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SENATE BILL 453

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Don Kidd

AN ACT

RELATING TO EDUCATION; AMENDING AND REPEALING SECTIONS OF THE  
NMSA 1978 TO CHANGE ELIGIBILITY FOR CERTAIN SCHOLARSHIPS AND  
TO CONTINUE THE CURRENT DISTRIBUTION OF LOTTERY REVENUES AFTER  
JULY 1, 1999; DECLARING AN EMERGENCY.

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

Section 1. Section 21-1-4.3 NMSA 1978 (being Laws 1996,  
Chapter 71, Section 3) is amended to read:

"21-1-4.3. TUITION SCHOLARSHIPS AUTHORIZED- - CERTAIN  
EDUCATIONAL INSTITUTIONS. - -

A. To the extent that funds are made available by  
the legislature from the lottery tuition fund, the boards of  
regents of New Mexico state university, New Mexico institute  
of mining and technology, eastern New Mexico university,  
western New Mexico university, the university of New Mexico,

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1 New Mexico highlands university and northern New Mexico state  
2 school shall award tuition scholarships for qualified resident  
3 students attending their respective institutions and branches  
4 of those institutions.

5 B. Except as authorized in [~~Subsection~~]  
6 Subsections C and D of this section, the tuition scholarships  
7 authorized in this section shall apply [~~only~~] to full-time  
8 resident students who, immediately upon completion of a high  
9 school curriculum at a public or accredited private New Mexico  
10 high school or upon receiving a graduate equivalent diploma,  
11 are accepted for entrance to and attend one of the state  
12 educational institutions set forth in this section or one of  
13 the branches of those institutions. Each tuition scholarship  
14 shall be awarded for up to four consecutive years beginning  
15 the second semester of the recipient's first year of  
16 enrollment, provided that the recipient has maintained  
17 residency in New Mexico and [~~maintained~~] obtained a grade  
18 point average of 2.5 or higher on a 4.0 scale during his first  
19 semester of full-time enrollment.

20 C. The tuition scholarships authorized in this  
21 section shall also apply to full-time resident students who,  
22 immediately upon completion of a high school curriculum at a  
23 public or accredited private New Mexico high school or upon  
24 receiving a graduate equivalent diploma, attend a two-year  
25 public post-secondary educational institution in New Mexico

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1 and who, upon the completion of that curriculum or at the end  
2 of two years, whichever is sooner, transfer to one of the  
3 post-secondary state educational institutions set forth in  
4 this section. Those students shall be eligible for a tuition  
5 scholarship for two consecutive years, provided that those  
6 students maintain residency in New Mexico, maintain a grade-  
7 point average of 2.5 or higher on a 4.0 scale and attend the  
8 institution full time during the regular academic year.

9 D. The tuition scholarships authorized in this  
10 section shall also apply to a part-time resident student who,  
11 immediately upon completion of an adult basic education  
12 program in New Mexico, obtains a graduate equivalent diploma  
13 and attends a two-year branch institution in New Mexico. That  
14 student shall be eligible for a tuition scholarship for four  
15 consecutive years if he maintains residency in New Mexico,  
16 maintains a grade point average of 2.5 or higher on a 4.0  
17 scale and attends the two-year branch institution part time  
18 during the regular academic year. Upon transfer to a four-  
19 year post-secondary state educational institution, the student  
20 shall be eligible for a tuition scholarship for an additional  
21 two consecutive years if he maintains residence in New Mexico,  
22 maintains a grade point average of 2.5 or higher on a 4.0  
23 scale and attends the four-year institution full time during  
24 the regular academic year.

25 [~~D.~~] E. The commission on higher education shall

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1 ~~[prepare guidelines setting forth explicit student continuing~~  
2 ~~eligibility criteria and]~~ adopt rules to implement the  
3 provisions of the scholarship program. The rules shall  
4 include explicit initial and continuing student eligibility  
5 criteria, probation provisions for initial and continuing  
6 eligibility and considerations for professional judgment when  
7 special circumstances exist. The rules shall incorporate  
8 guidelines for administration of the tuition scholarship  
9 program. Guidelines shall be distributed to the board of  
10 regents of each institution to enable a uniform availability  
11 of the resident student tuition scholarships. "

12 Section 2. Section 21-13-10 NMSA 1978 (being Laws 1963,  
13 Chapter 17, Section 9, as amended) is amended to read:

14 "21-13-10. BOARD DUTIES. --

15 A. It ~~[shall be]~~ is the duty of the community  
16 college board to determine financial and educational policies  
17 of the community college. The community college board shall  
18 provide for the management of the community college and  
19 execution of these policies by selecting a competent president  
20 for the community college, and, upon the president's  
21 recommendation, the board shall employ other administrative  
22 personnel, instructional staff or other personnel as may be  
23 needed for the operation, maintenance and administration of  
24 the community college.

