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SENATE BILL 568

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Leonard Tsosie

AN ACT

RELATING TO HIGHER EDUCATION; CLARIFYING THAT MEMBERS OF INDIAN NATIONS, TRIBES OR PUEBLOS LOCATED IN NEW MEXICO ARE RESIDENT STUDENTS FOR POST-SECONDARY EDUCATIONAL INSTITUTION TUITION AND BUDGET AND REVENUE CALCULATION PURPOSES; DECLARING AN EMERGENCY.

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

Section 1. Section 21-1-3 NMSA 1978 (being Laws 1970, Chapter 47, Section 1, as amended) is amended to read:

"21-1-3. STATE EDUCATIONAL INSTITUTIONS--RESIDENT STUDENTS.--

A. For the purpose of tuition payment at the resident student rates at state educational institutions, as defined in Article 12, Section 11 of the constitution of New Mexico, "resident student" includes:

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1 (1) any person not otherwise entitled to claim
2 residence who is a member of the armed forces of the United
3 States or armed forces of a foreign country assigned to active
4 duty within the exterior boundaries of this state; and

5 (2) the spouse or dependent child of any
6 person who qualifies under Paragraph (1) of this subsection.

7 B. Assignment to active duty within the exterior
8 boundaries of this state may be established by a certificate of
9 assignment from the commanding officer of the person so
10 assigned.

11 C. For the purpose of tuition payment at resident
12 student rates at New Mexico highlands university, "resident
13 student" may include any person who is a Native American and a
14 citizen of the United States.

15 D. For the purposes of tuition payment and budget
16 and revenue calculations, the board of regents of any post-
17 secondary, state educational institution, as defined in Article
18 12, Section 11 of the constitution of New Mexico, may determine
19 that "resident student" includes any Texas resident who resides
20 within a one hundred thirty-five mile radius of that
21 institution.

22 E. For the ~~[purpose]~~ purposes of tuition payment
23 and budget and revenue calculations, "resident student"
24 includes any student receiving an athletic scholarship from a
25 post-secondary educational institution set forth in Article 12,

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1 Section 11 of the constitution of New Mexico.

2 F. For the purposes of tuition payment and budget and
3 revenue calculations, a post-secondary, state educational
4 institution, as defined in Article 12, Section 11 of the
5 constitution of New Mexico, or a community college organized
6 pursuant to Chapter 21, Article 16 NMSA 1978 shall include in
7 the definition of "resident student" all members of Indian
8 nations, tribes and pueblos located wholly or partially in New
9 Mexico, regardless of the residence of the member prior to
10 acceptance at the institution for either undergraduate or post-
11 graduate enrollment."

12 Section 2. EMERGENCY.--It is necessary for the public
13 peace, health and safety that this act take effect immediately.