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AN ACT

RELATING TO LEGAL SERVICES; ESTABLISHING A PROGRAM TO INCREASE LEGAL SERVICES FOR ACEQUIAS, LAND GRANTS-MERCEDES AND LOW-INCOME RESIDENTS OF COLONIAS; ESTABLISHING A WAIVER OF TUITION FOR SERVICE PROGRAM; CREATING A FUND; CREATING A COMMISSION.

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

SECTION 1. SHORT TITLE.--This act may be cited as the "Community Governance Attorney Act".

SECTION 2. DEFINITIONS.--As used in the Community Governance Attorney Act:

- A. "acequia" means a political subdivision organized pursuant to Chapter 73, Article 2 or 3 NMSA 1978;
- B. "colonia" means a community as defined in the Colonias Infrastructure Act;
- C. "commission" means the community governance attorney commission;
- D. "community governance attorney" means an attorney with a legal practice that is focused on the requirements and challenges faced by small political subdivisions and unincorporated communities, including the promulgation of land and water use ordinances, contracting and the collection or payment of taxes and fees;
- E. "course of study" means a law student's legal

1 education, including clinical and internship programs and
2 preparation courses for the state bar examination;

3 F. "department" means the higher education
4 department;

5 G. "fund" means the community governance attorney
6 and conditional tuition waiver fund;

7 H. "land grant-merced" means a political
8 subdivision organized pursuant to Chapter 49, Article 1 or 4
9 NMSA 1978;

10 I. "participant" means an individual who has
11 applied to participate in, has been accepted into and has
12 signed a contract agreeing to the terms of the program;

13 J. "program" means the community governance
14 attorney and conditional tuition waiver program;

15 K. "secretary" means the secretary of higher
16 education;

17 L. "university" means the university of New Mexico
18 school of law; and

19 M. "waiver" means a loan to cover tuition, fees
20 and a reasonable living stipend that is forgiven in whole or
21 in part if the participant renders service as a community
22 governance attorney.

23 SECTION 3. COMMUNITY GOVERNANCE ATTORNEY AND
24 CONDITIONAL TUITION WAIVER PROGRAM CREATED--
25 ADMINISTRATION--RULEMAKING SELECTION PROCESS--REPAYMENT.--

1 A. The "community governance attorney and
2 conditional tuition waiver program" is created and shall be
3 administered by the department. The department shall:

4 (1) promulgate rules for implementing the
5 program and for a reasonable living stipend in consultation
6 with the university; provided that the maximum living stipend
7 shall be based upon the availability of funds and information
8 provided by the university regarding the current cost of
9 attendance at the university;

10 (2) publicize the program to law students
11 and to prospective law students;

12 (3) collect and manage repayment from
13 students who do not meet their obligations under the program;
14 and

15 (4) solicit and accept funds for the
16 program, including grants and donations.

17 B. Participants shall enter the program in their
18 final year of law school. The department shall select
19 participants according to rules it promulgates and, in
20 consultation with the commission, shall create a standard
21 process for law students to apply to participate in the
22 program.

23 C. The department shall award no more than two new
24 waivers a year, in addition to renewing existing waivers for
25 eligible participants, subject to the availability of

1 funding.

2 D. Participation in the program shall be evidenced
3 by a contract between the participant and the department.

4 The contract shall provide for the payment of a participant's
5 waiver and shall be conditioned upon the participant
6 fulfilling the program obligations and meeting the
7 university's standards for satisfactory academic progress.

8 An applicant to the program shall sign the contract prior to
9 being accepted into the program.

10 E. The contract shall include the following terms
11 for repayment of the waiver:

12 (1) interest shall accrue upon termination
13 of the participant's course of study at the following
14 interest rates:

15 (a) eighteen percent per year if the
16 participant completes a course of study and no portion of the
17 principal and interest is forgiven pursuant to Subsection F
18 of this section; and

19 (b) seven percent per year in all other
20 cases; and

21 (2) the maximum period for repayment shall
22 be ten years, commencing six months from the date the
23 participant completes or discontinues the course of study.

24 F. The contract shall provide that the department
25 forgive fifty percent of a waiver for each year that a

1 participant is employed full time as a community governance
2 attorney with a salary of not more than fifty thousand
3 dollars (\$50,000) per year.

4 SECTION 4. COMMISSION--DUTIES.--

5 A. The "community governance attorney commission"
6 is created. The commission shall be composed of five members
7 as follows:

8 (1) the secretary or the secretary's
9 designee;

10 (2) the dean of the university or the dean's
11 designee; and

12 (3) three members appointed by the governor;
13 provided that one member shall be a member of an acequia, one
14 member shall be a current or past member of the land grant
15 council and one member shall be a current or past member of
16 the colonias infrastructure board and a resident of a
17 colonia.

18 B. Staff and meeting space for the commission
19 shall be provided by the university. The commission shall
20 elect a chair and such other officers as it deems appropriate
21 and shall meet at the call of the chair. Members of the
22 commission shall receive per diem and mileage pursuant to the
23 Per Diem and Mileage Act and shall receive no other
24 compensation.

25 C. The commission shall:

1 (1) make recommendations to the department
2 on applicants for the program;

3 (2) advise the department on the adoption of
4 rules to implement the provisions of the Community Governance
5 Attorney Act;

6 (3) pursuant to the Procurement Code,
7 solicit proposals for disbursement from the fund for legal
8 services;

9 (4) enter into contracts for expenditure of
10 the fund for the purpose of providing community governance
11 attorney services for acequias, land grants-mercedes and
12 low-income residents of colonias on issues regarding the
13 governance of colonias. The contracts shall be entered into
14 with the university or with nonprofit organizations whose
15 mission is to provide a range of free legal services to
16 low-income New Mexicans. No contract shall provide funding
17 in excess of one-half of a full-time community governance
18 attorney position, and each contract shall be executed only
19 with service providers that have secured sufficient matching
20 nonstate funding to provide a full-time position; and

21 (5) adopt such rules as are necessary to
22 carry out the provisions of this section.

23 D. The department, pursuant to rules of the
24 commission, shall administer the contracts and programs
25 provided for in this section.

1 SECTION 5. FUND CREATED--DISBURSEMENT.--

2 A. The "community governance attorney and
3 conditional tuition waiver fund" is created in the state
4 treasury. The fund shall consist of money appropriated,
5 donated or otherwise accruing to the fund. All payments for
6 repayment of waivers and penalties shall be credited to the
7 fund. Balances in the fund shall not revert to any other
8 fund at the end of a fiscal year.

9 B. Expenditures from the fund shall only be used
10 to make waivers to participants in the program, to pay
11 contracts for community governance attorney services and to
12 pay the administrative expenses associated with the program
13 and collection activity on its behalf; provided that no more
14 than five percent of the annual expenditures from the fund
15 shall be for administrative costs. The department shall
16 require an annual accounting from each organization receiving
17 funds pursuant to this section.

18 C. All waiver loan payments shall be by warrant
19 drawn by the secretary upon vouchers signed by the designated
20 representative of the department. All disbursements from the
21 fund for community governance attorney services shall be by
22 warrant drawn by the secretary of finance and administration
23 pursuant to vouchers signed by the secretary of higher
24 education or the secretary's designee. Money in the fund is
25 subject to appropriation by the legislature to the department

1 for the purposes of carrying out the provisions of the
2 Community Governance Attorney Act.

3 D. Money disbursed pursuant to this section shall
4 not be used by a recipient to:

5 (1) support lobbying, as defined in the
6 Lobbyist Regulation Act; or

7 (2) bring suit against the state.

8 SECTION 6. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2019. _____

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