25 B. The community college board shall have the

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1 power to fix tuition and fee rates for resident and  
2 nonresident students of the district, to accept gifts, to  
3 accept federal aid, to purchase, hold, sell and rent property  
4 and equipment and to promote the general welfare of the  
5 institution for the best interest of educational service to  
6 the people of the community college district.

7 C. To the extent that funds are made available by  
8 the legislature from the lottery tuition fund, the community  
9 college board shall award tuition scholarships for qualified  
10 resident students attending their respective institutions.

11 D. The tuition scholarships authorized in this  
12 section shall apply [~~only~~] to full-time resident students who,  
13 immediately upon completion of a high school curriculum at a  
14 public or accredited private New Mexico high school or upon  
15 receiving a graduate equivalent diploma, are accepted for  
16 entrance to and attend a community college. Each tuition  
17 scholarship shall be awarded for up to two consecutive years  
18 beginning the second semester of the recipient's first year of  
19 enrollment, provided that the recipient has maintained  
20 residency in New Mexico and [~~maintained~~] obtained a grade  
21 point average of 2.5 or higher on a 4.0 scale during his first  
22 semester of full-time enrollment.

23 E. The tuition scholarships authorized in this  
24 section shall also apply to a part-time resident student who,  
25 immediately upon completion of an adult basic education

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1 program in New Mexico, obtains a graduate equivalent diploma  
2 and attends a community college in New Mexico. That student  
3 shall be eligible for a tuition scholarship for four  
4 consecutive years if he maintains residency in New Mexico,  
5 maintains a grade point average of 2.5 or higher on a 4.0  
6 scale and attends the community college part time during the  
7 regular academic year. Upon transfer to a four-year post-  
8 secondary state educational institution, the student shall be  
9 eligible for a tuition scholarship for an additional two  
10 consecutive years if he maintains residency in New Mexico,  
11 maintains a grade point average of 2.5 or higher on a 4.0  
12 scale and attends the four-year institution full time during  
13 the regular academic year.

14           [E-] F. The commission on higher education shall  
15 ~~[prepare guidelines setting forth explicit student continuing-~~  
16 ~~eligibility criteria and]~~ adopt rules to implement the  
17 provisions of the scholarship program. The rules shall  
18 include explicit initial and continuing student eligibility  
19 criteria, probation provisions for initial and continuing  
20 eligibility and considerations for professional judgment when  
21 special circumstances exist. The rules shall incorporate  
22 guidelines for administration of the tuition scholarship  
23 program. Guidelines shall be distributed to community college  
24 boards to enable a uniform availability of the resident  
25 student tuition scholarship. "

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1 Section 3. Section 21-16-10.1 NMSA 1978 (being Laws  
2 1996, Chapter 71, Section 6) is amended to read:

3 "21-16-10.1. TUITION SCHOLARSHIPS AUTHORIZED. --

4 A. To the extent that funds are made available by  
5 the legislature from the lottery tuition fund, the board of a  
6 technical and vocational institute shall award tuition  
7 scholarships for qualified resident students attending a  
8 technical and vocational institute.

9 B. The tuition scholarships authorized in this  
10 section shall apply [~~only~~] to full-time resident students who,  
11 immediately upon completion of a high school curriculum at a  
12 public or accredited private New Mexico high school or upon  
13 receiving a graduate equivalent diploma, are accepted for  
14 entrance to and attend a technical and vocational institute.  
15 Each tuition scholarship shall be awarded for up to two  
16 consecutive years beginning the second semester of the  
17 recipient's first year of enrollment, provided that the  
18 recipient has maintained residency in New Mexico and  
19 [~~maintained~~] obtained a grade point average of 2.5 or higher  
20 on a 4.0 scale during his first semester of full-time  
21 enrollment.

22 C. The tuition scholarships authorized in this  
23 section shall also apply to a part-time resident student who,  
24 immediately upon completion of an adult basic education  
25 program in New Mexico, obtains a graduate equivalent diploma

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1 and attends a technical and vocational institute in New  
2 Mexico. That student shall be eligible for a tuition  
3 scholarship for four consecutive years if he maintains  
4 residency in New Mexico, maintains a grade point average of  
5 2.5 or higher on a 4.0 scale and attends the technical and  
6 vocational institute part time during the regular academic  
7 year. Upon transfer to a four-year post-secondary state  
8 educational institution, the student shall be eligible for a  
9 tuition scholarship for an additional two consecutive years if  
10 he maintains residency in New Mexico, maintains a grade point  
11 average of 2.5 or higher on a 4.0 scale and attends the four-  
12 year institution full time during the regular academic year.

