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SENATE BILL 652

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO LOTTERY TUITION SCHOLARSHIPS; EXPANDING TUITION SCHOLARSHIP OPPORTUNITIES FOR STUDENTS WHO DELAY GOING TO COLLEGE OR NEED COLLEGE REMEDIAL WORK AND STUDENTS WITH PHYSICAL AND DEVELOPMENTAL DISABILITIES; MAKING CERTAIN HIGH SCHOOL STUDENTS ELIGIBLE FOR A TUITION SCHOLARSHIP IN THEIR FIRST SEMESTER OF COLLEGE; AMENDING SECTIONS OF THE NMSA 1978.

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) is amended to read:

"21-1-4.3. TUITION 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

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1 of mining and technology, eastern New Mexico university,
2 western New Mexico university, the university of New Mexico,
3 New Mexico highlands university and northern New Mexico state
4 school shall award tuition scholarships for qualified resident
5 students attending their respective institutions and branches
6 of those institutions.

7 B. Except as otherwise authorized in [~~Subsection C~~
8 ~~of~~] this section, the tuition scholarships authorized in this
9 section shall apply only to full-time resident students who,
10 immediately upon completion of a high school curriculum at a
11 public or accredited private New Mexico high school or upon
12 receiving a graduate equivalent diploma, are accepted for
13 entrance to and attend one of the state educational
14 institutions set forth in this section or one of the branches
15 of those institutions. Each tuition scholarship shall be
16 awarded for up to four consecutive years beginning the second
17 semester of the recipient's first year of enrollment, provided
18 that the recipient has maintained residency in New Mexico and
19 maintained a grade point average of 2.5 or higher on a 4.0
20 scale during his first semester of full-time enrollment.

21 C. The tuition scholarships authorized in this
22 section shall also apply to full-time resident students who,
23 immediately upon completion of a high school curriculum at a
24 public or accredited private New Mexico high school or upon
25 receiving a graduate equivalent diploma, attend a two-year

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1 public post-secondary educational institution in New Mexico
2 and who, upon the completion of that curriculum or at the end
3 of [~~two years~~] six semesters, whichever is sooner, transfer to
4 one of the post-secondary state educational institutions set
5 forth in this section. Those students shall be eligible for a
6 tuition scholarship for two consecutive years, provided that
7 those students maintain residency in New Mexico, maintain a
8 grade-point average of 2.5 or higher on a 4.0 scale and attend
9 the institution full time during the regular academic year.

10 D. A student to whom a tuition scholarship applies
11 pursuant to Subsection B or C of this section and who received
12 a high school grade point average of 3.0 or higher or finished
13 in the top quartile of the high school graduating class shall
14 be awarded a scholarship beginning with the student's first
15 semester of enrollment. The scholarship shall not exceed four
16 consecutive years beginning with the first semester of
17 enrollment and is subject to all other requirements for the
18 award and continuation of the scholarship.

19 E. A part-time student taking at least six
20 semester hours who has a physical or developmental disability
21 is eligible for a tuition scholarship if the student meets the
22 other requirements for the scholarship pursuant to Subsection
23 B, C or F of this section. For purposes of this subsection,
24 "physical or developmental disability" means that the student
25 either:

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1 (1) has a specified disability as documented
2 in his individualized education program pursuant to the
3 federal Individuals with Disabilities Education Act; or

4 (2) has a disability that meets the
5 eligibility requirements pursuant to Section 504 of the
6 federal Rehabilitation Act.

7 F. A resident student who completed a high school
8 curriculum at a public or accredited private New Mexico high
9 school or received a graduate equivalent diploma in 1997 or
10 later and who does not immediately enroll full time in a
11 public post-secondary educational institution shall be awarded
12 a tuition scholarship beginning the second semester of his
13 later enrollment, if:

14 (1) the student is accepted for entrance and
15 attends full time a state educational institution, a branch of
16 such an institution or a two-year public post-secondary
17 educational institution no later than the fall semester of
18 2001 or the fifth semester after completion of the high school
19 curriculum or receipt of a graduate equivalent diploma,
20 whichever is later;

21 (2) the student maintains the necessary grade
22 point average during his first semester of full-time
23 enrollment and meets all other requirements for the
24 scholarship; and

25 (3) at least six hours of the student's full-

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1 time enrollment in the first semester is college-level course
2 work.

