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SENATE BILL 451

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

William H. Payne

AN ACT

RELATING TO HIGHER EDUCATION; PROVIDING FOR ADDITIONAL GRADE  
POINT AVERAGE REQUIREMENTS AND STANDARDIZED TESTING  
REQUIREMENTS; REQUIRING THAT TUITION ASSISTANCE BECOME A DEBT  
UNDER CERTAIN CIRCUMSTANCES.

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

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1 highlands university and northern New Mexico college shall  
2 award legislative lottery scholarships for tuition for  
3 qualified resident students attending their respective  
4 institutions and branches of those institutions.

5 B. Except as otherwise authorized in this section,  
6 the legislative lottery scholarships authorized in this section  
7 shall apply only to full-time resident students who:

8 ~~[immediately upon completion of a high school curriculum at a  
9 public or accredited private New Mexico high school 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]~~

14 (1) maintain a grade point average of 2.75 or  
15 higher on a 4.0 scale;

16 (2) maintain residency in New Mexico;

17 (3) score a 21 or higher on the American  
18 college testing or a 1550 or higher on the scholastic aptitude  
19 test;

20 (4) are enrolled in twelve credit hours per  
21 semester of nonremedial courses; and

22 (5) attend one of the state educational  
23 institutions set forth in this section or one of the branches  
24 of those institutions:

25 (a) immediately upon completion of a

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1 high school curriculum at a public or accredited private New  
2 Mexico high school or upon receiving a graduate-equivalent  
3 diploma;

4 (b) within two years after attending a  
5 two-year public post-secondary educational institution in New  
6 Mexico or immediately upon completion of a two-year curriculum  
7 at a two-year public post-secondary educational institution in  
8 New Mexico, whichever is sooner; provided that the student  
9 attended a two-year public post-secondary educational  
10 institution immediately upon completion of a high school  
11 curriculum at a public or accredited private New Mexico high  
12 school or upon receiving a graduate-equivalent diploma; or

13 (c) within one year of completion of  
14 honorable service or medical discharge from service in the  
15 United States armed forces; provided that the student began  
16 service within one hundred twenty days of completion of a high  
17 school curriculum at a public or accredited private New Mexico  
18 high school or upon receiving a graduate-equivalent diploma.

19 C. Each legislative lottery scholarship shall be  
20 awarded for up to four consecutive years, beginning the second  
21 semester of the recipient's first year of enrollment if the  
22 recipient has maintained residency in New Mexico and maintained  
23 ~~[a]~~ the required grade point average ~~[of 2.5 or higher on a 4.0~~  
24 ~~scale]~~ during the first semester of full-time enrollment.

25 ~~[G. The legislative lottery scholarships authorized~~

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1 ~~in this section shall also apply to full-time resident students~~  
2 ~~who, immediately upon completion of a high school curriculum at~~  
3 ~~a public or accredited private New Mexico high school or upon~~  
4 ~~receiving a graduate equivalent diploma, attend a two-year~~  
5 ~~public post-secondary educational institution in New Mexico and~~  
6 ~~who, upon the completion of that curriculum or at the end of~~  
7 ~~two years, whichever is sooner, transfer to one of the post-~~  
8 ~~secondary state educational institutions set forth in this~~  
9 ~~section. Those students shall be eligible for a legislative~~  
10 ~~lottery scholarship for two consecutive years if they maintain~~  
11 ~~residency in New Mexico, maintain a grade point average of 2.5~~  
12 ~~or higher on a 4.0 scale and attend the institution full time~~  
13 ~~during the regular academic year.~~

14 ~~D. The legislative lottery scholarships authorized~~  
15 ~~in this section shall also apply to full-time resident students~~  
16 ~~who:~~

17 ~~(1) within one hundred twenty days of~~  
18 ~~completion of a high school curriculum at a public or~~  
19 ~~accredited private New Mexico high school, or of receiving a~~  
20 ~~graduate equivalent diploma, begin service in the United States~~  
21 ~~armed forces; and~~

22 ~~(2) within one year of completion of honorable~~  
23 ~~service or medical discharge from the service, attend one of~~  
24 ~~the state educational institutions set forth in this section.~~

25 ~~E.]~~ D. The higher education department shall

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1 prepare guidelines setting forth explicit student continuing  
2 eligibility criteria and guidelines for administration of the  
3 legislative lottery scholarship program. Guidelines shall be  
4 distributed to the board of regents of each institution to  
5 enable a uniform availability of the resident student  
6 legislative lottery scholarships.