13 ~~[C.]~~ D. The commission on higher education shall  
14 ~~[prepare guidelines setting forth explicit student continuing-~~  
15 ~~eligibility criteria and]~~ adopt rules to implement the  
16 provisions of the scholarship program. The rules shall  
17 include explicit initial and continuing student eligibility  
18 criteria, probation provisions for initial and continuing  
19 eligibility and considerations for professional judgment when  
20 special circumstances exist. The rules shall incorporate  
21 guidelines for administration of the tuition scholarship  
22 program. Guidelines shall be distributed to the boards of  
23 technical and vocational institutes to enable a uniform  
24 availability of the resident student tuition scholarships."

25 Section 4. Section 21-17-6.1 NMSA 1978 (being Laws 1996,

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1 Chapter 71, Section 7) is amended to read:

2 "21-17-6. 1. TUITION SCHOLARSHIPS AUTHORIZED. --

3 A. To the extent that funds are made available by  
4 the legislature from the lottery tuition fund, the board of an  
5 area vocational school shall award tuition scholarships for  
6 qualified resident students attending its area vocational  
7 school.

8 B. The tuition scholarships authorized in this  
9 section shall apply only to full-time resident students who,  
10 immediately upon completion of a high school curriculum at a  
11 public or accredited private New Mexico high school or upon  
12 receiving a graduate equivalent diploma, are accepted for  
13 entrance to and attend an area vocational school. Each  
14 tuition scholarship shall be awarded for up to two consecutive  
15 years beginning the second semester of the recipient's first  
16 year of enrollment, provided that the recipient has maintained  
17 residency in New Mexico and [maintained] obtained a grade  
18 point average of 2.5 or higher on a 4.0 scale during his first  
19 semester of full-time enrollment.

20 C. The tuition scholarships authorized in this  
21 section shall also apply to a part-time resident student who,  
22 immediately upon completion of an adult basic education  
23 program in New Mexico, obtains a graduate equivalent diploma  
24 and attends an area vocational school in New Mexico. That  
25 student shall be eligible for a tuition scholarship for four

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1 consecutive years, provided he maintains residency in New  
2 Mexico, maintains a grade point average of 2.5 or higher on a  
3 4.0 scale and attends the area vocational school part time  
4 during the regular academic year. Upon transfer to a four-  
5 year post-secondary state educational institution, the student  
6 shall be eligible for a tuition scholarship for an additional  
7 two consecutive years if he maintains residency in New Mexico,  
8 maintains a grade point average of 2.5 or higher on a 4.0  
9 scale and attends the four-year institution full time during  
10 the regular academic year.

11 ~~[C.]~~ D. The commission on higher education shall  
12 ~~[prepare guidelines setting forth explicit student~~  
13 ~~qualification criteria and]~~ adopt rules to implement the  
14 provisions of the scholarship program. The rules shall  
15 include explicit initial and continuing student eligibility  
16 criteria, probation provisions for initial and continuing  
17 eligibility and considerations for professional judgment when  
18 special circumstances exist. The rules shall incorporate  
19 guidelines for administration of the tuition scholarship  
20 program. Guidelines shall be distributed to the boards of all  
21 area vocational schools to enable a uniform availability of  
22 the resident student tuition scholarships."

23 Section 5. REPEAL.--Laws 1995, Chapter 155, Section 38  
24 is repealed.

25 Section 6. EMERGENCY.--It is necessary for the public

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1 peace, health and safety that this act take effect  
2 immediately.

1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
3  
4

5  
6 March 11, 1999

7  
8 Mr. President:

9  
10 Your EDUCATION COMMITTEE, to whom has been referred

11  
12 SENATE BILLS 14, 126, 453, 527, 550, 652, & 669

13  
14 has had them under consideration and reports same with  
15 recommendation that they DO NOT PASS, but that

16  
17 SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
18 SENATE BILLS 14, 126, 453, 527, 550, 652, & 669

19  
20 DO PASS, and thence referred to the FINANCE COMMITTEE.  
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22 Respectfully submitted,  
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Cynthi a Nava, Chai rman

Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

(Chi ef Clerk)

(Chi ef Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Adai r, Duran, Gorham, Lopez

Absent: None

S0014ED1

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILLS 14, 126, 453, 527, 550, 652 & 669

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

AN ACT

RELATING TO LOTTERY REVENUE; PROVIDING FOR LEGISLATIVE LOTTERY  
SUCCESS SCHOLARSHIPS; PROVIDING FOR DISTRIBUTION OF LOTTERY  
REVENUE.

