

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 21
44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999
INTRODUCED BY
Mimi Stewart

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO TEACHERS; ENACTING THE TEACHER LOAN REPAYMENT ACT;
PROVIDING POWERS AND DUTIES; PROVIDING FOR CONTRACTS; CREATING
A FUND; MAKING AN APPROPRIATION.

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

Section 1. SHORT TITLE. -- This act may be cited as the
"Teacher Loan Repayment Act".

Section 2. PURPOSE. -- The purpose of the Teacher Loan
Repayment Act is to increase the number of elementary and
secondary teaching professionals in underserved areas of the
state through an educational loan repayment program. The act
provides for repayment of the principal and reasonable
interest accrued on loans obtained from the federal government
or a commercial lender for education purposes.

Section 3. DEFINITIONS. -- As used in the Teacher Loan

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 Repayment Act:

2 A. "commission" means the commission on higher
3 education;

4 B. "loan" means a grant of money to defray the
5 costs incidental to a teacher's education under a contract
6 between the federal government or a commercial lender and a
7 teacher that requires either repayment of principal and
8 interest or repayment in services; and

9 C. "teacher" means an elementary or secondary
10 teacher who participates in the teacher loan repayment
11 program.

12 Section 4. COMMISSION POWERS AND DUTIES-- PARTICIPANT
13 ELIGIBILITY-- QUALIFICATIONS. --

14 A. The commission may grant an award to repay
15 loans obtained for a teacher's educational expenses upon such
16 terms and conditions as may be imposed by rules of the
17 commission.

18 B. Applicants shall be licensed or certified to
19 practice in New Mexico as an elementary or secondary teacher
20 and shall be bona fide citizens and residents of the United
21 States. Applicants shall declare their intent to teach within
22 designated teacher shortage areas of the state.

23 C. The commission shall make a full and careful
24 investigation of the ability and qualifications of each
25 applicant and determine fitness to become a participant in the

underscored material = new
[bracketed material] = delete

1 teacher loan repayment program.

2 D. The commission shall establish a teaching
3 advisory committee to assist in selecting teachers, shortage
4 areas and other related matters.

5 Section 5. DELEGATION OF DUTIES. --The commission may
6 delegate to other agencies or contract for the performance of
7 services required by the provisions of the Teacher Loan
8 Repayment Act.

9 Section 6. AWARD CRITERIA-- CONTRACT TERMS-- PAYMENT. --

10 A. Prior to receiving an award, the teacher shall
11 file with the commission an application and declaration of
12 intent to teach in areas of New Mexico designated as
13 underserved by the teaching advisory committee.

14 B. Award criteria shall provide that:

15 (1) amounts are dependent on the location of
16 the teaching site and other characteristics that address the
17 needs of the state;

18 (2) preference in making awards may be to
19 teachers who have graduated from a New Mexico public post-
20 secondary educational institution;

21 (3) recruitment awards may be made to
22 eligible teachers who agree to relocate to an approved
23 designated area;

24 (4) highest priority shall be given to
25 teachers in practices in which teaching vacancies are

underscored material = new
[bracketed material] = delete

1 difficult to fill or require special certification;

2 (5) award amounts may be modified based on
3 available funding or other special circumstances; and

4 (6) an award shall not exceed the teacher's
5 total educational indebtedness.

6 C. The following educational debts are not
7 eligible for repayment pursuant to the Teacher Loan Repayment
8 Act:

9 (1) amounts incurred as a result of
10 participation in state loan-for-service programs or other
11 state programs whose purpose states that service be provided
12 in exchange for financial assistance;

13 (2) amounts incurred as a result of
14 participation in federal financial aid programs that allow for
15 cancellation or forgiveness for service;

16 (3) scholarships that have a service
17 component or obligation;

18 (4) personal loans from friends or relatives;

19 and

20 (5) loans that exceed individual standard
21 school expense levels.

22 D. The loan repayment award shall be evidenced by
23 a contract between the teacher and the commission acting on
24 behalf of the state. The contract shall provide for the
25 payment by the state of a stated sum to the teacher or

underscored material = new
[bracketed material] = delete

1 teacher's debtors and shall state the obligations of the
2 teacher under the program, including minimum contract periods,
3 reporting requirements and other policies established by the
4 commission.

