

HOUSE BILL 427

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

INTRODUCED BY

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AN ACT

RELATING TO VETERANS; PROVIDING THAT A SPOUSE OR CHILD OF A
VETERAN IS ENTITLED TO PAY RESIDENT TUITION RATES IF THE SPOUSE
OR CHILD IS ELIGIBLE FOR EDUCATIONAL BENEFITS PURSUANT TO
FEDERAL LAW.

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, as amended) 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 the veteran is eligible for

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1 veterans' education benefits under federal law. In order for a
2 veteran who is not a resident of New Mexico to receive in-state
3 tuition rates, the veteran shall use the veteran's federal
4 educational benefits at a state public post-secondary
5 institution.

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

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

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

22 E. A veteran of the armed forces who pays tuition
23 and fees at the rate provided for New Mexico residents under
24 this section is entitled to pay tuition and fees at the rate
25 provided for New Mexico residents in any subsequent term or

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1 semester while the veteran is enrolled in a degree or
2 certificate program.

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

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

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1 H. A spouse or child of a veteran of the armed
2 forces is entitled to pay tuition and fees at the rate provided
3 for New Mexico residents; provided that the spouse or child is
4 eligible for benefits pursuant to the federal Post-9/11
5 Veterans Educational Assistance Act of 2008 or any other
6 federal law authorizing educational benefits for a veteran and
7 the dependents of a veteran.

8 [~~H.~~] I. As used in this section, "armed forces"
9 means the United States army, navy, air force, marine corps or
10 coast guard.

11 [~~H.~~] J. As used in this section, [~~a~~] "veteran"
12 means a person who has been discharged under conditions other
13 than dishonorable from service in the army, navy, marine corps,
14 air force or coast guard of the United States."