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

Section 1. Section 6-24-3 NMSA 1978 (being Laws 1995,  
Chapter 155, Section 3) is amended to read:

"6-24-3. PURPOSES. --The purposes of the New Mexico Lottery  
Act are to:

A. establish and provide for the conduct of a fair and  
honest lottery for the entertainment of the public; and

B. provide the maximum amount of revenues, without  
imposing additional taxes or using other state revenues, for the  
purposes of:

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(1) funding critical capital outlay needs of the public schools; and

(2) providing tuition assistance to resident undergraduates at New Mexico post-secondary educational institutions, which shall be known as "legislative lottery success scholarships". "

Section 2. Section 6-24-23 NMSA 1978 (being Laws 1995, Chapter 155, Section 23, as amended) is amended to read:

"6-24-23. [~~LOTTERY TUITION~~] LEGISLATIVE LOTTERY SUCCESS SCHOLARSHIP FUND CREATED--PURPOSE. --

A. The "~~lottery tuition~~ legislative lottery success scholarship fund" is created in the state treasury. The fund shall be administered by the commission on higher education. Earnings from investment of the fund shall accrue to the credit of the fund. Any balance in the fund at the end of any fiscal year shall remain in the fund for appropriation by the legislature as provided in this section.

B. After appropriation, if any, by the legislature for scholarships pursuant to Subsection C of Section 21-1-2 NMSA 1978, the remaining money in the [~~lottery tuition~~] legislative lottery success scholarship fund is appropriated to the commission on higher education for distribution to New Mexico's public post-secondary educational institutions to provide tuition assistance for New Mexico resident undergraduates as provided by law. "

Section 3. Section 6-24-24 NMSA 1978 (being Laws 1995, Chapter 155, Section 24) is amended to read:

"6-24-24. DISPOSITION OF REVENUE. --

SEC/SB 14, et al.

1           A. As nearly as practical, an amount equal to at  
2 least fifty percent of the gross annual revenues from the sale  
3 of lottery tickets shall be returned to the public in the form  
4 of lottery prizes.

5           B. The authority shall transmit all net revenues to  
6 the state treasurer, who shall deposit sixty percent of the  
7 revenues in the public school capital outlay fund for  
8 expenditure pursuant to the provisions of the Public School  
9 Capital Outlay Act and forty percent in the [~~lottery tuition~~]  
10 legislative lottery success scholarship fund. Estimated net  
11 revenues shall be transmitted monthly to the state treasurer  
12 for deposit in the funds, [~~provided~~] and the total amount of  
13 annual net revenues for the fiscal year shall be transmitted  
14 no later than August 1 each year.

15           C. In determining net revenues, operating expenses  
16 of the lottery include all costs incurred in the operation and  
17 administration of the lottery and all costs resulting from any  
18 contracts entered into for the purchase or lease of goods or  
19 services required by the lottery, including [~~but not limited~~  
20 ~~to~~] the costs of supplies, materials, tickets, independent  
21 audit services, independent studies, data transmission,  
22 advertising, promotion, incentives, public relations,  
23 communications, commissions paid to lottery retailers,  
24 printing, distribution of tickets, purchases of annuities or  
25 investments to be used to pay future installments of winning

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1 lottery tickets, debt service and payment of any revenue bonds  
2 issued, contingency reserves, transfers to the reserve fund  
3 and any other necessary costs incurred in carrying out the  
4 provisions of the New Mexico Lottery Act.

5 D. An amount up to two percent of the gross annual  
6 revenues shall be set aside as a reserve fund to cover bonuses  
7 and incentive plans for lottery retailers, special promotions  
8 for retailers, purchasing special promotional giveaways,  
9 sponsoring special promotional events, compulsive gambling  
10 rehabilitation and such other purposes as the board deems  
11 necessary to maintain the integrity and meet the revenue goals  
12 of the lottery. The board shall report annually to the  
13 governor and each regular session of the legislature on the  
14 use of the money in the reserve fund. Any balance in excess  
15 of fifty thousand dollars (\$50,000) at the end of any fiscal  
16 year shall be transferred to the [~~lottery tuition~~] legislative  
17 lottery success scholarship fund."

18 Section 4. Section 6-24-27 NMSA 1978 (being Laws 1995,  
19 Chapter 155, Section 27) is amended to read:

20 "6-24-27. REVENUE AND BUDGET REPORTS--RECORDS--  
21 INDEPENDENT AUDITS.--

22 A. The board shall:

23 (1) submit quarterly and annual reports to the  
24 governor, legislative finance committee and lottery oversight  
25 committee disclosing the total lottery revenue, prizes,

SEC/SB 14, et al.