3 ~~[D-]~~ G. The commission on higher education shall
4 prepare guidelines setting forth explicit student continuing
5 eligibility criteria and guidelines for administration of the
6 tuition scholarship program. Guidelines shall be distributed
7 to the board of regents of each institution to enable a
8 uniform availability of the resident student tuition
9 scholarships. "

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

12 "21-13-10. BOARD DUTIES. --

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

23 B. The community college board shall have the
24 power to fix tuition and fee rates for resident and
25 nonresident students of the district, to accept gifts, to

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1 accept federal aid, to purchase, hold, sell and rent property
2 and equipment and to promote the general welfare of the
3 institution for the best interest of educational service to
4 the people of the community college district.

5 C. To the extent that funds are made available by
6 the legislature from the lottery tuition fund, the community
7 college board shall award tuition scholarships for qualified
8 resident students attending their respective institutions.

9 D. The tuition scholarships authorized in this
10 section shall apply only to full-time resident students who,
11 immediately upon completion of a high school curriculum at a
12 public or accredited private New Mexico high school or upon
13 receiving a graduate equivalent diploma, are accepted for
14 entrance to and attend a community college. Each tuition
15 scholarship shall be awarded for up to [~~two consecutive years~~]
16 six consecutive semesters beginning the second semester of the
17 recipient's first year of enrollment, provided that the
18 recipient has maintained residency in New Mexico and
19 maintained a grade-point average of 2.5 or higher on a 4.0
20 scale during his first semester of full-time enrollment.

21 E. A student to whom a tuition scholarship applies
22 pursuant to Subsection D of this section and who received a
23 high school grade point average of 3.0 or higher or finished
24 in the top quartile of the high school graduating class shall
25 be awarded a scholarship beginning with the student's first

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1 semester of enrollment. The scholarship shall not exceed four
2 consecutive years beginning with the first semester of
3 enrollment and is subject to all other requirements for the
4 award and continuation of the scholarship.

5 F. A part-time student taking at least six
6 semester hours who has a physical or developmental disability
7 is eligible for a tuition scholarship if the student meets the
8 other requirements for the scholarship pursuant to Subsection
9 D or G of this section. For purposes of this subsection,
10 "physical or developmental disability" means that the student
11 either:

12 (1) has a specified disability as documented
13 in his individualized education program pursuant to the
14 federal Individuals with Disabilities Education Act; or

15 (2) has a disability that meets the
16 eligibility requirements pursuant to Section 504 of the
17 federal Rehabilitation Act.

18 G. A resident student who completed a high school
19 curriculum at a public or accredited private New Mexico high
20 school or received a graduate equivalent diploma in 1997 or
21 later and who does not immediately enroll full time in a
22 public post-secondary educational institution shall be awarded
23 a tuition scholarship beginning the second semester of his
24 later enrollment, if:

25 (1) the student is accepted for entrance and

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1 attends full time a community college no later than the fall
2 semester of 2001 or the fifth semester after completion of the
3 high school curriculum or receipt of a graduate equivalent
4 diploma, whichever is later;

5 (2) the student maintains the necessary grade
6 point average during his first semester of full-time
7 enrollment and meets all other requirements for the
8 scholarship; and

9 (3) at least six hours of the student's full-
10 time enrollment in the first semester is college-level course
11 work.

12 [E-] H. The commission on higher education shall
13 prepare guidelines setting forth explicit student continuing
14 eligibility criteria and guidelines for administration of the
15 tuition scholarship program. Guidelines shall be distributed
16 to community college boards to enable a uniform availability
17 of the resident student tuition scholarship. "

18 Section 3. Section 21-16-10.1 NMSA 1978 (being Laws
19 1996, Chapter 71, Section 6) is amended to read:

20 "21-16-10.1. TUITION SCHOLARSHIPS AUTHORIZED. --

21 A. To the extent that funds are made available by
22 the legislature from the lottery tuition fund, the board of a
23 technical and vocational institute shall award tuition
24 scholarships for qualified resident students attending a
25 technical and vocational institute.

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1 B. The tuition scholarships authorized in this
2 section shall apply only to full-time resident students who,
3 immediately upon completion of a high school curriculum at a
4 public or accredited private New Mexico high school or upon
5 receiving a graduate equivalent diploma, are accepted for
6 entrance to and attend a technical and vocational institute.
7 Each tuition scholarship shall be awarded for up to [~~two~~
8 ~~consecutive years~~] six consecutive semesters beginning the
9 second semester of the recipient's first year of enrollment,
10 provided that the recipient has maintained residency in New
11 Mexico and maintained a grade-point average of 2.5 or higher
12 on a 4.0 scale during his first semester of full-time
13 enrollment.

14 C. A student to whom a tuition scholarship applies
15 pursuant to Subsection B of this section and who received a
16 high school grade point average of 3.0 or higher or finished
17 in the top quartile of the high school graduating class shall
18 be awarded a scholarship beginning with the student's first
19 semester of enrollment. The scholarship shall not exceed four
20 consecutive years beginning with the first semester of
21 enrollment and is subject to all other requirements for the
22 award and continuation of the scholarship.

