



The Legislature
of the
State of New Mexico

49th Legislature, First Session

LAWS 2009

CHAPTER 123

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR

SENATE BILL 136, as amended

Introduced by



Chapter 123

AN ACT

1
2 RELATING TO HIGHER EDUCATION; PROVIDING RESIDENT TUITION
3 ELIGIBILITY FOR VETERANS OF THE UNITED STATES ARMED FORCES AT
4 NEW MEXICO INSTITUTIONS OF HIGHER EDUCATION.

5
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

9 "21-1-4.5. RESIDENT TUITION FOR VETERANS OF THE ARMED
10 FORCES OF THE UNITED STATES AND FAMILIES OF MEMBERS OF THE
11 ARMED FORCES.--

12 A. A veteran of the armed forces of the United
13 States shall be deemed an in-state resident for purposes of
14 determining tuition and fees at all state institutions of
15 higher learning provided that veteran is eligible for
16 veterans' education benefits under federal law. In order for
17 a veteran who is not a resident of New Mexico to receive
18 in-state tuition rates, the veteran shall use the veteran's
19 federal educational benefits at a state public post-secondary
20 institution.

21 B. A spouse or child of an active member of the
22 armed forces who is assigned to duty in New Mexico shall be
23 deemed an in-state resident for purposes of determining
24 tuition and fees at all state institutions of higher
25 learning.

1 C. A spouse or child of an active member of the
2 armed forces who is assigned to duty elsewhere immediately
3 following assignment to duty in New Mexico shall be deemed an
4 in-state resident for purposes of determining tuition and
5 fees at all state institutions of higher learning as long as
6 the spouse or child resides continuously in New Mexico.

7 D. A spouse or child of an active member of the
8 armed forces who dies or is killed shall be deemed an
9 in-state resident for purposes of determining tuition and
10 fees at all state institutions of higher learning if the
11 spouse or child becomes a resident of New Mexico within sixty
12 days of the date of death.

13 E. A veteran of the armed forces who pays tuition
14 and fees at the rate provided for New Mexico residents under
15 this section is entitled to pay tuition and fees at the rate
16 provided for New Mexico residents in any subsequent term or
17 semester while the veteran is enrolled in a degree or
18 certificate program.

19 F. If an active member of the armed forces is
20 stationed outside New Mexico and the member's spouse or child
21 establishes residence in New Mexico and files with a state
22 institution of higher learning at which the spouse or child
23 plans to register a letter of intent to establish and
24 continue residing in New Mexico, the spouse or child shall be
25 deemed an in-state resident for purposes of determining

1 tuition and fees at that state institution of higher learning
2 without regard to length of time that the spouse or child has
3 resided in the state.

4 G. A spouse or child of an active member of the
5 armed forces who pays tuition and fees at the rate provided
6 for New Mexico residents under this section is entitled to
7 pay tuition and fees at the rate provided for New Mexico
8 residents in any subsequent term or semester while the person
9 is continuously enrolled in the same degree or certificate
10 program. For purposes of this subsection, a person is not
11 required to enroll in a summer term to remain continuously
12 enrolled in a degree or certificate program. A person's
13 eligibility to pay tuition and fees at the rate provided for
14 New Mexico residents under this subsection does not terminate
15 because the person is no longer a child or spouse of a member
16 of the armed forces.

17 H. As used in this section, "armed forces" means
18 the United States army, navy, air force, marine corps or
19 coast guard.

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

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Diane D. Denish

Diane D. Denish, President
Senate

Lenore M. Naranjo

Lenore M. Naranjo, Chief Clerk
Senate

Ben Lujan

Ben Lujan, Speaker
House of Representatives

Stephen R. Arias

Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this 6th day of April, 2009

Bill Richardson

Governor Bill Richardson
State of New Mexico