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

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

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

22 A. It is the duty of the community college board  
23 to determine financial and educational policies of the  
24 community college. The community college board shall provide  
25 for the management of the community college and execution of

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1 these policies by selecting a competent president for the  
2 community college, and, upon the president's recommendation,  
3 the board shall employ other administrative personnel,  
4 instructional staff or other personnel as may be needed for  
5 the operation, maintenance and administration of the  
6 community college.

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

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

20 D. The legislative lottery scholarships  
21 authorized in this section shall apply only to full-time  
22 resident students who: ~~[immediately upon completion of a~~  
23 ~~high school curriculum at a public or accredited private New~~  
24 ~~Mexico high school or upon receiving a graduate equivalent~~  
25 ~~diploma, are accepted for entrance to and attend a community~~

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1 college]

2 (1) maintain a grade point average of 2.75  
3 or higher on a 4.0 scale;

4 (2) maintain residency in New Mexico;

5 (3) score a 21 or higher on the American  
6 college testing or a 1550 or higher on the scholastic  
7 aptitude test; and

8 (4) immediately upon completion of a high  
9 school curriculum at a public or accredited private New  
10 Mexico high school, or upon receiving a graduate-equivalent  
11 diploma, are accepted for entrance to and attend a community  
12 college.

13 E. Each legislative lottery scholarship shall be  
14 awarded for up to two consecutive years beginning the second  
15 semester of the recipient's first year of enrollment,  
16 provided that the recipient has maintained residency in New  
17 Mexico and maintained [æ] the required grade point average  
18 [~~of 2.5 or higher on a 4.0 scale~~] during the first semester  
19 of full-time enrollment.

20 [E-] F. The higher education department shall  
21 prepare guidelines setting forth explicit student continuing  
22 eligibility criteria and guidelines for administration of the  
23 legislative lottery scholarship program. Guidelines shall be  
24 distributed to community college boards to enable a uniform  
25 availability of the resident student lottery tuition

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1 scholarships.

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

14           **SECTION 3.** Section 21-16-10.1 NMSA 1978 (being Laws  
15 1996, Chapter 71, Section 6, as amended) is amended to read:

16           "21-16-10.1. LEGISLATIVE LOTTERY SCHOLARSHIPS  
17 AUTHORIZED.--

18           A. To the extent that funds are made available by  
19 the legislature from the lottery tuition fund, the board of a  
20 technical and vocational institute shall award legislative  
21 lottery scholarships for qualified resident students  
22 attending a technical and vocational institute.

23           B. The legislative lottery scholarships  
24 authorized in this section shall apply only to full-time  
25 resident students who: ~~[immediately upon completion of a~~

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1 ~~high school curriculum at a public or accredited private New~~  
2 ~~Mexico high school or upon receiving a graduate equivalent~~  
3 ~~diploma, are accepted for entrance to and attend a technical~~  
4 ~~and vocational institute]~~

5 (1) maintain a grade point average of 2.75  
6 or higher on a 4.0 scale;

7 (2) maintain residency in New Mexico;

8 (3) score a 21 or higher on the American  
9 college testing or a 1550 or higher on the scholastic  
10 aptitude test; and

11 (4) immediately upon completion of a high  
12 school curriculum at a public or accredited private New  
13 Mexico high school, or upon receiving a graduate-equivalent  
14 diploma, are accepted for entrance to and attend a technical  
15 and vocational institute.