23 D. A part-time student taking at least six
24 semester hours who has a physical or developmental disability
25 is eligible for a tuition scholarship if the student meets the

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1 other requirements for the scholarship pursuant to Subsection
2 B or E of this section. For purposes of this subsection,
3 "physical or developmental disability" means that the student
4 either:

5 (1) has a specified disability as documented
6 in his individualized education program pursuant to the
7 federal Individuals with Disabilities Education Act; or

8 (2) has a disability that meets the
9 eligibility requirements pursuant to Section 504 of the
10 federal Rehabilitation Act.

11 E. A resident student who completed a high school
12 curriculum at a public or accredited private New Mexico high
13 school or received a graduate equivalent diploma in 1997 or
14 later and who does not immediately enroll full time in a
15 public post-secondary educational institution shall be awarded
16 a tuition scholarship beginning the second semester of his
17 later enrollment, if:

18 (1) the student is accepted for entrance and
19 attends full time a technical and vocational institute no
20 later than the fall semester of 2001 or the fifth semester
21 after completion of the high school curriculum or receipt of a
22 graduate equivalent diploma, whichever is later;

23 (2) the student maintains the necessary grade
24 point average during his first semester of full-time
25 enrollment and meets all other requirements for the

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1 scholarship; and
2 (3) at least six hours of the student's full-
3 time enrollment in the first semester is college-level course
4 work.

5 [~~E-~~] F. The commission on higher education shall
6 prepare guidelines setting forth explicit student continuing
7 eligibility criteria and guidelines for administration of the
8 tuition scholarship program. Guidelines shall be distributed
9 to the boards of technical and vocational institutes to enable
10 a uniform availability of the resident student tuition
11 scholarships. "

12 Section 4. Section 21-17-6.1 NMSA 1978 (being Laws 1996,
13 Chapter 71, Section 7) is amended to read:

14 "21-17-6.1. TUITION SCHOLARSHIPS AUTHORIZED. --
15 A. To the extent that funds are made available by
16 the legislature from the lottery tuition fund, the board of an
17 area vocational school shall award tuition scholarships for
18 qualified resident students attending its area vocational
19 school.

20 B. The tuition scholarships authorized in this
21 section shall apply only to full-time resident students who,
22 immediately upon completion of a high school curriculum at a
23 public or accredited private New Mexico high school or upon
24 receiving a graduate equivalent diploma, are accepted for
25 entrance to and attend an area vocational school. Each

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1 tuition scholarship shall be awarded for up to [~~two~~
2 ~~consecutive years~~] six consecutive semesters beginning the
3 second semester of the recipient's first year of enrollment,
4 provided that the recipient has maintained residency in New
5 Mexico and maintained a grade-point average of 2.5 or higher
6 on a 4.0 scale during his first semester of full-time
7 enrollment.

8 C. A student to whom a tuition scholarship applies
9 pursuant to Subsection B of this section and who received a
10 high school grade point average of 3.0 or higher or finished
11 in the top quartile of the high school graduating class shall
12 be awarded a scholarship beginning with the student's first
13 semester of enrollment. The scholarship shall not exceed four
14 consecutive years beginning with the first semester of
15 enrollment and is subject to all other requirements for the
16 award and continuation of the scholarship.

17 D. A part-time student taking at least six
18 semester hours who has a physical or developmental disability
19 is eligible for a tuition scholarship if the student meets the
20 other requirements for the scholarship pursuant to Subsection
21 B or E of this section. For purposes of this subsection,
22 "physical or developmental disability" means that the student
23 either:

24 (1) has a specified disability as documented
25 in his individualized education program pursuant to the

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1 federal Individuals with Disabilities Education Act; or
2 (2) has a disability that meets the
3 eligibility requirements pursuant to Section 504 of the
4 federal Rehabilitation Act.

5 E. A resident student who completed a high school
6 curriculum at a public or accredited private New Mexico high
7 school or received a graduate equivalent diploma in 1997 or
8 later and who does not immediately enroll full time in a
9 public post-secondary educational institution shall be awarded
10 a tuition scholarship beginning the second semester of his
11 later enrollment, if:

12 (1) the student is accepted for entrance and
13 attends full time an area vocational school no later than the
14 fall semester of 2001 or the fifth semester after completion
15 of the high school curriculum or receipt of a graduate
16 equivalent diploma, whichever is later;

17 (2) the student maintains the necessary grade
18 point average during his first semester of full-time
19 enrollment and meets all other requirements for the
20 scholarship; and

21 (3) at least six hours of the student's full-
22 time enrollment in the first semester is college-level course
23 work.

