

SENATE BILL 239

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

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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 SCHOLARSHIPS; AMENDING CERTAIN DEFINITIONS IN THE LEGISLATIVE LOTTERY TUITION SCHOLARSHIP ACT; CHANGING CERTAIN REQUIREMENTS FOR ELIGIBILITY FOR THE LEGISLATIVE LOTTERY TUITION SCHOLARSHIP; HEC → LOWERING THE NUMBER OF REQUIRED CREDIT HOURS FOR FALL AND SPRING SEMESTERS FOR LOTTERY SCHOLARSHIPS; ← HEC PROVIDING AN EXCEPTION TO THE MINIMUM CREDIT-HOUR ELIGIBILITY REQUIREMENT IN THE OPPORTUNITY SCHOLARSHIP ACT; EXEMPTING DUAL CREDIT CLASSES FROM COUNTING

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TOWARD THE OPPORTUNITY SCHOLARSHIP CREDIT-HOUR CAP;

HEC→~~ALLOWING CREDIT FOR SUMMER SEMESTERS IN EACH SCHOLARSHIP~~

←HEC HEC→PROVIDING FOR A SHORT-TERM CHANGE IN THE CALCULATION  
OF THE OPPORTUNITY SCHOLARSHIP DISTRIBUTION.←HEC

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, as amended) 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~~] thirty or more credit hours each [~~semester of the regular academic~~] year in state educational institutions and [~~twelve~~] twenty-four or more credit hours each [~~semester of the regular academic~~] year in community colleges [~~or for legacy students in any program semester~~];

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E. "fund" means the lottery tuition fund;

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

~~G.]~~ F. "program semesters" means those semesters for which a ~~[legacy or]~~ qualified student may receive a tuition scholarship, which includes the summer semester and excludes the first semester of attendance at a public post-secondary educational institution;

~~[H.]~~ G. "public post-secondary educational institution" means a four-year state educational institution or a community college;

~~[I.]~~ H. "qualified student" means a full-time student who graduated from a public or accredited private New Mexico high school ~~[in the state]~~ or completed the requirements of a home-based or ~~[non-public-school primary]~~ nonpublic secondary educational program in ~~[the state]~~ New Mexico or received a high school equivalency credential while maintaining residency in New Mexico and who:

(1) either:

(a) within sixteen months of graduation from ~~[a public school in this state]~~ or completion of ~~[the~~

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~~requirements of a home-based or non-public-school primary educational program or receipt of a high school equivalency credential, was accepted for entrance to and attended]~~ a secondary educational program specified in this subsection, attends a public post-secondary educational institution or tribal college; or

(b) within four months of graduation from ~~[a public school in this state]~~ or completion of ~~[the requirements of a home-based or non-public-school primary educational program or receipt of a high school equivalency credential]~~ a secondary educational program specified in this subsection, began service in the United States armed forces and within sixteen months of completion of honorable service or medical discharge from the service, ~~[attended]~~ attends a public post-secondary educational institution or tribal college; and

(2) successfully completed the first semester at a public post-secondary educational institution with a grade point average of 2.5 or higher on a 4.0 scale during the first semester ~~[of full-time enrollment]~~ and took twelve or more credit hours;

~~[J.]~~ I. "research institution" means the university of New Mexico, New Mexico state university or New Mexico institute of mining and technology;

~~[K.]~~ J. "state educational institution" means an institution of higher education enumerated in Article 12,

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Section 11 of the constitution of New Mexico;

~~[H.]~~ K. "tribal college" means a tribally, federally or congressionally chartered post-secondary educational institution located in New Mexico that is accredited by the higher learning commission; and

~~[M.]~~ L. "tuition scholarship" means the scholarship that provides tuition assistance per program semester for a qualified student ~~[or legacy student]~~ attending a public post-secondary educational institution or tribal college."

**SECTION 2.** Section 21-21N-3 NMSA 1978 (being Laws 2014, Chapter 80, Section 3, as amended by Laws 2019, Chapter 33, Section 1 and by Laws 2019, Chapter 54, Section 2) is amended to read:

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

A. To the extent that funds are made available by the legislature from the fund, the boards of regents or governing bodies of public post-secondary educational institutions and tribal colleges shall award tuition scholarships in department-approved amounts to qualified students ~~[and legacy students]~~ attending their respective public post-secondary educational institutions.