16 C. Each legislative lottery scholarship shall be  
17 awarded for up to two consecutive years beginning the second  
18 semester of the recipient's first year of enrollment,  
19 provided that the recipient has maintained residency in New  
20 Mexico and maintained [æ] the required grade point average  
21 [~~of 2.5 or higher on a 4.0 scale~~] during the first semester  
22 of full-time enrollment, with renewal of an additional two  
23 years upon transfer.

24 [~~G.~~] D. The higher education department shall  
25 prepare guidelines setting forth explicit student continuing

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1 eligibility criteria and guidelines for administration of the  
2 legislative lottery scholarship program. Guidelines shall be  
3 distributed to the boards of technical and vocational  
4 institutes to enable a uniform availability of the resident  
5 student legislative lottery scholarships.

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

19 **SECTION 4. [NEW MATERIAL] LEGISLATIVE LOTTERY**  
20 **SCHOLARSHIP--APPLICATION--LOAN--CONTRACT.--**

21 A. A New Mexico resident student who wishes to  
22 receive a legislative lottery scholarship shall apply through  
23 the public post-secondary educational institution's financial  
24 aid office. The higher education department shall determine  
25 the form of the application. The institution is responsible

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1 for ensuring initial and continuing academic and other  
2 eligibility for the legislative lottery scholarship and shall  
3 keep the higher education department apprised of students who  
4 are no longer qualified to receive tuition assistance and the  
5 reasons for disqualification.

6 B. As part of the application and prior to  
7 receiving tuition assistance, a student must declare the  
8 intention to graduate with an associate's or bachelor's  
9 degree or a career-technical certificate in a declared major  
10 and provide an estimate of the time needed to graduate even  
11 beyond four years but within six years; provided that only  
12 eight semesters of assistance are allowed. A student may  
13 declare the intention to receive both an associate's and a  
14 bachelor's degree in a declared major. A student may change  
15 a declared major but must graduate within the allowable  
16 semesters.

17 C. Acceptance of a legislative lottery  
18 scholarship is a contract between the student and the higher  
19 education department on behalf of the state to the effect  
20 that, in exchange for tuition assistance, the student will  
21 maintain academic and other eligibility and graduate with a  
22 degree or certificate, as approved by the public post-  
23 secondary educational institution within the allowable  
24 semesters. Failure of the student to maintain qualifications  
25 shall result in the amount of tuition assistance paid by the

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1 lottery tuition fund to become a debt due and owing to the  
2 state. The contract shall provide for the payment by the  
3 state of full or partial tuition assistance, as determined  
4 annually by the higher education department in accordance  
5 with money available from the lottery tuition fund and  
6 appropriated by the legislature, which assistance shall be  
7 conditioned on either the student maintaining program  
8 eligibility and obtaining a degree or certificate or the  
9 student repaying the tuition assistance as a debt. The  
10 amount of tuition assistance provided for the first two  
11 semesters on behalf of a student who fails to complete the  
12 student's education within six years shall become a debt due.  
13 The higher education department, in consultation with the  
14 student, shall establish terms of repayment, including  
15 interest at the prime rate published in the eastern print  
16 edition of the *Wall Street Journal*. A debt owed pursuant to  
17 this section shall not accrue interest until the higher  
18 education department determines that the tuition assistance  
19 recipient has failed to maintain eligibility, drops out of  
20 school or fails to complete the educational program leading  
21 to a degree or certificate.

22 D. The higher education department shall  
23 establish procedures for collecting debts owed it on behalf  
24 of the state pursuant to this section and may contract with  
25 one or more attorneys or law firms or with any other private

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1 business concern to assist the higher education department in  
2 collecting any debt created pursuant to this section. A  
3 contract shall not be entered into pursuant to this section  
4 unless proposals have been sought from two or more qualified  
5 firms.

6 SECTION 5. APPLICABILITY.--The provisions of this act  
7 apply to students enrolling in the fall 2013 semester of a  
8 public post-secondary educational institution as their  
9 qualifying semester.

10 SECTION 6. EFFECTIVE DATE.--The effective date of the  
11 provisions of this act is July 1, 2013.