24 ~~[E.]~~ F. The commission on higher education shall
25 prepare guidelines setting forth explicit student

1 qualification criteria and guidelines for administration of
2 the tuition scholarship program. Guidelines shall be
3 distributed to the boards of all area vocational schools to
4 enable a uniform availability of the resident student tuition
5 scholarships. "

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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4
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6 March 11, 1999

7
8 Mr. President:

9
10 Your EDUCATION COMMITTEE, to whom has been referred

11
12 SENATE BILLS 14, 126, 453, 527, 550, 652, & 669

13
14 has had them under consideration and reports same with
15 recommendation that they DO NOT PASS, but that

16
17 SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
18 SENATE BILLS 14, 126, 453, 527, 550, 652, & 669

19
20 DO PASS, and thence referred to the FINANCE COMMITTEE.

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22 Respectfully submitted,

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Cynthia Nava, Chairman

Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Adair, Duran, Gorham, Lopez

Absent: None

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SENATE BILLS 14, 126, 453, 527, 550, 652 & 669
SENATE EDUCATION COMMITTEE SUBSTITUTE FOR

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

AN ACT

RELATING TO LOTTERY REVENUE; PROVIDING FOR LEGISLATIVE LOTTERY
SUCCESS SCHOLARSHIPS; PROVIDING FOR DISTRIBUTION OF LOTTERY
REVENUE.

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

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

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

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

B. provide the maximum amount of revenues, without
imposing additional taxes or using other state revenues, for
the purposes of:

- (1) funding critical capital outlay needs of

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1 the public schools; and

2 (2) providing tuition assistance to resident
3 undergraduates at New Mexico post-secondary educational
4 institutions, which shall be known as "legislative lottery
5 success scholarships". "

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

8 "6-24-23. [~~LOTTERY TUITION~~] LEGISLATIVE LOTTERY SUCCESS
9 SCHOLARSHIP FUND CREATED--PURPOSE.--

10 A. The "~~lottery tuition~~ legislative lottery
11 success scholarship fund" is created in the state treasury.
12 The fund shall be administered by the commission on higher
13 education. Earnings from investment of the fund shall accrue
14 to the credit of the fund. Any balance in the fund at the end
15 of any fiscal year shall remain in the fund for appropriation
16 by the legislature as provided in this section.

17 B. After appropriation, if any, by the legislature
18 for scholarships pursuant to Subsection C of Section 21-1-2
19 NMSA 1978, the remaining money in the [~~lottery tuition~~]
20 legislative lottery success scholarship fund is appropriated
21 to the commission on higher education for distribution to New
22 Mexico's public post-secondary educational institutions to
23 provide tuition assistance for New Mexico resident
24 undergraduates as provided by law. "

25 Section 3. Section 6-24-24 NMSA 1978 (being Laws 1995,

. 128805. 2

1 Chapter 155, Section 24) is amended to read:

2 "6-24-24. DISPOSITION OF REVENUE. --

3 A. As nearly as practical, an amount equal to at
4 least fifty percent of the gross annual revenues from the sale
5 of lottery tickets shall be returned to the public in the form
6 of lottery prizes.

7 B. The authority shall transmit all net revenues to
8 the state treasurer, who shall deposit sixty percent of the
9 revenues in the public school capital outlay fund for
10 expenditure pursuant to the provisions of the Public School
11 Capital Outlay Act and forty percent in the [~~lottery tuition~~]
12 legislative lottery success scholarship fund. Estimated net
13 revenues shall be transmitted monthly to the state treasurer
14 for deposit in the funds, [~~provided~~] and the total amount of
15 annual net revenues for the fiscal year shall be transmitted
16 no later than August 1 each year.

17 C. In determining net revenues, operating expenses
18 of the lottery include all costs incurred in the operation and
19 administration of the lottery and all costs resulting from any
20 contracts entered into for the purchase or lease of goods or
21 services required by the lottery, including [~~but not limited~~
22 ~~to~~] the costs of supplies, materials, tickets, independent
23 audit services, independent studies, data transmission,
24 advertising, promotion, incentives, public relations,
25 communications, commissions paid to lottery retailers,

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1 printing, distribution of tickets, purchases of annuities or
2 investments to be used to pay future installments of winning
3 lottery tickets, debt service and payment of any revenue bonds
4 issued, contingency reserves, transfers to the reserve fund
5 and any other necessary costs incurred in carrying out the
6 provisions of the New Mexico Lottery Act.