B. ~~[Beginning in fiscal year 2015:]~~

~~(1) a legacy student is eligible to receive a tuition scholarship until the total number of program semesters~~

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~~for which the legislative lottery scholarship is received pursuant to the former provisions of Sections 21-1-4.3, 21-13-10 and 21-16-10.1 NMSA 1978 or the Legislative Lottery Tuition Scholarship Act reaches eight; provided that the legacy student maintains residency in New Mexico, maintains a grade point average of 2.5 or higher on a 4.0 scale and completes twelve or more credit hours per program semester; and~~

~~(2)] A qualified student [who is not a legacy student] is eligible to receive the tuition scholarship for a maximum of seven fall and spring program semesters and a maximum of three summer semesters, or no more than three and one-half years for a bachelor's degree, in an amount determined pursuant to the provisions of Section 21-21N-4 NMSA 1978.~~

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

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

(3) completes:  
(a) for a student attending a four-year public post-secondary educational institution or a tribal college, HEC→~~fifteen or more credit hours per fall and spring program semester, and no fewer than three and no more than nine credit hours for summer semesters; provided~~←HEC HEC→thirty credit hours, which may be apportioned among fall through

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summer semesters, with no fewer than twelve credit hours in the fall and spring semesters and between three and nine credit hours for summer semesters; provided that the department may provide by rule for exceptions to the number of summer semester credit hours; and provided further←HEC that a student is not required to attend summer semesters to maintain eligibility; and provided further that credit-hour limits do not apply to the last semester before graduation; and

(b) for a student attending a two-year public post-secondary educational institution, HEC→~~twelve or more credit hours per fall and spring program semester, and no fewer than three and no more than nine credit hours for summer semesters; provided~~←HEC HEC→twenty-four credit hours, which may be apportioned among fall through summer semesters, with no fewer than nine credit hours in the fall and spring semesters and between three and nine credit hours for summer semesters; provided that the department may provide by rule for exceptions to the number of summer semester credit hours; and provided further←HEC that a student is not required to attend summer semesters to maintain eligibility; and provided further that credit-hour limits do not apply to the last semester before graduation.

D. For students with disabilities who may require accommodations, the department, in consultation with the student and the office at the public post-secondary educational

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institution or the tribal college that serves students with disabilities, shall review both the definition of "full time" and the maximum number of consecutive program semesters of eligibility and adjust either or both as deemed reasonable and appropriate, based on the student's disability needs. In no case, however, shall "full time" mean fewer than six credit hours per semester during the fall and spring semesters or three credit hours per summer semester, if attending, and in no case shall eligibility extend beyond fourteen consecutive program semesters. The definition of "qualified student" notwithstanding, a New Mexico resident who had to leave the state to receive an education pursuant to the federal Individuals with Disabilities Education Act shall be eligible for a tuition scholarship if the student graduated from an accredited high school in another state and otherwise meets the qualifications for a tuition scholarship pursuant to the definition of "qualified student" and this section."

**SECTION 3.** Section 21-21R-2 NMSA 1978 (being Laws 2022, Chapter 42, Section 2) is amended to read:

"21-21R-2. DEFINITIONS.--As used in the Opportunity 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



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Chapter 21, Article 13 or 16 NMSA 1978;

B. "department" means the higher education department;

C. "eligible student" means a New Mexico resident who is enrolled [~~or enrolling in at least six credit hours, excluding the summer semester~~] in a public post-secondary educational institution or tribal college at any time following high school graduation or the award of a high school equivalency credential ~~HEC~~→in New Mexico←~~HEC~~ and who meets other conditions for eligibility;

D. "public post-secondary educational institution" means a four-year state educational institution or a community college;

E. "scholarship" means [~~an~~] the opportunity scholarship;

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

G. "tribal college" means a tribally, federally or congressionally chartered post-secondary educational institution located in New Mexico that is accredited by the higher learning commission."

