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HOUSE BILL 88

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Tomás E. Salazar

AN ACT

RELATING TO HIGHER EDUCATION; PROVIDING FOR LOAN REPAYMENT ASSISTANCE BY THE HIGHER EDUCATION DEPARTMENT FOR MINORITY DOCTORAL DEGREE RECIPIENTS TEACHING IN CERTAIN ACADEMIC DISCIPLINES AT PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTIONS IN NEW MEXICO.

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

SECTION 1. Section 21-21I-1 NMSA 1978 (being Laws 1990 (1st S.S.), Chapter 8, Section 1, as amended) is amended to read:

"21-21I-1. SHORT TITLE.--Chapter 21, Article 21I NMSA 1978 may be cited as the "Minority Doctoral Loan Repayment Assistance [~~Loan for Service Program~~] Act"."

SECTION 2. Section 21-21I-2 NMSA 1978 (being Laws 1990 (1st S.S.), Chapter 8, Section 2, as amended) is amended to

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1 read:

2 "21-21I-2. PURPOSE.--The purpose of the Minority Doctoral  
3 Loan Repayment Assistance [~~Loan for Service Program~~] Act is to  
4 increase the number of ethnic minorities and women available to  
5 teach engineering, physical or life sciences, mathematics and  
6 other academic disciplines in which ethnic minorities [~~and~~] or  
7 women are demonstrably underrepresented in New Mexico colleges  
8 and universities. Additionally, the purpose of the Minority  
9 Doctoral Loan Repayment Assistance [~~Loan for Service Program~~]  
10 Act is to create a partnership between the state, higher  
11 education institutions and students that will lead to greater  
12 participation of ethnic minorities and women in the ranks of  
13 college and university faculties, enhancing educational  
14 opportunities and quality for all New Mexico [~~citizens~~]  
15 residents."

16 SECTION 3. Section 21-21I-3 NMSA 1978 (being Laws 1990  
17 (1st S.S.), Chapter 8, Section 3, as amended) is amended to  
18 read:

19 "21-21I-3. DEFINITIONS.--As used in the Minority Doctoral  
20 Loan Repayment Assistance [~~Loan for Service Program~~] Act:

21 [~~A. "academic committee" means a committee at a~~  
22 ~~sponsoring institution appointed by the president of the~~  
23 ~~institution and composed of two faculty members, two academic~~  
24 ~~administrators and one central administrator;~~

25 B. "~~commission~~" A. "department" means the

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1 ~~[commission on]~~ higher education department;

2 ~~[G.]~~ B. "eligible institution" means [a  
3 ~~commission-approved]~~ an accredited institution of higher  
4 education that offers a doctoral degree-granting program in the  
5 fields of engineering, physical or life sciences, mathematics  
6 or other academic disciplines in which ethnic minorities ~~[and]~~  
7 or women are demonstrably underrepresented;

8 ~~[D. "sponsoring institution" means a four-year~~  
9 ~~public post-secondary institution located in New Mexico; and~~

10 ~~E. "student" means an individual who is an ethnic~~  
11 ~~minority or a woman and who has been accepted for enrollment at~~  
12 ~~an eligible institution to undertake a post-baccalaureate~~  
13 ~~course of instruction in the field of engineering, physical or~~  
14 ~~life sciences or mathematics]~~

15 C. "loan" means a grant of money pursuant to a  
16 contract between a recipient and a lender requiring repayment  
17 of principal with interest. A lender may include the federal  
18 government, a bank or the state; and

19 D. "recipient" means an individual who is a member  
20 of an ethnic minority or is a woman and who has successfully  
21 completed a doctoral degree-granting program at an eligible  
22 institution in the field of engineering, physical or life  
23 sciences or mathematics or another academic discipline in which  
24 ethnic minorities or women are underrepresented."

25 SECTION 4. Section 21-21I-4 NMSA 1978 (being Laws 1990

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1 (1st S.S.), Chapter 8, Section 4, as amended) is amended to  
2 read:

3 "21-21I-4. CONDITIONS FOR ELIGIBILITY.--The department  
4 may award a minority doctoral loan repayment assistance grant  
5 [~~may be awarded to a student~~] to a recipient who:

6 [~~A. has successfully completed all requirements for~~  
7 ~~a baccalaureate degree at a New Mexico four-year public post-~~  
8 ~~secondary institution in engineering, physical or life~~  
9 ~~sciences, mathematics or any other academic discipline in which~~  
10 ~~ethnic minorities and women are demonstrably underrepresented~~  
11 ~~at a New Mexico four-year public post-secondary institution;~~

12 [~~B. has met the admissions requirements and is~~  
13 ~~accepted for enrollment as a full-time doctoral student in an~~  
14 ~~eligible institution;~~

15 [~~G.] A. has been [interviewed and approved by an~~  
16 ~~academic committee from the sponsoring] hired by a public post-~~

