

1 SENATE BILL 667

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Gerald Ortiz y Pino and Miguel P. Garcia

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10 AN ACT

11 RELATING TO COMMUNITY GOVERNANCE; ESTABLISHING A PROGRAM TO  
12 INCREASE LEGAL SERVICES FOR ACEQUIAS, COLONIAS AND LAND GRANTS-  
13 MERCEDES; ESTABLISHING A WAIVER OF TUITION FOR SERVICE PROGRAM;  
14 CREATING A FUND; MAKING AN APPROPRIATION.

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

17 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
18 cited as the "Community Governance Attorney Act".

19 SECTION 2. [NEW MATERIAL] PURPOSE.--The purpose of the  
20 Community Governance Attorney Act is to build the self-  
21 governance capacity of culturally unique governmental entities  
22 and of the unincorporated colonias in New Mexico that are  
23 underserved by the legal community.

24 SECTION 3. [NEW MATERIAL] DEFINITIONS.--As used in the  
25 Community Governance Attorney Act:

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1           A. "acequia" means a political subdivision  
2 organized pursuant to Chapter 73, Article 3 NMSA 1978;

3           B. "colonia" means a community as defined in the  
4 Colonias Infrastructure Act;

5           C. "commission" means the community governance  
6 attorney commission;

7           D. "community governance attorney" means an  
8 attorney with a legal practice that is focused on the  
9 requirements and challenges faced by small political  
10 subdivisions and unincorporated communities, including the  
11 promulgation of land and water use ordinances, contracting and  
12 the collection or payment of taxes and fees;

13           E. "course of study" means a law student's legal  
14 education, including clinical and internship programs and  
15 preparation courses for the state bar examination;

16           F. "department" means the higher education  
17 department;

18           G. "division" means the local government division  
19 of the department of finance and administration;

20           H. "fund" means the community governance attorney  
21 and conditional tuition waiver fund;

22           I. "land grant-merced" means a political  
23 subdivision organized pursuant to Chapter 49, Article 1 or 4  
24 NMSA 1978;

25           J. "participant" means an individual who has

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1 applied to participate in, has been accepted into and has  
2 signed a contract agreeing to the terms of the program;

3 K. "program" means the community governance  
4 attorney and conditional tuition waiver program;

5 L. "university" means the university of New Mexico  
6 school of law; and

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

11 SECTION 4. [NEW MATERIAL] COMMUNITY GOVERNANCE ATTORNEY  
12 CONDITIONAL TUITION WAIVER PROGRAM CREATED--ADMINISTRATION--  
13 RULEMAKING SELECTION PROCESS--REPAYMENT.--

14 A. The "community governance attorney conditional  
15 tuition waiver program" is created and shall be administered by  
16 the department. The department shall:

17 (1) promulgate rules for implementing the  
18 program and for a reasonable living stipend in consultation  
19 with the university; provided that the maximum living stipend  
20 shall be based upon the availability of funds and information  
21 provided by the university regarding the current cost of  
22 attendance at the university;

23 (2) publicize the program to law students and  
24 to prospective law students;

25 (3) collect and manage repayment from students

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1 who do not meet their obligations under the program; and  
2 (4) solicit and accept funds for the program,  
3 including grants and donations.

4 B. Participants shall enter the program in their  
5 final year of law school. The department shall select  
6 participants according to rules it promulgates and, in  
7 consultation with the commission, shall create a standard  
8 process for law students to apply to participate in the  
9 program.

10 C. The department shall award no more than two new  
11 waivers a year, in addition to renewing existing waivers for  
12 eligible participants, subject to the availability of funding.

13 D. Participation in the program shall be evidenced  
14 by a contract between the participant and the department. The  
15 contract shall provide for the payment of a participant's  
16 waiver and shall be conditioned upon the participant fulfilling  
17 the program obligations and meeting the university's standards  
18 for satisfactory academic progress. An applicant to the  
19 program shall sign the contract prior to being accepted into  
20 the program.

21 E. The contract shall include the following terms  
22 for repayment of the waiver:

23 (1) interest shall accrue upon termination of  
24 the participant's course of study at the following interest  
25 rates:

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1 (a) eighteen percent per year if the  
2 participant completes a course of study and no portion of the  
3 principal and interest is forgiven pursuant to Subsection F of  
4 this section; and

5 (b) seven percent per year in all other  
6 cases; and

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

10 F. The contract shall provide that the department  
11 forgive fifty percent of a waiver for each year that a  
12 participant is employed as a community governance attorney with  
13 a salary of not more than fifty thousand dollars (\$50,000) per  
14 year.

15 SECTION 5. [NEW MATERIAL] COMMISSION--DUTIES.--

16 A. The "community governance attorney commission"  
17 is created. The commission shall be composed of five members  
18 as follows:

19 (1) the secretary of finance and  
20 administration or the secretary's designee;

21 (2) the dean of the university or the dean's  
22 designee; and

23 (3) three members appointed by the governor;  
24 provided that one shall be a member of an acequia, one member  
25 shall be a current or past member of the land grant council and

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1 one member shall be a current or past member of the colonias  
2 infrastructure board and a resident of a colonia.

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

9 C. The commission shall:

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

12 (2) advise the department on the adoption of  
13 rules to implement the provisions of the Community Governance  
14 Attorney Act;

15 (3) pursuant to the Procurement Code, solicit  
16 proposals for disbursement from the fund for legal services;

17 (4) enter into contracts for expenditure of  
18 the fund for the purpose of providing community governance  
19 attorney services for acequias, colonias and land grants-  
20 mercedes. The contracts shall be entered into with the  
21 university or with nonprofit organizations whose mission is to  
22 provide a range of free legal services to low-income New  
23 Mexicans. No contract shall provide funding in excess of one-  
24 half of a full-time community governance attorney position and  
25 shall be executed only with service providers that have secured

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1 sufficient matching nonstate funding to provide a full-time  
2 position; and

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

5 D. The division, pursuant to rules of the  
6 commission, shall administer the contracts and programs  
7 provided for in this section.

8 E. Money disbursed pursuant to this section shall  
9 not be used by a recipient to:

10 (1) support lobbying, as defined in the  
11 Lobbyist Regulation Act; or

12 (2) bring suit against the state.

13 SECTION 6. [NEW MATERIAL] FUND CREATED--DISBURSEMENT.--

14 A. The "community governance attorney and  
15 conditional tuition waiver fund" is created in the state  
16 treasury. The fund shall consist of money appropriated,  
17 donated or otherwise accruing to the fund. All payments for  
18 repayment of waivers and penalties shall be credited to the  
19 fund. Balances in the fund shall not revert to any other fund  
20 at the end of a fiscal year.

21 B. Expenditures from the fund shall only be used to  
22 make waivers to participants in the program, to pay contracts  
23 for community governance attorney services and to pay the  
24 administrative expenses associated with the program and  
25 collection activity on its behalf; provided that no more than

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1 five percent of the annual expenditures from the fund shall be  
2 for administrative costs. The division shall require an annual  
3 accounting from each organization receiving funds pursuant to  
4 this section.

5 C. All waiver loan payments shall be by warrant  
6 drawn by the secretary of finance and administration upon  
7 vouchers signed by the designated representative of the  
8 department. All disbursements from the fund for community  
9 governance attorney services shall be by warrant drawn by the  
10 secretary of finance and administration pursuant to vouchers  
11 signed by the director of the division. Money in the fund is  
12 appropriated to the department of finance and administration  
13 and to the commission for the purposes of carrying out the  
14 provisions of this section.

15 SECTION 7. EFFECTIVE DATE.--The effective date of the  
16 provisions of this act is July 1, 2015.