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HOUSE BILL 562

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

INTRODUCED BY

Nora Espinoza

AN ACT

RELATING TO HIGHER EDUCATION; REQUIRING UNITED STATES  
CITIZENSHIP OR LAWFUL PERMANENT OR CONDITIONAL RESIDENCE TO  
QUALIFY FOR A LEGISLATIVE LOTTERY SCHOLARSHIP.

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, as amended) is amended to read:

"21-1-4.3. LEGISLATIVE LOTTERY 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, New Mexico  
highlands university and northern New Mexico college shall

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1 award legislative lottery scholarships for tuition for  
2 qualified resident students attending their respective  
3 institutions and branches of those institutions.

4 B. Except as otherwise authorized in this section,  
5 the legislative lottery scholarships authorized in this section  
6 shall apply only to full-time resident students who are United  
7 States citizens or lawful permanent or conditional residents  
8 and who, immediately upon completion of a high school  
9 curriculum at a public or accredited private New Mexico high  
10 school or upon receiving a graduate equivalent diploma, are  
11 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 legislative lottery  
14 scholarship shall be awarded for up to four consecutive years  
15 beginning the second semester of the recipient's first year of  
16 enrollment if the recipient has maintained residency in New  
17 Mexico and maintained a grade point average of 2.5 or higher on  
18 a 4.0 scale during the first semester of full-time enrollment.

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

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

8 D. The legislative lottery scholarships authorized  
9 in this section shall also apply to full-time resident students  
10 who:

11 (1) within one hundred twenty days of  
12 completion of a high school curriculum at a public or  
13 accredited private New Mexico high school, or of receiving a  
14 graduate equivalent diploma, begin service in the United States  
15 armed forces; and

16 (2) within one year of completion of honorable  
17 service or medical discharge from the service, attend one of  
18 the state educational institutions set forth in this section.

19 E. The higher education department shall prepare  
20 guidelines setting forth explicit student continuing  
21 eligibility criteria and guidelines for administration of the  
22 legislative lottery scholarship program. Guidelines shall be  
23 distributed to the board of regents of each institution to  
24 enable a uniform availability of the resident student  
25 legislative lottery scholarships.

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1           F. For purposes of the legislative lottery  
2 scholarship program as it applies to students with  
3 disabilities who may require special accommodations, the  
4 higher education department, in consultation with the student  
5 and the office at the institution that serves students with  
6 disabilities, shall review both the definition of "full time"  
7 and the maximum number of consecutive semesters of  
8 eligibility and adjust either or both as deemed reasonable  
9 and appropriate, based on the student's disability needs. In  
10 no case, however, shall "full time" mean fewer than six  
11 credit hours per semester, and in no case shall eligibility  
12 extend beyond fourteen consecutive semesters."

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

15           "21-13-10. BOARD DUTIES.--

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

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

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

14           D. The legislative lottery scholarships  
15 authorized in this section shall apply only to full-time  
16 resident students who are United States citizens or lawful  
17 permanent or conditional residents and who, immediately upon  
18 completion of a high school curriculum at a public or  
19 accredited private New Mexico high school or upon receiving a  
20 graduate equivalent diploma, are accepted for entrance to and  
21 attend a community college. Each legislative lottery  
22 scholarship shall be awarded for up to two consecutive years  
23 beginning the second semester of the recipient's first year  
24 of enrollment, provided that the recipient has maintained  
25 residency in New Mexico and maintained a grade point average

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1 of 2.5 or higher on a 4.0 scale during the first semester of  
2 full-time enrollment.

3 E. The higher education department shall prepare  
4 guidelines setting forth explicit student continuing  
5 eligibility criteria and guidelines for administration of the  
6 legislative lottery scholarship program. Guidelines shall be  
7 distributed to community college boards to enable a uniform  
8 availability of the resident student lottery tuition  
9 scholarships.

10 F. For purposes of the legislative lottery  
11 scholarship program as it applies to students with  
12 disabilities who may require special accommodations, the  
13 higher education department, in consultation with the student  
14 and the office at the community college that serves students  
15 with disabilities, shall review both the definition of "full  
16 time" and the maximum number of consecutive semesters of  
17 eligibility and adjust either or both as deemed reasonable  
18 and appropriate, based on the student's disability needs. In  
19 no case, however, shall "full time" mean fewer than six  
20 credit hours per semester, and in no case shall eligibility  
21 extend beyond fourteen consecutive semesters."

22 SECTION 3. Section 21-16-10.1 NMSA 1978 (being Laws  
23 1996, Chapter 71, Section 6, as amended) is amended to read:

24 "21-16-10.1. LEGISLATIVE LOTTERY SCHOLARSHIPS  
25 AUTHORIZED.--

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

6           B. The legislative lottery scholarships  
7 authorized in this section shall apply only to full-time  
8 resident students who are United States citizens or lawful  
9 permanent or conditional residents who, immediately upon  
10 completion of a high school curriculum at a public or  
11 accredited private New Mexico high school or upon receiving a  
12 graduate equivalent diploma, are accepted for entrance to and  
13 attend a technical and vocational institute. Each  
14 legislative lottery scholarship shall be awarded for up to  
15 two consecutive years beginning the second semester of the  
16 recipient's first year of enrollment, provided that the  
17 recipient has maintained residency in New Mexico and  
18 maintained a grade point average of 2.5 or higher on a 4.0  
19 scale during the first semester of full-time enrollment with  
20 renewal of an additional two years upon transfer.

21           C. The higher education department shall prepare  
22 guidelines setting forth explicit student continuing  
23 eligibility criteria and guidelines for administration of the  
24 legislative lottery scholarship program. Guidelines shall be  
25 distributed to the boards of technical and vocational

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1 institutes to enable a uniform availability of the resident  
2 student legislative lottery scholarships.

3 D. For purposes of the legislative lottery  
4 scholarship program as it applies to students with  
5 disabilities who may require special accommodations, the  
6 higher education department, in consultation with the student  
7 and the office at the technical and vocational institute that  
8 serves students with disabilities, shall review both the  
9 definition of "full time" and the maximum number of  
10 consecutive semesters of eligibility and adjust either or  
11 both as deemed reasonable and appropriate, based on the  
12 student's disability needs. In no case, however, shall "full  
13 time" mean fewer than six credit hours per semester, and in  
14 no case shall eligibility extend beyond fourteen consecutive  
15 semesters."

16 SECTION 4. REPEAL.--Section 21-1-4.6 NMSA 1978 (being  
17 Laws 2005, Chapter 348, Section 1) is repealed.