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AN ACT  
RELATING TO HIGHER EDUCATION; CLARIFYING DEFINITIONS AND  
OTHER PROVISIONS OF 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) 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 Mexico university, western New Mexico university,  
New Mexico highlands university or northern New Mexico  
college;

C. "department" means the higher education  
department;

D. "full time" means fifteen or more credit hours  
each semester of the regular academic year in state  
educational institutions and twelve or more credit hours each  
semester of the regular academic year in community colleges

1 or for legacy students in any program semester;

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

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

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

14 H. "public post-secondary educational institution"  
15 means a four-year state educational institution or a  
16 community college;

17 I. "qualified student" means a full-time student  
18 who graduated from a public or accredited private New Mexico  
19 high school or who received a high school equivalency  
20 credential while maintaining residency in New Mexico and who:

21 (1) either:

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

25 (b) within one hundred twenty days of

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

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

10 J. "research institution" means the university of  
11 New Mexico, New Mexico state university or New Mexico  
12 institute of mining and technology;

13 K. "state educational institution" means an  
14 institution of higher education enumerated in Article 12,  
15 Section 11 of the constitution of New Mexico; and

16 L. "tuition scholarship" means the scholarship  
17 that provides tuition assistance per program semester for a  
18 qualified student or legacy student attending a public  
19 post-secondary educational institution."

20 SECTION 2. Section 21-21N-3 NMSA 1978 (being Laws 2014,  
21 Chapter 80, Section 3) is amended to read:

22 "21-21N-3. TUITION SCHOLARSHIPS AUTHORIZED--QUALIFIED  
23 STUDENTS.--

24 A. To the extent that funds are made available by  
25 the legislature from the fund, the boards of regents or

1 governing bodies of public post-secondary educational  
2 institutions shall award tuition scholarships in  
3 department-approved amounts to qualified students and legacy  
4 students attending their respective public post-secondary  
5 educational institutions.

6 B. Beginning in fiscal year 2015:

7 (1) a legacy student is eligible to receive  
8 a tuition scholarship until the total number of program  
9 semesters for which the legislative lottery scholarship is  
10 received pursuant to the former provisions of  
11 Sections 21-1-4.3, 21-13-10 and 21-16-10.1 NMSA 1978 or the  
12 Legislative Lottery Tuition Scholarship Act reaches eight;  
13 provided that the legacy student maintains residency in  
14 New Mexico, maintains a grade point average of 2.5 or higher  
15 on a 4.0 scale and completes twelve or more credit hours per  
16 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 and in an amount  
20 determined pursuant to the provisions of Section 21-21N-4  
21 NMSA 1978.

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

25 (1) maintains residency in New Mexico;

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

3 (3) completes:

4 (a) for a student attending a four-year  
5 public post-secondary educational institution, fifteen or  
6 more credit hours per program semester; 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  
13 educational institution that serves students with  
14 disabilities, shall review both the definition of "full time"  
15 and the maximum number of consecutive program semesters of  
16 eligibility and adjust either or both as deemed reasonable  
17 and appropriate, based on the student's disability needs. In  
18 no case, however, shall "full time" mean fewer than six  
19 credit hours per semester, and in no case shall eligibility  
20 extend beyond fourteen consecutive program semesters."

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

23 "21-21N-4. TUITION SCHOLARSHIP AMOUNT--FUND.--

24 A. Prior to June 1 of each year, based on the  
25 amount appropriated by the legislature from the fund and on

1 the projected enrollment at all public post-secondary  
2 educational institutions, the department shall:

3 (1) determine the total amount of money  
4 available for all tuition scholarships for qualified  
5 students;

6 (2) determine the uniform percentage by  
7 which to calculate tuition scholarships for qualified  
8 students attending any public post-secondary educational  
9 institution; and

10 (3) notify all public post-secondary  
11 educational institutions of the determinations made pursuant  
12 to Paragraphs (1) and (2) of this subsection.

13 B. In determining distribution and award amounts  
14 for the tuition scholarship program, the department shall:

15 (1) maintain the minimum fund balance  
16 pursuant to Section 21-21N-5 NMSA 1978;

17 (2) distribute to all public post-secondary  
18 educational institutions an amount not to exceed the  
19 remaining balance in the fund; and

20 (3) subject to the provisions of Paragraphs  
21 (1) and (2) of this subsection, distribute to each public  
22 post-secondary educational institution an amount based on:

23 (a) the projected enrollment at each  
24 four-year public post-secondary educational institution of  
25 qualified students in their first through seventh program

1 semesters, including qualified students in their fourth  
2 through seventh program semesters who transferred from  
3 community colleges;

4 (b) the projected enrollment at each  
5 community college of qualified students in their first  
6 through third program semesters; and

7 (c) a uniform percentage of the average  
8 of in-state tuition costs charged by: 1) research  
9 institutions for each research institution; 2) comprehensive  
10 institutions for each comprehensive institution; and 3)  
11 community colleges for each community college, except that the  
12 uniform percentage for a two-year state educational  
13 institution shall be based on the uniform percentage for  
14 community colleges."

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