7 D. An amount up to two percent of the gross annual
8 revenues shall be set aside as a reserve fund to cover bonuses
9 and incentive plans for lottery retailers, special promotions
10 for retailers, purchasing special promotional giveaways,
11 sponsoring special promotional events, compulsive gambling
12 rehabilitation and such other purposes as the board deems
13 necessary to maintain the integrity and meet the revenue goals
14 of the lottery. The board shall report annually to the
15 governor and each regular session of the legislature on the
16 use of the money in the reserve fund. Any balance in excess
17 of fifty thousand dollars (\$50,000) at the end of any fiscal
18 year shall be transferred to the [~~lottery tuition~~] legislative
19 lottery success scholarship fund."

20 Section 4. Section 6-24-27 NMSA 1978 (being Laws 1995,
21 Chapter 155, Section 27) is amended to read:

22 "6-24-27. REVENUE AND BUDGET REPORTS--RECORDS--
23 INDEPENDENT AUDITS.--

24 A. The board shall:

25 (1) submit quarterly and annual reports to the

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1 governor, legislative finance committee and lottery oversight
2 committee disclosing the total lottery revenue, prizes,
3 commissions, ticket costs, operating expenses and net revenues
4 of the authority during the reporting period and, in the
5 annual report, describe the organizational structure of the
6 authority and summarize the functions performed by each
7 organizational division within the authority;

8 (2) maintain weekly or more frequent records of
9 lottery transactions, including the distribution of lottery
10 tickets to retailers, revenue received, claims for prizes,
11 prizes paid, prizes forfeited and other financial transactions
12 of the authority; and

13 (3) use the state government fiscal year.

14 B. The board shall provide, for informational
15 purposes, to the department of finance and administration and
16 the legislative finance committee, by December 1 of each year,
17 a copy of the annual proposed operating budget for the
18 authority for the succeeding fiscal year. This budget
19 proposal shall also be accompanied by an estimate of the net
20 revenues to be deposited in the public school capital outlay
21 fund and the [~~lottery tuition~~] legislative lottery success
22 scholarship fund for the current and succeeding fiscal years.

23 C. The board shall contract with an independent
24 certified public accountant or firm for an annual financial
25 audit of the authority. The certified public accountant or

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1 firm shall have no financial interest in any lottery
2 contractor. The certified public accountant or firm shall
3 present an audit report no later than March 1 for the prior
4 fiscal year. The certified public accountant or firm shall
5 evaluate the internal auditing controls in effect during the
6 audit period. The cost of this financial audit shall be an
7 operating expense of the authority. The legislative finance
8 committee may, at any time, order an audit of any phase of the
9 operations of the authority, at the expense of the authority,
10 and shall receive a copy of the annual independent financial
11 audit. A copy of any audit performed by the certified public
12 accountant or ordered by the legislative finance committee
13 shall be transmitted to the governor, the speaker of the house
14 of representatives, the president pro tempore of the senate,
15 the legislative finance committee and the lottery oversight
16 committee. "

17 Section 5. Section 21-1-4.3 NMSA 1978 (being Laws 1996,
18 Chapter 71, Section 3) is amended to read:

19 "21-1-4.3. [~~TUITION~~] LEGISLATIVE LOTTERY SUCCESS
20 SCHOLARSHIPS AUTHORIZED--CERTAIN EDUCATIONAL INSTITUTIONS.--

21 A. To the extent that funds are made available by
22 the legislature from the [~~lottery tuition~~] legislative lottery
23 success scholarship fund, the boards of regents of New Mexico
24 state university, New Mexico institute of mining and
25 technology, eastern New Mexico university, western New Mexico

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1 university, the university of New Mexico, New Mexico highlands
 2 university [~~and~~], northern New Mexico state school and New
 3 Mexico military institute and the governing boards of the
 4 other public post-secondary educational institutions shall
 5 award [~~tuition~~] legislative lottery success scholarships for
 6 qualified resident students attending their respective
 7 institutions and branches of those institutions.

8 B. Except as authorized in [~~Subsection~~] Subsections
 9 C through F of this section, the [~~tuition~~] legislative lottery
 10 success scholarships authorized in this section shall apply
 11 [~~only~~] to full-time resident students who, immediately upon
 12 completion of a high school curriculum at a public or
 13 accredited private New Mexico high school or an out-of-state
 14 high school that the student attended and graduated from as a
 15 student qualifying for out-of-state tuition payments pursuant
 16 to Subsection A of Section 22-8-30 NMSA 1978 or upon receiving
 17 a graduate equivalent diploma, are accepted for entrance to
 18 and attend one of the [~~state~~] public post-secondary
 19 educational institutions set forth in this section [~~or one of~~
 20 ~~the branches of those institutions~~]. Each [~~tuition~~]
 21 legislative lottery success scholarship shall be awarded for
 22 up to four consecutive years beginning the second semester of
 23 the recipient's first year of enrollment [~~provided that~~] if
 24 the recipient has maintained residency in New Mexico and
 25 [~~maintained~~] obtained a grade point average of 2.5 or higher

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1 on a 4.0 scale during his first semester of full-time
2 enrollment.

