

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 197

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO HIGHER EDUCATION; PROVIDING FOR LOAN REPAYMENT
ASSISTANCE BY THE HIGHER EDUCATION DEPARTMENT FOR MINORITY
DOCTORAL DEGREE RECIPIENTS TEACHING IN CERTAIN ACADEMIC
DISCIPLINES AT PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTIONS
IN NEW MEXICO.

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

SECTION 1. Section 21-21I-1 NMSA 1978 (being Laws 1990
(1st S.S.), Chapter 8, Section 1, as amended) is amended to
read:

"21-21I-1. SHORT TITLE.--Chapter 21, Article 21I NMSA
1978 may be cited as the "Minority Doctoral Loan Repayment
Assistance [~~Loan for Service Program~~] Act"."

SECTION 2. Section 21-21I-2 NMSA 1978 (being Laws 1990
(1st S.S.), Chapter 8, Section 2, as amended) is amended to

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underscoring material = new
[bracketed material] = delete

1 read:

2 "21-21I-2. PURPOSE.--The purpose of the Minority Doctoral
3 Loan Repayment Assistance [~~Loan for Service Program~~] Act is to
4 increase the number of ethnic minorities and women available to
5 teach engineering, physical or life sciences, mathematics and
6 other academic disciplines in which ethnic minorities [~~and~~] or
7 women are demonstrably underrepresented in New Mexico colleges
8 and universities. Additionally, the purpose of the Minority
9 Doctoral Loan Repayment Assistance [~~Loan for Service Program~~]
10 Act is to create a partnership between the state, higher
11 education institutions and students that will lead to greater
12 participation of ethnic minorities and women in the ranks of
13 college and university faculties, enhancing educational
14 opportunities and quality for all New Mexico [~~citizens~~]
15 residents."

16 SECTION 3. Section 21-21I-3 NMSA 1978 (being Laws 1990
17 (1st S.S.), Chapter 8, Section 3, as amended) is amended to
18 read:

19 "21-21I-3. DEFINITIONS.--As used in the Minority Doctoral
20 Loan Repayment Assistance [~~Loan for Service Program~~] Act:

21 [~~A. "academic committee" means a committee at a~~
22 ~~sponsoring institution appointed by the president of the~~
23 ~~institution and composed of two faculty members, two academic~~
24 ~~administrators and one central administrator;~~

25 B. "~~commission~~"] A. "department" means the

1 ~~[commission on]~~ higher education department;

2 ~~[G.]~~ B. "eligible institution" means [~~a~~
3 ~~commission-approved~~] an accredited institution of higher
4 education that offers a doctoral degree-granting program in the
5 fields of engineering, physical or life sciences, mathematics
6 or other academic disciplines in which ethnic minorities [~~and~~
7 or women are demonstrably underrepresented;

8 ~~[D. "sponsoring institution" means a four-year~~
9 ~~public post-secondary institution located in New Mexico; and~~

10 ~~E. "student" means an individual who is an ethnic~~
11 ~~minority or a woman and who has been accepted for enrollment at~~
12 ~~an eligible institution to undertake a post-baccalaureate~~
13 ~~course of instruction in the field of engineering, physical or~~
14 ~~life sciences or mathematics]~~

15 C. "loan" means a grant of money pursuant to a
16 contract between a recipient and a lender requiring repayment
17 of principal with interest. A lender may include the federal
18 government, a bank or the state; and

19 D. "recipient" means an individual who is a member
20 of an ethnic minority or is a woman and who has successfully
21 completed a doctoral degree-granting program at an eligible
22 institution in the field of engineering, physical or life
23 sciences or mathematics or another academic discipline in which
24 ethnic minorities or women are underrepresented."

25 SECTION 4. Section 21-21I-4 NMSA 1978 (being Laws 1990

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1 (1st S.S.), Chapter 8, Section 4, as amended) is amended to
2 read:

3 "21-21I-4. CONDITIONS FOR ELIGIBILITY.--

4 A. The department may award a minority doctoral
5 loan repayment assistance grant [may be awarded to a student]
6 to a recipient who:

7 [~~A. has successfully completed all requirements for~~
8 ~~a baccalaureate degree at a New Mexico four-year public post-~~
9 ~~secondary institution in engineering, physical or life~~
10 ~~sciences, mathematics or any other academic discipline in which~~
11 ~~ethnic minorities and women are demonstrably underrepresented~~
12 ~~at a New Mexico four-year public post-secondary institution;~~

13 ~~B. has met the admissions requirements and is~~
14 ~~accepted for enrollment as a full-time doctoral student in an~~
15 ~~eligible institution;~~

16 ~~G.] (1) has been [interviewed and approved by~~
17 ~~an academic committee from the sponsoring] hired by a public~~
18 ~~post-secondary educational institution in New Mexico for a~~
19 ~~full-time, tenure-track faculty position;~~

20 [~~D.] (2) has complied with all of the rules~~
21 ~~[and regulations] adopted by the [commission] department~~
22 ~~pursuant to the Minority Doctoral Loan Repayment Assistance~~
23 ~~[Loan for Service Program] Act; and~~

24 [~~E.] (3) is a citizen of the United States.~~

25 B. The department shall give preference to a

1 recipient who has completed a post-secondary degree at an
 2 institution designated in Article 12, Section 11 of the
 3 constitution of New Mexico."

