

HOUSE BILL 403

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Joy Garratt and Leo Jaramillo

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO HIGHER EDUCATION; ENACTING THE PUBLIC SERVICE LOAN FORGIVENESS MULTIPLIER ACT; PROVIDING A MULTIPLIER FOR ADJUNCT AND CONTINGENT FACULTY AT HEC→**PUBLIC**←HEC POST-SECONDARY EDUCATIONAL INSTITUTIONS; PROVIDING FOR THE CERTIFICATION OF FULL-TIME EMPLOYMENT STATUS; PROVIDING FOR NOTICE AND RENEWAL OF A PUBLIC SERVICE LOAN FORGIVENESS FORM; PROVIDING FOR THE DISSEMINATION OF PUBLIC SERVICE LOAN FORGIVENESS INFORMATION.

.224021.2AIC March 6, 2023 (12:56pm)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

underscoring material = new
[bracketed material] = delete
Amendments: new = bold, blue, highlight
delete = bold, red, highlight, strikethrough

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

SECTION 1. A new section of Chapter 21 NMSA 1978 is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Public Service Loan Forgiveness Multiplier Act"."

SECTION 2. A new section of Chapter 21 NMSA 1978 is enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Public Service Loan Forgiveness Multiplier Act:

A. "certifying employment" means either completing the employer sections of the public service loan forgiveness form or sharing data directly with the United States department of education that corresponds to the information required for the public service loan forgiveness form;

B. "employee" means someone who works for a public service employer, regardless of whether the public service employer considers that work to be full-time or part-time, contingent or contracted, or who receives a form W-2 from the employer;

C. "full-time" means the lesser of:

(1) working at least an average of thirty hours per week HEC→,←HEC

HEC→(2)←HEC HEC→or←HEC working at least an average of thirty hours per week throughout a contractual or employment period of at least eight months in a twelve-month period; or

.224021.2AIC March 6, 2023 (12:56pm)

underscored material = new
[bracketed material] = delete
Amendments: new = bold, blue, highlight
delete = bold, red, highlight, strikethrough

HEC→(3)←HEC HEC→(2)←HEC an hourly standard adopted by the United States department of education;

D. "public service employer" means a post-secondary educational institution in the state that is designated as a qualifying employer under the federal public service loan forgiveness program by the United States department of education;

E. "public service loan forgiveness form" means the form used by the United States department of education to certify an individual's employment at a public service organization and is used to determine eligibility for the purposes of the public service loan forgiveness program; and

F. "public service loan forgiveness program" means the federal loan forgiveness program established pursuant to 34 C.F.R. Section §685.219."

SECTION 3. A new section of Chapter 21 NMSA 1978 is enacted to read:

"[NEW MATERIAL] CERTIFICATION OF EMPLOYMENT--HOUR MULTIPLIER--DETERMINATION OF FULL-TIME EMPLOYMENT.--

A. For the purposes of certifying employment for the public service loan forgiveness program for employees who are former or current adjunct professors or contingent faculty at a HEC→public←HEC post-secondary educational institution, a public service employer shall credit at least four and thirty-five hundredths hours worked for each hour of credit or

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

classroom contact time, regardless of when the hours are worked, including hours worked on or after October 1, 2007. The provisions of this subsection shall not supersede any greater adjustment factor established by a collective bargaining agreement or employer policy in recognition of additional work associated with lecture or classroom time for the purpose of the public service loan forgiveness program and shall have no other applicability for public service employers and employees.

B. When determining whether an employee is considered full-time, for the purpose of certifying employment for the public service loan forgiveness program only, a public service employer shall not treat any adjusted total hours worked pursuant to this section differently from hours worked without an adjustment factor.

C. For the purpose of certifying employment only, a public service employer shall consider as full-time, as necessary, any employee who satisfies the definition of "full-time" pursuant to Subsection C of Section 2 of the Public Service Loan Forgiveness Multiplier Act.

D. A public service employer shall adopt a policy of maximizing the amount of time for which an employee's employment can be considered full time. Nothing in this section shall require a public service employee to increase the number of contracted hours for which the employee is paid.

.224021.2AIC March 6, 2023 (12:56pm)

underscoring material = new
[bracketed material] = delete
Amendments: new = bold, blue, highlight
delete = bold, red, highlight, strikethrough

E. A public service employer shall treat as a continuous employment period any consecutive academic terms for which an employee teaches, regardless of whether such hours are taught pursuant to separate employment contracts and regardless of whether such academic terms are separated by routine academic vacation, but only to the extent that doing so maximizes the amount of time for which an employee's employment can be considered full time.

