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HOUSE BILL 259

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Edward C. Sandoval

AN ACT

RELATING TO HIGHER EDUCATION; PROVIDING RESIDENT TUITION  
ELIGIBILITY FOR VETERANS OF THE UNITED STATES ARMED FORCES AT  
NEW MEXICO INSTITUTIONS OF HIGHER EDUCATION.

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

Section 1. Section 21-1-4.5 NMSA 1978 (being Laws 2005,  
Chapter 168, Section 1) is amended to read:

"21-1-4.5. RESIDENT TUITION FOR VETERANS OF THE ARMED  
FORCES OF THE UNITED STATES AND FAMILIES OF MEMBERS OF THE  
ARMED FORCES.--

A. A veteran of the armed forces of the United  
States shall be deemed an in-state resident for purposes of  
determining tuition and fees at all state institutions of  
higher learning provided that veteran is eligible for veterans'  
education benefits under federal law. In order for an

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1 out-of-state resident veteran to receive in-state tuition  
2 rates, the veteran shall use the veteran's federal educational  
3 benefits at a state public post-secondary institution.

4 ~~[A.]~~ B. A spouse or child of an active member of  
5 the armed forces who is assigned to duty in New Mexico shall be  
6 deemed an in-state resident for purposes of determining tuition  
7 and fees at all state institutions of higher learning.

8 ~~[B.]~~ C. A spouse or child of an active member of  
9 the armed forces who is assigned to duty elsewhere immediately  
10 following assignment to duty in New Mexico shall be deemed an  
11 in-state resident for purposes of determining tuition and fees  
12 at all state institutions of higher learning as long as the  
13 spouse or child resides continuously in New Mexico.

14 ~~[C.]~~ D. A spouse or child of an active member of  
15 the armed forces who dies or is killed shall be deemed an in-  
16 state resident for purposes of determining tuition and fees at  
17 all state institutions of higher learning if the spouse or  
18 child becomes a resident of New Mexico within sixty days of the  
19 date of death.

20 E. A veteran of the armed forces who pays tuition  
21 and fees at the rate provided for New Mexico residents under  
22 this section is entitled to pay tuition and fees at the rate  
23 provided for New Mexico residents in any subsequent term or  
24 semester while the veteran is continuously enrolled in the same  
25 degree or certificate program. For purposes of this

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1 subsection, a veteran is not required to enroll in a summer  
2 term to remain continuously enrolled in a degree or certificate  
3 program.

4           ~~[D-]~~ F. If an active member of the armed forces is  
5 stationed outside New Mexico and the member's spouse or child  
6 establishes residence in New Mexico and files with a state  
7 institution of higher learning at which the spouse or child  
8 plans to register a letter of intent to establish and continue  
9 residing in New Mexico, the spouse or child shall be deemed an  
10 in-state resident for purposes of determining tuition and fees  
11 at that state institution of higher learning without regard to  
12 length of time that the spouse or child has resided in the  
13 state.

14           ~~[E-]~~ G. A spouse or child of an active member of  
15 the armed forces who pays tuition and fees at the rate provided  
16 for New Mexico residents under this section is entitled to pay  
17 tuition and fees at the rate provided for New Mexico residents  
18 in any subsequent term or semester while the person is  
19 continuously enrolled in the same degree or certificate  
20 program. For purposes of this subsection, a person is not  
21 required to enroll in a summer term to remain continuously  
22 enrolled in a degree or certificate program. A person's  
23 eligibility to pay tuition and fees at the rate provided for  
24 New Mexico residents under this subsection does not terminate  
25 because the person is no longer a child or spouse of a member

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of the armed forces.

[F-] H. As used in this section, "armed forces" means the United States army, navy, air force, marine corps or coast guard.

I. As used in this section, a "veteran" means a person who has been discharged under conditions other than dishonorable from service in the army, navy, marine corps, air force or coast guard of the United States."