5 E. Participating teachers shall teach a complete
6 year in order to receive credit for that year. The minimum
7 credit for a year shall be established by the commission.

8 F. If a teacher does not comply with the terms of
9 the contract, a penalty shall be assessed as determined by
10 rule of the commission, unless the commission finds acceptable
11 extenuating circumstances for why the teacher cannot serve or
12 comply with the terms of the contract. If the commission does
13 not find acceptable extenuating circumstances for the
14 teacher's failure to comply with the contract, the commission
15 shall require immediate repayment plus the amount of the
16 penalty.

17 G. The commission shall adopt rules to implement
18 the provisions of this section. The rules may provide for the
19 disbursement of loan repayment awards in annual or other
20 periodic installments.

21 Section 7. CONTRACTS--ENFORCEMENT.--The general form of
22 the contract required shall be prepared and approved by the
23 attorney general and signed by the teacher and the designated
24 representative of the commission on behalf of the state. The
25 commission is vested with full authority and power to sue in

underscored material = new
[bracketed material] = delete

1 its own name for any balance due the state from any student on
2 any such contract.

3 Section 8. FUND CREATED--METHOD OF PAYMENT. --The
4 "teacher loan repayment fund" is created in the state
5 treasury. All money appropriated for the teacher loan
6 repayment program shall be credited to the fund, and all
7 payments for penalties or repayment of awards received by the
8 commission shall be credited to the fund or shall be deposited
9 with the commission's administrative agent. All payments for
10 loan repayment awards shall be made upon vouchers signed by
11 the designated representative of the commission and upon
12 warrant issued by the secretary of finance and administration.

13 Section 9. CANCELLATION.--The commission may cancel any
14 contract made between it and a teacher for reasonable cause
15 deemed sufficient by the commission.

16 Section 10. REPORTS.--The commission shall make annual
17 reports to the governor and to the legislature, prior to each
18 regular session, of its activities; the loan repayment awards
19 granted; the names and addresses of loan repayment award
20 teachers; the names and locations of the teachers serving in
21 designated teacher shortage areas; and the name of each loan
22 repayment award teacher who is not serving in a designated
23 teacher shortage area, the reason the teacher is not serving
24 and the amount owed and paid on the loan and loan repayment
25 award.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5
6 February 8, 1999

7
8 Mr. Speaker:

9
10 Your EDUCATION COMMITTEE, to whom has been referred

11
12 HOUSE BILL 21

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

16 1. On page 1, line 1, strike "HOUSE)" and insert in lieu
17 thereof "HOUSE".

18
19 2. On page 2, line 4, strike "grant" and insert in lieu
20 thereof "payment".

21
22 3. On page 2, line 25, strike "and determine fitness".

23
24 4. On page 5, line 24, after "state" insert "before
25 payment of the loan".

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HEC/HB 21

Page 9

5. On page 6, line 1, strike "student" and insert in lieu thereof "teacher"., and thence referred to the APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

Rick Mi era, Chair man

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HEC/HB 21

Page 10

4 The roll call vote was 16 For 0 Against

5 Yes: 16

6 Excused: None

7 Absent: None

8

9

10 J: \99BillSWP\H0021

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

underscored material = new
[bracketed material] = delete

1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3
4 February 16, 1999

5
6
7 Mr. Speaker:

8
9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 21, as amended

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS, amended as follows:

- 15
16 1. On page 1, line 13, strike “; MAKING AN
17 APPROPRIATION”.
- 18
19 2. On page 7, strike lines 1 through 7 in their entirety.
- 20
21
22
23
24
25

underscored material = new
[bracketed material] = delete

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

Page 12

Respectfully submitted,

Max Coll, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 4 Against

Yes: 8

No: Buffett, Larrañaga, Parsons, Pearce

Excused: Abeyta, Coll, Heaton, Marquardt, Watchman

Absent: None

127857.1

J:\99BillsWP\H0021

. 125636.1

underscored material = new
[bracketed material] = delete

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

Page 13

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

March 11, 1999

Mr. President:

Your EDUCATION COMMITTEE, to whom has been referred

HOUSE BILL 21, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Cynthia Nava, Chairman

underscored material = new
[bracketed material] = delete

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 1 Against

Yes: 6

No: Boitano

Excused: Adair, Duran, Gorham

Absent: None

H0021ED1

underscored material = new
[bracketed material] = delete