SECTION 4. Section 21-21R-3 NMSA 1978 (being Laws 2022, Chapter 42, Section 3) is amended to read:

"21-21R-3. CONDITIONS FOR ELIGIBILITY.--

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A. A scholarship may be awarded to an eligible student who:

(1) has not earned a baccalaureate degree at the time the scholarship is awarded;

(2) is enrolled in [~~a minimum of~~] at least six credit hours per semester and no more than eighteen credit hours per fall or spring semester; except that the credit-hour limits do not apply to a student in the last semester before graduation;

(3) is enrolled in at least three and no more than nine credit hours per summer semester; provided that a student is not required to attend a summer semester to maintain eligibility;

[~~(3)~~] (4) maintains a cumulative grade point average of 2.5 on a 4.0 scale; and

[~~(4)~~] (5) has complied with other rules promulgated by the department to carry out the provisions of the Opportunity Scholarship Act.

B. A scholarship may be awarded for the summer semester; provided that the student enrolls in [~~no less than~~] at least three and no more than nine credit hours; and provided further that the summer semester is not required to maintain eligibility; and provided further that credit-hour limits do not apply to a student in the last semester before graduation.

C. A scholarship may be awarded for one credit-

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bearing certificate or certificates, only one associate degree and only one bachelor's degree per student.

D. A scholarship for a credit-bearing certificate may only be awarded where data indicates that the certificate is in high demand by New Mexico employers as determined by the department in consultation with the workforce solutions department.

E. Students with disabilities or exceptional mitigating circumstances may petition for a waiver of eligibility, credit-hour limits or other requirements on a per semester basis. The lead financial aid officer of the public post-secondary institution or tribal college shall exercise professional judgment in consideration of any request for a waiver."

SECTION 5. Section 21-21R-4 NMSA 1978 (being Laws 2022, Chapter 42, Section 4) is amended to read:

"21-21R-4. SCHOLARSHIP AUTHORIZED--ADMINISTRATION.--

A. The department shall administer the Opportunity Scholarship Act and shall promulgate rules to carry out the provisions of that act.

B. Scholarships shall be awarded to qualified eligible students in an amount not to exceed one hundred percent of tuition and fees after all other state financial aid has been applied. Qualifications shall be determined by rule of the department.

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C. Prior to June 1 of each year, based on the amount appropriated by the legislature from the opportunity scholarship fund and on the projected enrollment at all public post-secondary educational institutions and tribal colleges, the department shall:

(1) determine the total amount of money available for all scholarships for eligible students;

(2) determine the award amount for public post-secondary educational institutions and tribal colleges; and

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

D. In determining distribution and award amounts for the scholarships, the department shall:

(1) distribute to all public post-secondary educational institutions and tribal colleges an amount not to exceed the remaining balance in the opportunity scholarship fund; and

(2) subject to the provisions of Paragraph (1) of this subsection, distribute to each public post-secondary educational institution and tribal college an amount based on the projected enrollment at each public post-secondary educational institution and tribal college.

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E. Prior to June 1 of each year HEC→through fiscal year 2028←HEC, the department shall determine the maximum distribution to each public post-secondary educational institution and tribal college based on the annual increase in the higher education price index for the mountain region."

SECTION 6. Section 21-21R-5 NMSA 1978 (being Laws 2022, Chapter 42, Section 5) is amended to read:

"21-21R-5. DURATION OF SCHOLARSHIP AUTHORIZED.--

A. Each scholarship is for a period of one semester, including the summer semester. A scholarship may be renewed [~~provided that~~] if the eligible student continues to meet the conditions of eligibility.

B. Scholarships may be provided to an eligible student until the eligible student receives a credit-bearing certificate or certificates.

C. Scholarships may be provided to an eligible student for up to ninety credit hours for the completion of [~~an~~] one associate degree; provided that dual credit courses that an eligible student previously completed shall not count toward the credit-hour cap.

D. Scholarships may be provided to an eligible student for up to one hundred sixty credit hours for the completion of [~~a~~] one bachelor's degree; provided that dual credit courses that an eligible student previously completed shall not count toward the credit-hour cap.

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[~~E. Scholarships may be provided to an eligible student until the eligible student graduates from a four-year public post-secondary educational institution or tribal college.~~]"

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