by  
the legislature from the lottery tuition fund, the boards of  
regents of New Mexico state university, New Mexico institute of  
mining and technology, eastern New Mexico university, western  
New Mexico university, the university of New Mexico, New Mexico  
highlands university and northern New Mexico college shall

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1 award legislative lottery scholarships for tuition for  
2 qualified resident students attending their respective  
3 institutions and branches of those institutions.

4 B. Except as otherwise authorized in this section,  
5 the legislative lottery scholarships authorized in this section  
6 shall apply only to full-time resident students who,  
7 immediately upon completion of a high school curriculum at a  
8 public or accredited private New Mexico high school or  
9 completion of a home-based educational program, or upon  
10 receiving a graduate equivalent diploma, are accepted for  
11 entrance to and attend one of the state educational  
12 institutions set forth in this section or one of the branches  
13 of those institutions. Each legislative lottery scholarship  
14 shall be awarded for up to four consecutive years beginning the  
15 second semester of the recipient's first year of enrollment if  
16 the recipient has maintained residency in New Mexico and  
17 maintained a grade point average of 2.5 or higher on a 4.0  
18 scale during the first semester of full-time enrollment.

19 C. The legislative lottery scholarships authorized  
20 in this section shall also apply to full-time resident students  
21 who, immediately upon completion of a high school curriculum at  
22 a public or accredited private New Mexico high school or  
23 completion of a home-based educational program, or upon  
24 receiving a graduate equivalent diploma, attend a two-year  
25 public post-secondary educational institution in New Mexico and

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1 who, upon the completion of that curriculum or program, or at  
2 the end of two years, whichever is sooner, transfer to one of  
3 the post-secondary state educational institutions set forth in  
4 this section. Those students shall be eligible for a  
5 legislative lottery scholarship for two consecutive years if  
6 they maintain residency in New Mexico, maintain a grade point  
7 average of 2.5 or higher on a 4.0 scale and attend the  
8 institution full time during the regular academic year.

9 D. The legislative lottery scholarships authorized  
10 in this section shall also apply to full-time resident students  
11 who:

12 (1) within one hundred twenty days of  
13 completion of a high school curriculum at a public or  
14 accredited private New Mexico high school or completion of a  
15 home-based educational program, or of receiving a graduate  
16 equivalent diploma, begin service in the United States armed  
17 forces; and

18 (2) within one year of completion of honorable  
19 service or medical discharge from the service, attend one of  
20 the state educational institutions set forth in this section.

21 E. The higher education department shall prepare  
22 guidelines setting forth explicit student continuing  
23 eligibility criteria and guidelines for administration of the  
24 legislative lottery scholarship program. Guidelines shall be  
25 distributed to the board of regents of each institution to

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1 enable a uniform availability of the resident student  
2 legislative lottery scholarships.

3 F. For purposes of the legislative lottery  
4 scholarship program as it applies to students with  
5 disabilities who may require special accommodations, the  
6 higher education department, in consultation with the student  
7 and the office at the institution that serves students with  
8 disabilities, shall review both the definition of "full time"  
9 and the maximum number of consecutive semesters of  
10 eligibility and adjust either or both as deemed reasonable  
11 and appropriate, based on the student's disability needs. In  
12 no case, however, shall "full time" mean fewer than six  
13 credit hours per semester, and in no case shall eligibility  
14 extend beyond fourteen consecutive semesters."

15 SECTION 2. Section 21-13-10 NMSA 1978 (being Laws 1963,  
16 Chapter 17, Section 9, as amended) is amended to read:

17 "21-13-10. BOARD DUTIES.--

18 A. It is the duty of the community college board  
19 to determine financial and educational policies of the  
20 community college. The community college board shall provide  
21 for the management of the community college and execution of  
22 these policies by selecting a competent president for the  
23 community college, and, upon the president's recommendation,  
24 the board shall employ other administrative personnel,  
25 instructional staff or other personnel as may be needed for

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1 the operation, maintenance and administration of the  
2 community college.