1 commissions, ticket costs, operating expenses and net revenues  
2 of the authority during the reporting period and, in the  
3 annual report, describe the organizational structure of the  
4 authority and summarize the functions performed by each  
5 organizational division within the authority;

6 (2) maintain weekly or more frequent records of  
7 lottery transactions, including the distribution of lottery  
8 tickets to retailers, revenue received, claims for prizes,  
9 prizes paid, prizes forfeited and other financial transactions  
10 of the authority; and

11 (3) use the state government fiscal year.

12 B. The board shall provide, for informational  
13 purposes, to the department of finance and administration and  
14 the legislative finance committee, by December 1 of each year,  
15 a copy of the annual proposed operating budget for the  
16 authority for the succeeding fiscal year. This budget  
17 proposal shall also be accompanied by an estimate of the net  
18 revenues to be deposited in the public school capital outlay  
19 fund and the ~~[lottery tuition]~~ legislative lottery success  
20 scholarship fund for the current and succeeding fiscal years.

21 C. The board shall contract with an independent  
22 certified public accountant or firm for an annual financial  
23 audit of the authority. The certified public accountant or  
24 firm shall have no financial interest in any lottery  
25 contractor. The certified public accountant or firm shall

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1 present an audit report no later than March 1 for the prior  
 2 fiscal year. The certified public accountant or firm shall  
 3 evaluate the internal auditing controls in effect during the  
 4 audit period. The cost of this financial audit shall be an  
 5 operating expense of the authority. The legislative finance  
 6 committee may, at any time, order an audit of any phase of the  
 7 operations of the authority, at the expense of the authority,  
 8 and shall receive a copy of the annual independent financial  
 9 audit. A copy of any audit performed by the certified public  
 10 accountant or ordered by the legislative finance committee  
 11 shall be transmitted to the governor, the speaker of the house  
 12 of representatives, the president pro tempore of the senate,  
 13 the legislative finance committee and the lottery oversight  
 14 committee. "

15 Section 5. Section 21-1-4.3 NMSA 1978 (being Laws 1996,  
 16 Chapter 71, Section 3) is amended to read:

17 "21-1-4.3. ~~[ TUITION ]~~ LEGISLATIVE LOTTERY SUCCESS  
 18 SCHOLARSHIPS AUTHORIZED--CERTAIN EDUCATIONAL INSTITUTIONS.--

19 A. To the extent that funds are made available by  
 20 the legislature from the ~~[ lottery tuition ]~~ legislative lottery  
 21 success scholarship fund, the boards of regents of New Mexico  
 22 state university, New Mexico institute of mining and  
 23 technology, eastern New Mexico university, western New Mexico  
 24 university, the university of New Mexico, New Mexico highlands  
 25 university ~~[ and ]~~, northern New Mexico state school and New

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1 Mexico military institute and the governing boards of the  
2 other public post-secondary educational institutions shall  
3 award ~~[tuition]~~ legislative lottery success scholarships for  
4 qualified resident students attending their respective  
5 institutions and branches of those institutions.

6 B. Except as authorized in ~~[ Subsection]~~ Subsections  
7 C through F of this section, the ~~[ tuition]~~ legislative lottery  
8 success scholarships authorized in this section shall apply  
9 ~~[only]~~ to full-time resident students who, immediately upon  
10 completion of a high school curriculum at a public or  
11 accredited private New Mexico high school or an out-of-state  
12 high school that the student attended and graduated from as a  
13 student qualifying for out-of-state tuition payments pursuant  
14 to Subsection A of Section 22-8-30 NMSA 1978 or upon receiving  
15 a graduate equivalent diploma, are accepted for entrance to  
16 and attend one of the ~~[ state]~~ public post-secondary  
17 educational institutions set forth in this section ~~[ or one of~~  
18 ~~the branches of those institutions]~~. Each ~~[ tuition]~~  
19 legislative lottery success scholarship shall be awarded for  
20 up to four consecutive years beginning the second semester of  
21 the recipient's first year of enrollment ~~[ provided that]~~ if  
22 the recipient has maintained residency in New Mexico and  
23 ~~[maintained]~~ obtained a grade point average of 2.5 or higher  
24 on a 4.0 scale during his first semester of full-time  
25 enrollment.