3 C. The [tuition] legislative lottery success
4 scholarships authorized in this section shall also apply to
5 full-time resident students who, immediately upon completion
6 of a high school curriculum at a public or accredited private
7 New Mexico high school or an out-of-state high school that the
8 student attended and graduated from as a student qualifying
9 for out-of-state tuition payments pursuant to Subsection A of
10 Section 22-8-30 NMSA 1978 or upon receiving a graduate
11 equivalent diploma, attend a two-year public post-secondary
12 educational institution in New Mexico and who, upon the
13 completion of that curriculum or at the end of [two years] six
14 semesters, whichever is sooner, transfer to one of the public
15 post-secondary [state] educational institutions set forth in
16 this section. Those students shall be eligible [for a
17 tuition] to continue the legislative lottery success
18 scholarship for [two consecutive years provided that]
19 additional semesters not to exceed a total of eight
20 consecutive semesters if those students [maintain] obtain
21 residency in New Mexico, maintain a grade-point average of 2.5
22 or higher on a 4.0 scale and attend the institution full time
23 during the regular academic year.

24 D. The legislative lottery success scholarships
25 authorized in this section shall also apply to part-time

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1 students taking at least six semester hours who have a
2 physical or developmental disability if they meet the other
3 requirements for the scholarship pursuant to Subsection B, C
4 or G of this section. For purposes of this subsection,
5 "physical or developmental disability" means that the student
6 either:

7 (1) has a specified disability as documented in
8 his individualized education program pursuant to the federal
9 Individuals with Disabilities Education Act; or

10 (2) has a disability that meets the eligibility
11 requirements pursuant to Section 504 of the federal
12 Rehabilitation Act.

13 E. The legislative lottery success scholarships
14 authorized in this section shall also apply to a student who
15 would not qualify for a scholarship under Subsection B or C of
16 this section solely because the student completed a high
17 school curriculum at a high school located outside of New
18 Mexico if:

19 (1) while in high school the student was a
20 dependent of a person engaged in active duty in the United
21 States armed forces; and

22 (2) the person engaged in active duty was a
23 resident of New Mexico immediately before entering the United
24 States armed forces, entered military duty in New Mexico, paid
25 New Mexico personal income taxes while engaged in active duty

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1 and was absent from New Mexico because of the active duty in
2 the United States armed forces.

3 F. Beginning January 1, 2001, the legislative
4 lottery success scholarships authorized in this section shall
5 also apply to full-time resident students who, within one
6 hundred twenty days of completion of a high school curriculum
7 at a public or accredited private New Mexico high school or an
8 out-of-state high school that the student attended and
9 graduated from as a student qualifying for out-of-state
10 tuition payments pursuant to Subsection A of Section 22-8-30
11 NMSA 1978 or upon receiving a graduate equivalent diploma,
12 began service in the United States armed forces and who have
13 been honorably discharged. Those students who enroll in a New
14 Mexico public post-secondary educational institution within
15 one year of military discharge shall be eligible for a
16 legislative lottery success scholarship, provided that those
17 students maintain residency in New Mexico, maintain a grade-
18 point average of 2.5 or higher on a 4.0 scale and attend the
19 institution full time during the regular academic year.

20 [E.] G. The commission on higher education shall
21 [prepare guidelines setting forth explicit student continuing
22 eligibility criteria and] adopt rules in collaboration with
23 the public post-secondary educational institutions to
24 implement the provisions of the legislative lottery success
25 scholarship program. The rules shall include explicit initial

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1 and continuing student eligibility criteria, probation
 2 provisions for initial and continuing eligibility and
 3 considerations for professional judgment when special
 4 circumstances exist. The rules shall incorporate guidelines
 5 for administration of the [tuition] legislative lottery
 6 success scholarship program. Guidelines shall be distributed
 7 to community college boards to enable a uniform availability
 8 of the resident student [tuition] legislative lottery success
 9 scholarship. "

