

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE RURAL DEVELOPMENT, LAND GRANTS AND CULTURAL AFFAIRS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 24

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57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO LEGAL SERVICES; AMENDING SECTIONS OF THE COMMUNITY GOVERNANCE ATTORNEY ACT; TRANSFERRING THE DUTIES TO PUBLICIZE AND ADMINISTER CONTRACTS FOR THE COMMUNITY GOVERNANCE ATTORNEY AND CONDITIONAL TUITION WAIVER PROGRAM FROM THE HIGHER EDUCATION DEPARTMENT TO THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW; ALLOWING COUNTIES AND MUNICIPALITIES WITH AT LEAST ONE DESIGNATED COLONIA WITHIN THEIR BOUNDARIES AND STATE AGENCIES TO HIRE COMMUNITY GOVERNANCE ATTORNEYS.

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

SECTION 1. Section 21-21Q-3 NMSA 1978 (being Laws 2019, Chapter 43, Section 3, as amended) is amended to read:

"21-21Q-3. COMMUNITY GOVERNANCE ATTORNEY AND CONDITIONAL TUITION WAIVER PROGRAM CREATED--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~~] to
5 implement and administer the program and for a reasonable
6 living stipend in consultation with the university; provided
7 that the maximum living stipend shall be based upon the
8 availability of funds and information provided by the
9 university regarding the current cost of attendance at the
10 university;

11 ~~[(2) publicize the program to law students and~~
12 ~~to prospective law students;~~

13 ~~(3)]~~ (2) collect and manage repayment from
14 students who do not meet their obligations under the program;
15 and

16 ~~[(4) solicit and]~~ (3) accept funds for the
17 program, including grants and donations.

18 B. The university shall publicize the program to
19 law students and prospective law students.

20 ~~[B.]~~ C. Participants shall enter the program in
21 their final year of law school. The [~~department~~] commission
22 shall select participants according to [~~rules it promulgates~~
23 ~~and, in consultation with the commission~~] program rules and
24 shall create a standard process for law students to apply to
25 participate in the program.

1 ~~[G.]~~ D. The department shall award no more than two
2 new waivers a year, in addition to renewing existing waivers
3 for eligible participants, subject to the availability of
4 funding.

5 ~~[D.]~~ E. Participation in the program shall be
6 evidenced by a contract between the participant and the
7 department. The contract shall provide for the payment of a
8 participant's waiver and shall be conditioned upon the
9 participant fulfilling the program obligations and meeting the
10 university's standards for satisfactory academic progress. An
11 applicant to the program shall sign the contract prior to being
12 accepted into the program.

13 ~~[E.]~~ F. The contract shall include the following
14 terms for repayment of the waiver:

15 (1) interest shall accrue upon termination of
16 the participant's course of study at the following interest
17 rates:

18 (a) eighteen percent per year if the
19 participant completes a course of study and no portion of the
20 principal and interest is forgiven pursuant to Subsection ~~[F.]~~ G
21 of this section; and

22 (b) seven percent per year in all other
23 cases; and

24 (2) the maximum period for repayment shall be
25 ten years, commencing six months from the date the participant

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underscored material = new
[bracketed material] = delete

1 completes or discontinues the course of study.

2 ~~[F-] G.~~ The contract shall provide that the
3 department forgive fifty percent of a waiver for each year that
4 a participant is employed full time as a community governance
5 attorney with a maximum salary ~~[of not more than fifty thousand~~
6 ~~dollars (\$50,000) per year, subject to adjustment by the~~
7 ~~commission pursuant to Subsection G of this section.~~

8 ~~G.~~ ~~The commission may approve subsequent increases~~
9 ~~in the maximum salary established pursuant to Subsection F of~~
10 ~~this section; provided that the maximum salary shall not exceed~~
11 ~~the salary rate for entry-level attorneys paid by legal service~~
12 ~~assistance entities in New Mexico that receive funding from the~~
13 ~~federally established legal services corporation] not to exceed~~
14 ~~the entry-level salary rate paid by the legal service~~
15 ~~provider."~~

16 SECTION 2. Section 21-21Q-4 NMSA 1978 (being Laws 2019,
17 Chapter 43, Section 4) is amended to read:

18 "21-21Q-4. COMMISSION--DUTIES.--

19 A. The "community governance attorney commission"
20 is created. The commission shall be composed of five members
21 as follows:

- 22 (1) the secretary or the secretary's designee;
23 (2) the dean of the university or the dean's
24 designee; and
25 (3) three members appointed by the governor;

1 provided that one member shall be a:

2 (a) current or past member of [an] the
3 acequia [one member shall be a] commission;

4 (b) current or past member of the land
5 grant council; and [one member shall be a]

6 (c) current or past member of the
7 colonias infrastructure board and a resident of a colonia.

8 B. Staff and meeting space for the commission shall
9 be provided by the university. The commission shall elect a
10 chair and such other officers as it deems appropriate and shall
11 meet at the call of the chair. Members of the commission shall
12 receive per diem and mileage pursuant to the Per Diem and
13 Mileage Act and shall receive no other compensation.

14 C. The commission shall:

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

17 (2) advise the department on the adoption of
18 rules to implement the provisions of the Community Governance
19 Attorney Act; and

20 (3) pursuant to the Procurement Code, solicit
21 proposals for disbursement from the fund for legal services.

22 [~~4~~] D. The university shall, with the approval of
23 the commission, enter into contracts for expenditure of the
24 fund for the purpose of providing free community governance
25 attorney services for acequias, land grants-mercedes and low-

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1 income residents of colonias on issues regarding the governance
2 of colonias. The contracts shall be entered into with the
3 university, counties or municipalities that have designated at
4 least one colonia within their boundaries, state agencies or
5 ~~[with]~~ nonprofit organizations whose mission ~~[is to provide]~~
6 includes providing a range of ~~[free]~~ legal services to low-
7 income New Mexicans. No contract shall provide funding in
8 excess of one-half of a full-time community governance attorney
9 position and each contract shall be executed only with service
10 providers that have secured sufficient matching ~~[nonstate]~~
11 funding to provide a full-time position ~~[and~~

12 ~~(5) adopt such rules as are necessary to carry~~
13 ~~out the provisions of this section.~~

14 ~~D. The department, pursuant to rules of the~~
15 ~~commission, shall administer the contracts and programs~~
16 ~~provided for in this section]."~~

17 **SECTION 3. EFFECTIVE DATE.**--The effective date of the
18 provisions of this act is July 1, 2025.