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1           C. The ~~[tuition]~~ legislative lottery success  
2 scholarships authorized in this section shall also apply to  
3 full-time resident students who, immediately upon completion  
4 of a high school curriculum at a public or accredited private  
5 New Mexico high school or an out-of-state high school that the  
6 student attended and graduated from as a student qualifying  
7 for out-of-state tuition payments pursuant to Subsection A of  
8 Section 22-8-30 NMSA 1978 or upon receiving a graduate  
9 equivalent diploma, attend a two-year public post-secondary  
10 educational institution in New Mexico and who, upon the  
11 completion of that curriculum or at the end of ~~[two years]~~ six  
12 semesters, whichever is sooner, transfer to one of the public  
13 post-secondary [state] educational institutions set forth in  
14 this section. Those students shall be eligible [for a  
15 tuition] to continue the legislative lottery success  
16 scholarship for [two consecutive years provided that]  
17 additional semesters not to exceed a total of eight  
18 consecutive semesters if those students [maintain] obtain  
19 residency in New Mexico, maintain a grade-point average of 2.5  
20 or higher on a 4.0 scale and attend the institution full time  
21 during the regular academic year.

22           D. The legislative lottery success scholarships  
23 authorized in this section shall also apply to part-time  
24 students taking at least six semester hours who have a  
25 physical or developmental disability if they meet the other

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1 requirements for the scholarship pursuant to Subsection B, C  
2 or G of this section. For purposes of this subsection,  
3 "physical or developmental disability" means that the student  
4 either:

5 (1) has a specified disability as documented in  
6 his individualized education program pursuant to the federal  
7 Individuals with Disabilities Education Act; or

8 (2) has a disability that meets the eligibility  
9 requirements pursuant to Section 504 of the federal  
10 Rehabilitation Act.

11 E. The legislative lottery success scholarships  
12 authorized in this section shall also apply to a student who  
13 would not qualify for a scholarship under Subsection B or C of  
14 this section solely because the student completed a high  
15 school curriculum at a high school located outside of New  
16 Mexico if:

17 (1) while in high school the student was a  
18 dependent of a person engaged in active duty in the United  
19 States armed forces; and

20 (2) the person engaged in active duty was a  
21 resident of New Mexico immediately before entering the United  
22 States armed forces, entered military duty in New Mexico, paid  
23 New Mexico personal income taxes while engaged in active duty  
24 and was absent from New Mexico because of the active duty in  
25 the United States armed forces.

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1           F. Beginning January 1, 2001, the legislative  
2           lottery success scholarships authorized in this section shall  
3           also apply to full-time resident students who, within one  
4           hundred twenty days of completion of a high school curriculum  
5           at a public or accredited private New Mexico high school or an  
6           out-of-state high school that the student attended and  
7           graduated from as a student qualifying for out-of-state  
8           tuition payments pursuant to Subsection A of Section 22-8-30  
9           NMSA 1978 or upon receiving a graduate equivalent diploma,  
10          began service in the United States armed forces and who have  
11          been honorably discharged. Those students who enroll in a New  
12          Mexico public post-secondary educational institution within  
13          one year of military discharge shall be eligible for a  
14          legislative lottery success scholarship, provided that those  
15          students maintain residency in New Mexico, maintain a grade-  
16          point average of 2.5 or higher on a 4.0 scale and attend the  
17          institution full time during the regular academic year.

18           [E.] G. The commission on higher education shall  
19          [prepare guidelines setting forth explicit student continuing-  
20          eligibility criteria and] adopt rules in collaboration with  
21          the public post-secondary educational institutions to  
22          implement the provisions of the legislative lottery success  
23          scholarship program. The rules shall include explicit initial  
24          and continuing student eligibility criteria, probation  
25          provisions for initial and continuing eligibility and

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1 considerations for professional judgment when special  
2 circumstances exist. The rules shall incorporate guidelines  
3 for administration of the [tuition] legislative lottery  
4 success scholarship program. Guidelines shall be distributed  
5 to community college boards to enable a uniform availability  
6 of the resident student [tuition] legislative lottery success  
7 scholarship. "

8 Section 6. Section 21-1-4.4 NMSA 1978 (being Laws 1996,  
9 Chapter 71, Section 4) is amended to read:

10 "21-1-4.4. COMMISSION ON HIGHER EDUCATION-- DETERMINATION  
11 OF [TUITION] LEGISLATIVE LOTTERY SUCCESS SCHOLARSHIPS-- USE OF  
12 [LOTTERY-TUITION] LEGISLATIVE LOTTERY SUCCESS SCHOLARSHIP  
13 FUND.-- Prior to June 1 of each year, the commission on higher  
14 education shall determine the amount of money available for  
15 [tuition] legislative lottery success scholarships at [state]  
16 public post-secondary educational institutions. Based on the  
17 amount appropriated by the legislature from the [lottery  
18 ~~tuition~~] legislative lottery success scholarship fund and on  
19 the projected enrollment at all public post-secondary  
20 educational institutions, the commission on higher education  
21 shall establish the percentage of tuition that shall be  
22 awarded for qualified resident students attending New Mexico  
23 public post-secondary educational institutions. The  
24 percentage of tuition awarded shall be the same for each  
25 institution, regardless of the actual cost of tuition at each