10 Section 6. Section 21-1-4.4 NMSA 1978 (being Laws 1996,
 11 Chapter 71, Section 4) is amended to read:

12 "21-1-4.4. COMMISSION ON HIGHER EDUCATION-- DETERMINATION
 13 OF [TUITION] LEGISLATIVE LOTTERY SUCCESS SCHOLARSHIPS-- USE OF
 14 [LOTTERY-TUITION] LEGISLATIVE LOTTERY SUCCESS SCHOLARSHIP
 15 FUND.-- Prior to June 1 of each year, the commission on higher
 16 education shall determine the amount of money available for
 17 [tuition] legislative lottery success scholarships at [state]
 18 public post-secondary educational institutions. Based on the
 19 amount appropriated by the legislature from the [lottery
 20 tuition] legislative lottery success scholarship fund and on
 21 the projected enrollment at all public post-secondary
 22 educational institutions, the commission on higher education
 23 shall establish the percentage of tuition that shall be
 24 awarded for qualified resident students attending New Mexico
 25 public post-secondary educational institutions. The

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1 percentage of tuition awarded shall be the same for each
2 institution, regardless of the actual cost of tuition at each
3 institution. "

4 Section 7. Section 21-13-10 NMSA 1978 (being Laws 1963,
5 Chapter 17, Section 9, as amended) is amended to read:

6 "21-13-10. BOARD DUTIES. --

7 A. It [~~shall be~~] is the duty of the community
8 college board to determine financial and educational policies
9 of the community college. The community college board shall
10 provide for the management of the community college and
11 execution of these policies by selecting a competent president
12 for the community college, and, upon the president's
13 recommendation, the board shall employ other administrative
14 personnel, instructional staff or other personnel as may be
15 needed for the operation, maintenance and administration of
16 the community college.

17 B. The community college board shall have the power
18 to fix tuition and fee rates for resident and nonresident
19 students of the district, to accept gifts, to accept federal
20 aid, to purchase, hold, sell and rent property and equipment
21 and to promote the general welfare of the institution for the
22 best interest of educational service to the people of the
23 community college district.

24 C. To the extent that funds are made available by
25 the legislature from the [~~lottery tuition~~] legislative lottery

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1 success scholarship fund, the community college board shall
 2 award ~~[tuition]~~ legislative lottery success scholarships for
 3 qualified resident students attending their respective
 4 institutions.

5 ~~[D. The tuition scholarships authorized in this~~
 6 ~~section shall apply only to full-time resident students who,~~
 7 ~~immediately upon completion of a high school curriculum at a~~
 8 ~~public or accredited private New Mexico high school, or upon~~
 9 ~~receiving a graduate equivalent diploma, are accepted for~~
 10 ~~entrance to and attend a community college. Each tuition~~
 11 ~~scholarship shall be awarded for up to two consecutive years~~
 12 ~~beginning the second semester of the recipient's first year of~~
 13 ~~enrollment, provided that the recipient has maintained~~
 14 ~~residency in New Mexico and maintained a grade point average~~
 15 ~~of 2.5 or higher on a 4.0 scale during his first semester of~~
 16 ~~full-time enrollment.~~

17 ~~E.]~~ D. The commission on higher education shall
 18 ~~[prepare guidelines setting forth explicit student continuing~~
 19 ~~eligibility criteria and]~~ adopt rules in collaboration with
 20 the community colleges to implement the provisions of the
 21 legislative lottery success scholarship program. The rules
 22 shall include explicit initial and continuing student
 23 eligibility criteria, probation provisions for initial and
 24 continuing eligibility and considerations for professional
 25 judgment when special circumstances exist. The rules shall

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1 incorporate guidelines for administration of the tuition
2 scholarship program. Guidelines shall be distributed to
3 community college boards to enable a uniform availability of
4 the resident student [~~tuition~~] legislative lottery success
5 scholarshi p. "

6 Section 8. Section 21-16-10.1 NMSA 1978 (being Laws
7 1996, Chapter 71, Section 6) is amended to read:

8 "21-16-10.1. [~~TUITION~~] LEGISLATIVE LOTTERY SUCCESS
9 SCHOLARSHIPS AUTHORIZED. --

10 A. To the extent that funds are made available by
11 the legislature from the [~~lottery tuition~~] legislative lottery
12 success scholarship fund, the board of a technical and
13 vocational institute shall award [~~tuition~~] legislative lottery
14 success scholarships for qualified resident students attending
15 a technical and vocational institute.

