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SENATE BILL 379

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

William H. Payne

AN ACT

RELATING TO HIGHER EDUCATION; ENACTING THE LEGISLATIVE LOTTERY
SCHOLARSHIP ACT TO EXTEND THE FINANCIAL SOLVENCY OF THE LOTTERY
TUITION FUND; AMENDING, REPEALING, RECOMPILING AND ENACTING
SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1
through 5 of this act may be cited as the "Legislative Lottery
Scholarship Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Legislative Lottery Scholarship Act:

A. "community college" means a branch community
college of a state educational institution or a community
college or technical and vocational institute established
pursuant to Chapter 21, Article 13 or 16 NMSA 1978,

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1 respectively;

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

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

7 D. "fund" means the lottery tuition fund;

8 E. "legislative lottery scholarship" means a
9 scholarship that provides financial assistance only for tuition
10 costs incurred by a qualified student attending any public
11 post-secondary educational institution in a uniform amount
12 determined annually by the department;

13 F. "public post-secondary educational institution"
14 means a community college, comprehensive institution, research
15 institution or state educational institution;

16 G. "qualified student" means a student who meets
17 eligibility requirements pursuant to the Legislative Lottery
18 Scholarship Act and department rules; who graduated with a
19 diploma from a public or accredited private New Mexico high
20 school or received a high school equivalency credential in New
21 Mexico; and who either:

22 (1) immediately upon graduation or receipt of
23 a high school equivalency credential was accepted for entrance
24 to and attended a public post-secondary educational
25 institution; or

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1 (2) within one hundred twenty days of
2 completion of a high school curriculum or receipt of a high
3 school equivalency credential began service in the United
4 States armed forces and within one year of completion of
5 honorable service or medical discharge from the service
6 attended a public post-secondary educational institution;

7 H. "research institution" means the university of
8 New Mexico, New Mexico state university or New Mexico institute
9 of mining and technology; and

10 I. "state educational institution" means an
11 institution of higher education enumerated in Article 12,
12 Section 11 of the constitution of New Mexico.

13 SECTION 3. [NEW MATERIAL] DISTRIBUTIONS FROM THE FUND FOR
14 LEGISLATIVE LOTTERY SCHOLARSHIPS--RULES.--

15 A. By May 1, 2014 and May 1 of each subsequent
16 year, the department shall determine the total amount of money
17 available for distribution from the fund to public post-
18 secondary educational institutions for the upcoming academic
19 year based on appropriations from the legislature, solvency
20 maintenance and criteria established by the department in rule.

21 B. By August 1, 2014, in collaboration with the
22 council of university presidents, the New Mexico association of
23 community colleges and the New Mexico independent community
24 colleges, the department shall establish criteria in rule for
25 the equitable distribution of money from the fund to each

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1 public post-secondary educational institution based on
2 enrollment data, tuition costs and other considerations agreed
3 upon in the collaboration.

4 C. By August 15, 2014 and August 15 of each
5 subsequent year, the department shall distribute to each public
6 post-secondary educational institution an amount of money from
7 the fund in accordance with criteria established pursuant to
8 Subsection B of this section.

9 SECTION 4. [NEW MATERIAL] LEGISLATIVE LOTTERY
10 SCHOLARSHIPS--AUTHORIZED--QUALIFIED STUDENTS.--

11 A. To the extent that funds are made available by
12 the legislature from the fund, a board of regents or governing
13 body of a public post-secondary educational institution shall
14 determine the quantity of legislative lottery scholarships to
15 award and the amounts of the awards for some or all qualified
16 students who meet eligibility requirements according to
17 institutional needs, missions and goals.

18 B. A qualified student who is otherwise eligible
19 for a legislative lottery scholarship must maintain residency
20 in the state.

21 C. Based on the needs of a student with
22 disabilities who requires and requests an accommodation, the
23 office at a state educational institution that serves students
24 with disabilities shall review the minimum credit hours and the
25 maximum number of consecutive semesters required for

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1 eligibility and adjust either or both as deemed reasonable and
2 appropriate.

3 SECTION 5. Section 6-24-23 NMSA 1978 (being Laws 1995,
4 Chapter 155, Section 23, as amended) is recompiled in the
5 Legislative Lottery Scholarship Act and is amended to read:

6 "LOTTERY TUITION FUND CREATED--PURPOSE.--

7 A. The "lottery tuition fund" is created in the
8 state treasury. The fund shall be administered by the
9 [~~commission on higher education~~] department. Earnings from
10 investment of the fund shall accrue to the credit of the fund.
11 Any balance in the fund at the end of any fiscal year shall
12 remain in the fund for appropriation by the legislature as
13 provided in this section.

14 B. Money in the [~~lottery tuition~~] fund [~~is~~] shall
15 be appropriated by the legislature to the [~~commission on higher~~
16 ~~education~~] department for distribution to New Mexico's [~~public~~
17 ~~post-secondary~~] state educational institutions to provide
18 tuition assistance for [~~New Mexico resident undergraduates as~~
19 ~~provided by law~~] qualified students as provided in the
20 Legislative Lottery Scholarship Act."

21 SECTION 6. Section 21-13-10 NMSA 1978 (being Laws 1963,
22 Chapter 17, Section 9, as amended) is amended to read:

23 "21-13-10. BOARD DUTIES.--

24 A. It is the duty of the community college board to
25 determine financial and educational policies of the community

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

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

15 ~~[G. 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 for~~
18 ~~qualified resident students attending their respective~~
19 ~~institutions.~~

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

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1 ~~lottery scholarship shall be awarded for up to two consecutive~~
2 ~~years beginning the second semester of the recipient's first~~
3 ~~year of enrollment, provided that the recipient has maintained~~
4 ~~residency in New Mexico and maintained a grade point average of~~
5 ~~2.5 or higher on a 4.0 scale during the first semester of full-~~
6 ~~time enrollment.~~

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

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

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SECTION 7. REPEAL.--Sections 21-1-4.3, 21-1-4.4 and
21-16-10.1 NMSA 1978 (being Laws 1996, Chapter 71, Sections 3,
4 and 6, as amended) are repealed.

SECTION 8. EMERGENCY.--It is necessary for the public
peace, health and safety that this act take effect immediately.