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HOUSE BILL 601

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Sandra D. Jeff

AN ACT

RELATING TO HIGHER EDUCATION; DISTRIBUTING AN AMOUNT EQUAL TO ONE PERCENT OF TRIBAL GAMING REVENUE FOR LOTTERY TUITION SCHOLARSHIPS AT TRIBAL COLLEGES; MAKING AN APPROPRIATION.

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

SECTION 1. ~~[NEW MATERIAL]~~ DISTRIBUTION--GENERAL FUND EQUIVALENT OF ONE PERCENT OF TRIBAL GAMING REVENUE-SHARING RECEIPTS.--

A. A distribution equal to one percent of the net receipts of revenue sharing received pursuant to a class III tribal-state gaming compact for a tribal gaming facility shall be made to the lottery tuition fund. Distributions shall be made on a quarterly basis by the twenty-fifth day of the month following the receipt of the quarterly revenue-sharing payment from a tribe.

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1 B. The distributions made pursuant to Subsection A
2 of this section shall be allocated for legislative lottery
3 scholarships for students attending tribal colleges pursuant to
4 the provisions of Section 4 of this 2011 act.

5 C. As used in this section:

6 (1) "tribal gaming facility" means a gaming
7 facility on land approved for such a facility by the federal
8 government pursuant to the federal Indian Gaming Regulatory Act
9 controlled by a tribe and operating pursuant to a class III
10 tribal-state gaming compact; and

11 (2) "tribe" means a federally recognized
12 Indian nation, tribe or pueblo located wholly or partially in
13 New Mexico that has entered into a class III tribal-state
14 gaming compact with the state.

15 SECTION 2. Section 6-24-3 NMSA 1978 (being Laws 1995,
16 Chapter 155, Section 3, as amended) is amended to read:

17 "6-24-3. PURPOSES.--The purposes of the New Mexico
18 Lottery Act are to:

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

21 B. provide the maximum amount of revenues, without
22 imposing additional taxes or using other state revenues, for
23 the purpose of providing tuition assistance to resident
24 undergraduates at New Mexico public post-secondary educational
25 institutions and tribal colleges."

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1 SECTION 3. Section 6-24-23 NMSA 1978 (being Laws 1995,
2 Chapter 155, Section 23, as amended) is amended to read:

3 "6-24-23. LOTTERY TUITION FUND CREATED--PURPOSE.--

4 A. The "lottery tuition fund" is created in the
5 state treasury. The fund shall be administered by the
6 [~~commission on~~] higher education department. Earnings from
7 investment of the fund shall accrue to the credit of the fund.
8 Any balance in the fund at the end of any fiscal year shall
9 remain in the fund for appropriation by the legislature as
10 provided in this section.

11 B. Money in the lottery tuition fund is
12 appropriated to the [~~commission on~~] higher education department
13 for distribution to New Mexico's public post-secondary
14 educational institutions and tribal colleges to provide tuition
15 assistance for New Mexico resident undergraduates as provided
16 by law."

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

19 "[NEW MATERIAL] TRIBAL COLLEGES--LEGISLATIVE LOTTERY
20 SCHOLARSHIPS.--

21 A. As used in this section, "tribal college" means
22 a tribally, federally or congressionally chartered post-
23 secondary educational institution located in New Mexico that is
24 accredited by the north central association of colleges and
25 schools.

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1 B. To the extent that funds are made available by
2 the legislature from the lottery tuition fund, the governing
3 bodies of tribal colleges may accept lottery tuition funds and
4 award legislative lottery scholarships for qualified resident
5 students attending their respective institutions. The
6 scholarships shall be used to defray the cost of tuition at
7 tribal colleges.

8 C. The legislative lottery scholarships authorized
9 in this section shall apply only to full-time resident students
10 who, immediately upon completion of a high school curriculum at
11 a public or accredited private New Mexico high school or upon
12 receiving a general education development certificate, are
13 accepted for entrance to and attend a tribal college. Each
14 legislative lottery scholarship shall be awarded for up to four
15 consecutive years beginning the second semester of the
16 recipient's first year of enrollment if the recipient maintains
17 residency in New Mexico and maintains a grade point average of
18 2.5 or higher on a 4.0 scale during the first semester of full-
19 time enrollment.

20 D. The legislative lottery scholarships authorized
21 in this section shall also apply to full-time resident students
22 who:

23 (1) within one hundred twenty days of
24 completion of a high school curriculum at a public or
25 accredited private New Mexico high school, or of receiving a

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1 general education development certificate, begin service in the
2 United States armed forces; and

3 (2) within one hundred twenty days of
4 completion of honorable service or medical discharge from the
5 service are accepted for entrance to and attend a tribal
6 college.

7 E. The higher education department shall prepare
8 guidelines setting forth explicit student continuing
9 eligibility criteria and guidelines for administration of the
10 legislative lottery scholarship program at tribal colleges.
11 Guidelines shall be distributed to the governing body of each
12 tribal college to enable uniform availability of the
13 legislative tuition scholarships. The department shall enter
14 into agreements with the tribal colleges that allow for
15 financial and programmatic audits of the legislative lottery
16 scholarship program."

17 SECTION 5. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is July 1, 2011.