3 B. The community college board shall have the  
4 power to fix tuition and fee rates for resident and  
5 nonresident students of the community college district, to  
6 accept gifts, to accept federal aid, to purchase, hold, sell  
7 and rent property and equipment and to promote the general  
8 welfare of the institution for the best interest of  
9 educational service to the people of the community college  
10 district.

11 C. To the extent that funds are made available by  
12 the legislature from the lottery tuition fund, the community  
13 college board shall award legislative lottery scholarships  
14 for qualified resident students attending their respective  
15 institutions.

16 D. The legislative lottery scholarships  
17 authorized in this section shall apply only to full-time  
18 resident students who, immediately upon completion of a high  
19 school curriculum at a public or accredited private New  
20 Mexico high school or completion of a home-based educational  
21 program, or upon receiving a graduate equivalent diploma, are  
22 accepted for entrance to and attend a community college.  
23 Each legislative lottery scholarship shall be awarded for up  
24 to two consecutive years beginning the second semester of the  
25 recipient's first year of enrollment, provided that the

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1 recipient has maintained residency in New Mexico and  
2 maintained a grade point average of 2.5 or higher on a 4.0  
3 scale during the first semester of full-time enrollment.

4 E. The higher education department shall prepare  
5 guidelines setting forth explicit student continuing  
6 eligibility criteria and guidelines for administration of the  
7 legislative lottery scholarship program. Guidelines shall be  
8 distributed to community college boards to enable a uniform  
9 availability of the resident student lottery tuition  
10 scholarships.

11 F. For purposes of the legislative lottery  
12 scholarship program as it applies to students with  
13 disabilities who may require special accommodations, the  
14 higher education department, in consultation with the student  
15 and the office at the community college that serves students  
16 with disabilities, shall review both the definition of "full  
17 time" and the maximum number of consecutive semesters of  
18 eligibility and adjust either or both as deemed reasonable  
19 and appropriate, based on the student's disability needs. In  
20 no case, however, shall "full time" mean fewer than six  
21 credit hours per semester, and in no case shall eligibility  
22 extend beyond fourteen consecutive semesters."

23 SECTION 3. Section 21-16-10.1 NMSA 1978 (being Laws  
24 1996, Chapter 71, Section 6, as amended) is amended to read:

25 "21-16-10.1. LEGISLATIVE LOTTERY SCHOLARSHIPS

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1 AUTHORIZED.--

2 A. To the extent that funds are made available by  
3 the legislature from the lottery tuition fund, the board of a  
4 technical and vocational institute shall award legislative  
5 lottery scholarships for qualified resident students  
6 attending a technical and vocational institute.

7 B. The legislative lottery scholarships  
8 authorized in this section shall apply only to full-time  
9 resident students who, immediately upon completion of a high  
10 school curriculum at a public or accredited private New  
11 Mexico high school or completion of a home-based educational  
12 program, or upon receiving a graduate equivalent diploma, are  
13 accepted for entrance to and attend a technical and  
14 vocational institute. Each legislative lottery scholarship  
15 shall be awarded for up to two consecutive years beginning  
16 the second semester of the recipient's first year of  
17 enrollment, provided that the recipient has maintained  
18 residency in New Mexico and maintained a grade point average  
19 of 2.5 or higher on a 4.0 scale during the first semester of  
20 full-time enrollment with renewal of an additional two years  
21 upon transfer.

22 C. The higher education department shall prepare  
23 guidelines setting forth explicit student continuing  
24 eligibility criteria and guidelines for administration of the  
25 legislative lottery scholarship program. Guidelines shall be

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1 distributed to the boards of technical and vocational  
2 institutes to enable a uniform availability of the resident  
3 student legislative lottery scholarships.

4 D. For purposes of the legislative lottery  
5 scholarship program as it applies to students with  
6 disabilities who may require special accommodations, the  
7 higher education department, in consultation with the student  
8 and the office at the technical and vocational institute that  
9 serves students with disabilities, shall review both the  
10 definition of "full time" and the maximum number of  
11 consecutive semesters of eligibility and adjust either or  
12 both as deemed reasonable and appropriate, based on the  
13 student's disability needs. In no case, however, shall "full  
14 time" mean fewer than six credit hours per semester, and in  
15 no case shall eligibility extend beyond fourteen consecutive  
16 semesters."

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