HOUSE BILL 189

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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AN ACT

RELATING TO LEGAL SERVICES; PROVIDING FOR THE COMMUNITY
GOVERNANCE ATTORNEY COMMISSION TO ADJUST THE MAXIMUM ALLOWABLE
SALARIES FOR ATTORNEYS PURSUANT TO THE COMMUNITY GOVERNANCE
ATTORNEY ACT.

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

SECTION 1. Section 21-21Q-3 NMSA 1978 (being Laws 2019,
Chapter 43, Section 3) is amended to read:

"21-21Q-3. COMMUNITY GOVERNANCE ATTORNEY AND CONDITIONAL
TUITION WAIVER PROGRAM CREATED--ADMINISTRATION--RULEMAKING
SELECTION PROCESS--REPAYMENT.--

A. The "community governance attorney and
conditional tuition waiver program" is created and shall be
administered by the department. The department shall:

(1) promulgate rules for implementing the

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1   program and for a reasonable living stipend in consultation

2   with the university; provided that the maximum living stipend

3   shall be based upon the availability of funds and information

4   provided by the university regarding the current cost of

5   attendance at the university;

6   (2)   publicize the program to law students and

7   to prospective law students;

8   (3)   collect and manage repayment from students

9   who do not meet their obligations under the program; and

10   (4)   solicit and accept funds for the program,

11   including grants and donations.

12   B.   Participants shall enter the program in their

13   final year of law school. The department shall select

14   participants according to rules it promulgates and, in

15   consultation with the commission, shall create a standard

16   process for law students to apply to participate in the

17   program.

18   C.   The department shall award no more than two new

19   waivers a year, in addition to renewing existing waivers for

20   eligible participants, subject to the availability of funding.

21   D.   Participation in the program shall be evidenced

22   by a contract between the participant and the department. The

23   contract shall provide for the payment of a participant's

24   waiver and shall be conditioned upon the participant fulfilling

25   the program obligations and meeting the university's standards

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1   for satisfactory academic progress. An applicant to the

2   program shall sign the contract prior to being accepted into

3   the program.

4   E.   The contract shall include the following terms

5   for repayment of the waiver:

6   (1)   interest shall accrue upon termination of

7   the participant's course of study at the following interest

8   rates:

9   (a)   eighteen percent per year if the

10   participant completes a course of study and no portion of the

11   principal and interest is forgiven pursuant to Subsection F of

12   this section; and

13   (b)   seven percent per year in all other

14   cases; and

15   (2)   the maximum period for repayment shall be

16   ten years, commencing six months from the date the participant

17   completes or discontinues the course of study.

18   F.   The contract shall provide that the department

19   forgive fifty percent of a waiver for each year that a

20   participant is employed full time as a community governance

21   attorney with a maximum salary of not more than fifty thousand

22   dollars ($50,000) per year, subject to adjustment by the

23   commission pursuant to Subsection G of this section.

24   G.   The commission may approve subsequent increases

25   in the maximum salary established pursuant to Subsection F of

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this section; provided that the maximum salary shall not exceed the salary rate for entry-level attorneys paid by legal service assistance entities in New Mexico that receive funding from the federally established legal services corporation."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2021.

- 4 -