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1 institution. "

2 Section 7. Section 21-13-10 NMSA 1978 (being Laws 1963,  
3 Chapter 17, Section 9, as amended) is amended to read:

4 "21-13-10. BOARD DUTIES. --

5 A. It [~~shall be~~] is the duty of the community  
6 college board to determine financial and educational policies  
7 of the community college. The community college board shall  
8 provide for the management of the community college and  
9 execution of these policies by selecting a competent president  
10 for the community college, and, upon the president's  
11 recommendation, the board shall employ other administrative  
12 personnel, instructional staff or other personnel as may be  
13 needed for the operation, maintenance and administration of  
14 the community college.

15 B. The community college board shall have the power  
16 to fix tuition and fee rates for resident and nonresident  
17 students of the district, to accept gifts, to accept federal  
18 aid, to purchase, hold, sell and rent property and equipment  
19 and to promote the general welfare of the institution for the  
20 best interest of educational service to the people of the  
21 community college district.

22 C. To the extent that funds are made available by  
23 the legislature from the [~~lottery tuition~~] legislative lottery  
24 success scholarship fund, the community college board shall  
25 award [~~tuition~~] legislative lottery success scholarships for

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1 qualified resident students attending their respective  
2 institutions.

3 ~~[D. The tuition scholarships authorized in this~~  
4 ~~section shall apply only to full-time resident students who,~~  
5 ~~immediately upon completion of a high school curriculum at a~~  
6 ~~public or accredited private New Mexico high school, or upon~~  
7 ~~receiving a graduate equivalent diploma, are accepted for~~  
8 ~~entrance to and attend a community college. Each tuition~~  
9 ~~scholarship shall be awarded for up to two consecutive years~~  
10 ~~beginning the second semester of the recipient's first year of~~  
11 ~~enrollment, provided that the recipient has maintained~~  
12 ~~residency in New Mexico and maintained a grade point average~~  
13 ~~of 2.5 or higher on a 4.0 scale during his first semester of~~  
14 ~~full-time enrollment.~~

15 ~~E.]~~ D. The commission on higher education shall  
16 ~~[prepare guidelines setting forth explicit student continuing~~  
17 ~~eligibility criteria and]~~ adopt rules in collaboration with  
18 the community colleges to implement the provisions of the  
19 legislative lottery success scholarship program. The rules  
20 shall include explicit initial and continuing student  
21 eligibility criteria, probation provisions for initial and  
22 continuing eligibility and considerations for professional  
23 judgment when special circumstances exist. The rules shall  
24 incorporate guidelines for administration of the tuition  
25 scholarship program. Guidelines shall be distributed to

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1 community college boards to enable a uniform availability of  
2 the resident student [~~tuition~~] legislative lottery success  
3 scholarship. "

4 Section 8. Section 21-16-10.1 NMSA 1978 (being Laws  
5 1996, Chapter 71, Section 6) is amended to read:

6 "21-16-10.1. [~~TUITION~~] LEGISLATIVE LOTTERY SUCCESS  
7 SCHOLARSHIPS AUTHORIZED. --

8 A. To the extent that funds are made available by  
9 the legislature from the [~~lottery tuition~~] legislative lottery  
10 success scholarship fund, the board of a technical and  
11 vocational institute shall award [~~tuition~~] legislative lottery  
12 success scholarships for qualified resident students attending  
13 a technical and vocational institute.

14 [~~B.—The tuition scholarships authorized in this~~  
15 ~~section shall apply only to full-time resident students who,~~  
16 ~~immediately upon completion of a high school curriculum at a~~  
17 ~~public or accredited private New Mexico high school, or upon~~  
18 ~~receiving a graduate equivalent diploma, are accepted for~~  
19 ~~entrance to and attend a technical and vocational institute.~~  
20 ~~Each tuition scholarship shall be awarded for up to two~~  
21 ~~consecutive years beginning the second semester of the~~  
22 ~~recipient's first year of enrollment, provided that the~~  
23 ~~recipient has maintained residency in New Mexico and~~  
24 ~~maintained a grade point average of 2.5 or higher on a 4.0~~  
25 ~~scale during his first semester of full-time enrollment.~~

