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HOUSE BILL 17

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Stephanie Garcia Richard

AN ACT

RELATING TO VETERANS; AMENDING THE DEFINITION OF "VETERAN" IN SECTION 21-1-4.5 NMSA 1978 (BEING LAWS 2005, CHAPTER 168, SECTION 1, AS AMENDED).

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 veterans' education benefits under federal law. In order for a

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

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

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

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

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

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1 certificate program.

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

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

25 H. A spouse or child of a veteran of the armed

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

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

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

15 (1) is a citizen of the United States;

16 (2) was regularly enlisted, drafted, inducted
17 or commissioned in the:

18 (a) armed forces of the United States
19 and was accepted for and assigned to active duty in the armed
20 forces of the United States;

21 (b) army reserve, navy reserve, marine
22 corps reserve, air force reserve, coast guard reserve, army
23 national guard or air national guard and was accepted for and
24 assigned to duty for a minimum of six continuous years; or

25 (c) United States public health service

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1 commissioned corps or the national oceanic and atmospheric
2 administration commissioned officer corps and served in the
3 capacity of a commissioned officer while on active duty in
4 defense of the United States; and

5 (3) was not separated from such service under
6 circumstances amounting to dishonorable discharge."

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