F. Notwithstanding the provisions of this section, should the United States department of education promulgate rules related to the calculation of hours worked for the purposes of certifying employment for the public service loan forgiveness program that are more favorable to employees than those requirements provided herein, those rules shall govern."

SECTION 4. A new section of Chapter 21 NMSA 1978 is enacted to read:

"[NEW MATERIAL] EMPLOYMENT CERTIFICATION--PUBLIC SERVICE LOAN FORGIVENESS FORM--CALCULATION OF TIME WORKED.--

A. In the event that the United States department of education permits public service employers to certify employment for past or present individual employees or groups of employees directly with the United States department of education or its agents, notwithstanding any other provision of law, a public service employer shall be permitted to send to the United States department of education or its agents the

.224021.2AIC March 6, 2023 (12:56pm)

underscored material = new
[bracketed material] = delete
Amendments: new = bold, blue, highlight
delete = bold, red, highlight, strikethrough

information necessary for employment certification.

B. HEC→~~Beginning on July 1, 2024, in~~←HEC

HEC→In←HEC the event that a public service employer does not directly certify employment with the United States department of education pursuant to Subsection A of this section, the public service employer shall provide a copy of the public service loan forgiveness form with the employer information and employment certification sections of the form already completed:

(1) to any former or current employee who requests a public service loan forgiveness form;

(2) HEC→beginning on July 1, 2024,←HEC annually for any current employee for whom the public service employer has previously certified employment on or after July 1, 2023; and

(3) for any employee who is ending work with the public service employer.

C. A partially completed public service loan forgiveness form shall reflect employment for the prior twelve-month period and may reflect longer periods of employment, if necessary.

D. HEC→~~Public post-secondary~~←HEC HEC→Post-
secondary←HEC educational institutions shall use the calculation established in Section 3 of the Public Service Loan Forgiveness Multiplier Act and may apply it to hours worked

.224021.2AIC March 6, 2023 (12:56pm)

underscored material = new
[bracketed material] = delete
Amendments: new = bold, blue, highlight
delete = bold, red, highlight, strikethrough

beginning October 1, 2007, only for the purpose of determining whether a part-time employee is considered full time for the public service loan forgiveness program.

E. A public service employer shall not unreasonably delay certifying employment.

F. Nothing in this section shall prevent a public service employer from seeking permission from employees prior to certifying the employees' employment."

SECTION 5. A new section of Chapter 21 NMSA 1978 is enacted to read:

"[NEW MATERIAL] HIGHER EDUCATION DEPARTMENT DUTIES--PUBLIC SERVICE EMPLOYER DUTIES--DISSEMINATION OF LOAN FORGIVENESS INFORMATION.--

A. The secretary of higher education or the secretary's designee shall develop and update, as necessary, materials designed to promote and increase awareness of the public service loan forgiveness program. The secretary or the secretary's designee may use materials developed by other state agencies or by the United States department of education, as appropriate. The materials shall include:

(1) a standardized letter for public service employers to distribute to employees that briefly summarizes the public service loan forgiveness program, provides information about what eligible employees are required to do to benefit from the program and recommends that eligible employees

underscored material = new
[bracketed material] = delete
Amendments: new = bold, blue, highlight
delete = bold, red, highlight, strikethrough

contact their student loan service for additional resources;

(2) a detailed fact sheet describing the public service loan forgiveness program, including the official websites maintained by the United State department of education for the program and by the United States department of the treasury for student loan borrower resources; and

(3) a document containing frequently asked questions about the public service loan forgiveness program.

B. The secretary of higher education shall coordinate with other state agencies and offices, as necessary, to make the materials available to public service employers.

C. Each public service employer shall annually provide to all employees the most recent available version of the materials required pursuant to Subsection A of this section in written or electronic form. In addition to those materials, a public service employer shall provide a newly hired employee with those same materials within thirty days of the employee's first day of employment by mail, by electronic mail or during an in-person new employee orientation."

SECTION 6. EFFECTIVE DATE.--

A. The effective date of HEC→the provisions of←HEC Sections 1 through 4 of this act is July 1, 2023.

B. The effective date of HEC→the provisions of←HEC the provisions of Section 5 of this act is September 1, 2023.