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1           ~~C.]~~ B. The commission on higher education shall  
2     ~~[prepare guidelines setting forth explicit student continuing~~  
3     ~~eligibility criteria and]~~ adopt rules in collaboration with  
4     the technical and vocational institutes to implement the  
5     provisions of the legislative lottery success scholarship  
6     program. The rules shall include explicit initial and  
7     continuing student eligibility criteria, probation provisions  
8     for initial and continuing eligibility and considerations for  
9     professional judgment when special circumstances exist. The  
10    rules shall incorporate guidelines for administration of the  
11    ~~[tuition]~~ scholarship program. Guidelines shall be  
12    distributed to the boards of technical and vocational  
13    institutes to enable a uniform availability of the resident  
14    student ~~[tuition]~~ legislative lottery success scholarships."

15           Section 9. Section 21-17-6.1 NMSA 1978 (being Laws 1996,  
16    Chapter 71, Section 7) is amended to read:

17           "21-17-6.1. ~~[TUITION]~~ LEGISLATIVE LOTTERY SUCCESS  
18    SCHOLARSHIPS AUTHORIZED. --

19           A. To the extent that funds are made available by  
20    the legislature from the ~~[lottery tuition]~~ legislative lottery  
21    success scholarship fund, the board of an area vocational  
22    school shall award ~~[tuition]~~ legislative lottery success  
23    scholarships for qualified resident students attending its  
24    area vocational school.

25           ~~[B. The tuition scholarships authorized in this~~

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1 ~~section shall apply only to full-time resident students who,~~  
 2 ~~immediately upon completion of a high school curriculum at a~~  
 3 ~~public or accredited private New Mexico high school, or upon~~  
 4 ~~receiving a graduate equivalent diploma, are accepted for~~  
 5 ~~entrance to and attend an area vocational school. Each~~  
 6 ~~tuition scholarship shall be awarded for up to two consecutive~~  
 7 ~~years beginning the second semester of the recipient's first~~  
 8 ~~year of enrollment, provided that the recipient has maintained~~  
 9 ~~residency in New Mexico and maintained a grade point average~~  
 10 ~~of 2.5 or higher on a 4.0 scale during his first semester of~~  
 11 ~~full-time enrollment.~~

12           C.] B. The commission on higher education shall  
 13 ~~[prepare guidelines setting forth explicit student~~  
 14 ~~qualification criteria and]~~ adopt rules in collaboration with  
 15 the area vocational schools to implement the provisions of the  
 16 legislative lottery success scholarship program. The rules  
 17 shall include explicit initial and continuing student  
 18 eligibility criteria, probation provisions for initial and  
 19 continuing eligibility and considerations for professional  
 20 judgment when special circumstances exist. The rules shall  
 21 incorporate guidelines for administration of the [ ~~tuition~~ ]  
 22 scholarship program. Guidelines shall be distributed to the  
 23 boards of all area vocational schools to enable a uniform  
 24 availability of the resident student [ ~~tuition~~ ] legislative  
 25 lottery success scholarships. "

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1 Section 10. REPEAL. --Laws 1995, Chapter 155, Section 38  
2 is repealed.

3 Section 11. EFFECTIVE DATE. --The effective date of the  
4 provisions of Sections 1 through 9 of this act is July 1,  
5 1999.

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FORTY- FOURTH LEGISLATURE

FIRST SESSION

March 14, 1999

SENATE FLOOR AMENDMENT number \_\_\_\_\_ to SENATE EDUCATION  
COMMITTEE SUBSTITUTE  
FOR SENATE BILLS 14,  
126, 453, 527, 550, 652  
& 669

Amendment sponsored by Senator Don Kidd

1. On page 7, lines 16 and 17, strike "or upon receiving a  
graduate equivalent diploma".

2. On page 7, line 20, before the period insert:

"or to full- or part-time resident students who have received a  
graduate equivalent diploma who are accepted for entrance to and  
attend a two-year public post-secondary educational

FORTY- FOURTH LEGISLATURE  
FIRST SESSION

SEC/SB 14, et al.

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institution".

Don Kidd

Adopted \_\_\_\_\_ Not Adopted

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

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underscored material = new  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

March 13, 1999

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILLS 14, 126, 453, 527, 550, 652 & 669

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

Respectfully submitted,

FORTY-FOURTH LEGISLATURE  
FIRST SESSION

SEC/SB 14, et al.

SF1/SEC/SB 14, et al.

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Ben D. Altamirano, Chairman

Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Carraro, Eisenstadt, Lyons, Tsosie, Fidel

Absent: None

S0014FC1

underscored material = new  
[bracketed material] = delete