4 SECTION 5. Section 21-21I-5 NMSA 1978 (being Laws 1990
 5 (1st S.S.), Chapter 8, Section 5) is amended to read:

6 "21-21I-5. MINORITY DOCTORAL ~~[ASSISTANCE]~~ LOAN REPAYMENT
 7 CONTRACTS AND TERMS.--

8 A. A minority doctoral loan repayment assistance
 9 grant shall be evidenced by a contract between the ~~[student]~~
 10 recipient and the ~~[sponsoring institution]~~ department and shall
 11 be signed by the recipient and an authorized representative of
 12 the department.

13 B. The contract shall

14 ~~[(1) provide for the payment to the student by~~
 15 ~~the sponsoring institution of no more than twenty-five thousand~~
 16 ~~dollars (\$25,000) per year for no more than four years;~~

17 ~~(2) be conditioned upon the student's earning~~
 18 ~~a doctoral degree in the field of engineering, physical or life~~
 19 ~~sciences, mathematics or any other academic discipline in which~~
 20 ~~ethnic minorities and women are demonstrably underrepresented;~~

21 ~~(3) require the student to agree to begin to]~~
 22 provide that, in consideration for the department's payment of
 23 up to twenty-five thousand dollars (\$25,000) per year for up to
 24 four years to a lender on behalf of the recipient, the
 25 recipient shall teach in a full-time faculty position at [the

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1 ~~sponsoring~~ a public post-secondary educational institution
2 ~~[within five years of completion of the doctoral degree and~~
3 ~~(4) require the student to teach in a faculty~~
4 ~~position at the sponsoring institution]~~ in New Mexico for a
5 minimum of one year for each year a minority doctoral loan
6 repayment assistance grant ~~[was]~~ is awarded.

7 C. ~~[Grants to students]~~ Grant funds received by a
8 recipient who ~~[fail]~~ fails to complete the contract terms ~~[of~~
9 ~~their contract]~~ shall be ~~[considered loans]~~ converted to a loan
10 with an applied annual interest rate equal to the treasury note
11 rate in existence at the time the contract is entered into plus
12 two percent. The loan shall become due ~~[in equal parts]~~ to the
13 ~~[state and the sponsoring institution]~~ department on behalf of
14 the state immediately upon the ~~[student's]~~ recipient's
15 termination or breach of the ~~[contractual agreement]~~ contract.

16 D. ~~[The general form of the contract shall be~~
17 ~~approved by the attorney general and signed by the student and~~
18 ~~an authorized representative of the sponsoring institution.]~~
19 The ~~[sponsoring institution]~~ department is vested with full and
20 complete authority and power to sue in its own name for any
21 balance due it and the state from ~~[any student]~~ a recipient
22 violating the terms of ~~[any such]~~ a contract under the Minority
23 Doctoral Loan Repayment Assistance Act.

24 E. ~~[The commission shall approve all minority~~
25 ~~doctoral assistance contracts entered into between students and~~

1 ~~sponsoring institutions.~~] The following debts incurred by a
 2 recipient are not eligible for payment by the department under
 3 the Minority Doctoral Loan Repayment Assistance Act:

4 (1) amounts incurred as a result of
 5 participation in state loan-for-service programs or other state
 6 programs whose purpose states that service is to be provided in
 7 exchange for financial assistance;

8 (2) scholarships that have a service component
 9 or obligation;

10 (3) personal loans from individuals;

11 (4) loans that exceed individual standard
 12 school expense levels; and

13 (5) loans that are eligible for another state
 14 or federal loan repayment program."

15 SECTION 6. Section 21-21I-7 NMSA 1978 (being Laws 1990
 16 (1st S.S.), Chapter 8, Section 7, as amended) is repealed and a
 17 new Section 21-21I-7 NMSA 1978 is enacted to read:

18 "21-21I-7. [NEW MATERIAL] RULEMAKING.--The department
 19 shall adopt rules to implement the provisions of the Minority
 20 Doctoral Loan Repayment Assistance Act. The rules:

21 A. shall provide procedures for awarding minority
 22 doctoral loan repayment assistance grants;

23 B. shall provide procedures for determining the
 24 amount of each minority doctoral loan repayment assistance
 25 grant; and

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