17 secondary educational institution in New Mexico for a full-  
18 time, tenure-track faculty position;  
19 [~~D.] B. has complied with all of the rules [~~and~~  
20 ~~regulations~~] adopted by the [~~commission~~] department pursuant to  
21 the Minority Doctoral Loan Repayment Assistance [~~Loan for~~  
22 ~~Service Program~~] Act; and~~

23 [~~E.] C. is a citizen of the United States."~~

24 SECTION 5. Section 21-21I-5 NMSA 1978 (being Laws 1990  
25 (1st S.S.), Chapter 8, Section 5) is amended to read:

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1 "21-211-5. MINORITY DOCTORAL ~~[ASSISTANCE]~~ LOAN REPAYMENT  
2 CONTRACTS AND TERMS.--

3 A. A minority doctoral loan repayment assistance  
4 grant shall be evidenced by a contract between the ~~[student]~~  
5 recipient and the ~~[sponsoring institution]~~ department and shall  
6 be signed by the recipient and an authorized representative of  
7 the department.

8 B. The contract shall

9 ~~[(1) provide for the payment to the student by~~  
10 ~~the sponsoring institution of no more than twenty-five thousand~~  
11 ~~dollars (\$25,000) per year for no more than four years;~~

12 ~~(2) be conditioned upon the student's earning~~  
13 ~~a doctoral degree in the field of engineering, physical or life~~  
14 ~~sciences, mathematics or any other academic discipline in which~~  
15 ~~ethnic minorities and women are demonstrably underrepresented;~~

16 ~~(3) require the student to agree to begin to]~~  
17 provide that, in consideration for the department's payment of  
18 up to twenty-five thousand dollars (\$25,000) per year for up to  
19 four years to a lender on behalf of the recipient, the  
20 recipient shall teach in a full-time faculty position at ~~[the~~  
21 ~~sponsoring]~~ a public post-secondary educational institution  
22 ~~[within five years of completion of the doctoral degree and~~

23 ~~(4) require the student to teach in a faculty~~  
24 ~~position at the sponsoring institution]~~ in New Mexico for a  
25 minimum of one year for each year a minority doctoral loan

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1 repayment assistance grant [~~was~~] is awarded.

2 C. [~~Grants to students~~] Grant funds received by a  
3 recipient who [~~fail~~] fails to complete the contract terms [~~of~~  
4 ~~their contract~~] shall be [~~considered loans~~] converted to a loan  
5 with an applied annual interest rate equal to the treasury note  
6 rate in existence at the time the contract is entered into plus  
7 two percent. The loan shall become due [~~in equal parts~~] to the  
8 [~~state and the sponsoring institution~~] department on behalf of  
9 the state immediately upon the [~~student's~~] recipient's  
10 termination or breach of the [~~contractual agreement~~] contract.

11 D. [~~The general form of the contract shall be~~  
12 ~~approved by the attorney general and signed by the student and~~  
13 ~~an authorized representative of the sponsoring institution.~~]  
14 The [~~sponsoring institution~~] department is vested with full and  
15 complete authority and power to sue in its own name for any  
16 balance due it and the state from [~~any student~~] a recipient  
17 violating the terms of [~~any such~~] a contract under the Minority  
18 Doctoral Loan Repayment Assistance Act.

19 E. [~~The commission shall approve all minority~~  
20 ~~doctoral assistance contracts entered into between students and~~  
21 ~~sponsoring institutions.~~] The following debts incurred by a  
22 recipient are not eligible for payment by the department under  
23 the Minority Doctoral Loan Repayment Assistance Act:

24 (1) amounts incurred as a result of  
25 participation in state loan-for-service programs or other state

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1 programs whose purpose states that service is to be provided in  
2 exchange for financial assistance;

3 (2) scholarships that have a service component  
4 or obligation;

5 (3) personal loans from individuals;

6 (4) loans that exceed individual standard  
7 school expense levels; and

8 (5) loans that are eligible for another state  
9 or federal loan repayment program."

10 SECTION 6. Section 21-21I-6 NMSA 1978 (being Laws 1990  
11 (1st S.S.), Chapter 8, Section 6) is repealed and a new Section  
12 21-21I-6 NMSA 1978 is enacted to read:

13 "21-21I-6. [NEW MATERIAL] RULEMAKING.--The department  
14 shall adopt rules to implement the provisions of the Minority  
15 Doctoral Loan Repayment Assistance Act. The rules:

16 A. shall provide procedures for awarding minority  
17 doctoral loan repayment assistance grants;

18 B. shall provide procedures for determining the  
19 amount of each minority doctoral loan repayment assistance  
20 grant; and

21 C. may provide for the disbursement of funds to a  
22 lender on behalf of a recipient in annual or other periodic  
23 installments."