16 [~~B. The tuition scholarships authorized in this~~
17 ~~section shall apply only to full-time resident students who,~~
18 ~~immediately upon completion of a high school curriculum at a~~
19 ~~public or accredited private New Mexico high school, or upon~~
20 ~~receiving a graduate equivalent diploma, are accepted for~~
21 ~~entrance to and attend a technical and vocational institute.~~
22 ~~Each tuition scholarship shall be awarded for up to two~~
23 ~~consecutive years beginning the second semester of the~~
24 ~~recipient's first year of enrollment, provided that the~~
25 ~~recipient has maintained residency in New Mexico and~~

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1 ~~maintained a grade point average of 2.5 or higher on a 4.0~~
2 ~~scale during his first semester of full-time enrollment.~~

3 ~~C.]~~ B. The commission on higher education shall
4 ~~[prepare guidelines setting forth explicit student continuing~~
5 ~~eligibility criteria and]~~ adopt rules in collaboration with
6 the technical and vocational institutes to implement the
7 provisions of the legislative lottery success scholarship
8 program. The rules shall include explicit initial and
9 continuing student eligibility criteria, probation provisions
10 for initial and continuing eligibility and considerations for
11 professional judgment when special circumstances exist. The
12 rules shall incorporate guidelines for administration of the
13 ~~[tuition]~~ scholarship program. Guidelines shall be
14 distributed to the boards of technical and vocational
15 institutes to enable a uniform availability of the resident
16 student ~~[tuition]~~ legislative lottery success scholarships. "

17 Section 9. Section 21-17-6.1 NMSA 1978 (being Laws 1996,
18 Chapter 71, Section 7) is amended to read:

19 "21-17-6.1. ~~[TUITION]~~ LEGISLATIVE LOTTERY SUCCESS
20 SCHOLARSHIPS AUTHORIZED. --

21 A. To the extent that funds are made available by
22 the legislature from the ~~[lottery tuition]~~ legislative lottery
23 success scholarship fund, the board of an area vocational
24 school shall award ~~[tuition]~~ legislative lottery success
25 scholarships for qualified resident students attending its

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1 area vocational school.

2 ~~[B. The tuition scholarships authorized in this~~
3 ~~section shall apply only to full-time resident students who,~~
4 ~~immediately upon completion of a high school curriculum at a~~
5 ~~public or accredited private New Mexico high school, or upon~~
6 ~~receiving a graduate equivalent diploma, are accepted for~~
7 ~~entrance to and attend an area vocational school. Each~~
8 ~~tuition scholarship shall be awarded for up to two consecutive~~
9 ~~years beginning the second semester of the recipient's first~~
10 ~~year of enrollment, provided that the recipient has maintained~~
11 ~~residency in New Mexico and maintained a grade point average~~
12 ~~of 2.5 or higher on a 4.0 scale during his first semester of~~
13 ~~full-time enrollment.~~

14 C.] B. The commission on higher education shall
15 ~~[prepare guidelines setting forth explicit student~~
16 ~~qualification criteria and]~~ adopt rules in collaboration with
17 the area vocational schools to implement the provisions of the
18 legislative lottery success scholarship program. The rules
19 shall include explicit initial and continuing student
20 eligibility criteria, probation provisions for initial and
21 continuing eligibility and considerations for professional
22 judgment when special circumstances exist. The rules shall
23 incorporate guidelines for administration of the [tuition]
24 scholarship program. Guidelines shall be distributed to the
25 boards of all area vocational schools to enable a uniform

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1 availability of the resident student [~~tuition~~] legislative
2 lottery success scholarships. "

3 Section 10. REPEAL. --Laws 1995, Chapter 155, Section 38
4 is repealed.

5 Section 11. EFFECTIVE DATE. --The effective date of the
6 provisions of Sections 1 through 9 of this act is July 1,
7 1999.

underscored material = new
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~~[bracketed material] = delete~~

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FORTY- FOURTH LEGISLATURE

FIRST SESSION

March 14, 1999

SENATE FLOOR AMENDMENT number _____ to SENATE EDUCATION
COMMITTEE SUBSTITUTE
FOR SENATE BILLS 14,
126, 453, 527, 550, 652
& 669

Amendment sponsored by Senator Don Kidd

1. On page 7, lines 16 and 17, strike "or upon receiving a
graduate equivalent diploma".

2. On page 7, line 20, before the period insert:

"or to full- or part-time resident students who have received a
graduate equivalent diploma who are accepted for entrance to and
attend a two-year public post-secondary educational

FORTY- FOURTH LEGISLATURE
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SEC/SB 14, et al.

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institution".

Don Kidd

Adopted _____ Not Adopted

(Chief Clerk)

(Chief Clerk)

Date _____

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underscored material = new
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

March 13, 1999

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILLS 14, 126, 453, 527, 550, 652 & 669

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

FORTY-FOURTH LEGISLATURE
FIRST SESSION

SEC/SB 14, et al.

SF1/SEC/SB 14, et al.

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Ben D. Altamirano, Chairman

Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Carraro, Eisenstadt, Lyons, Tsosie, Fidel

Absent: None

S0014FC1

underscored material = new
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