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AN ACT  
RELATING TO VETERANS; AMENDING THE DEFINITION OF "VETERAN" IN  
CERTAIN SECTIONS OF THE NMSA 1978.

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

SECTION 1. Section 9-22-3 NMSA 1978 (being Laws 2004,  
Chapter 19, Section 3, as amended) is amended to read:

"9-22-3. DEFINITIONS.--As used in the Veterans'  
Services Department Act:

A. "department" means the veterans' services  
department;

B. "secretary" means the secretary of veterans'  
services; and

C. "veteran" means a New Mexico resident who:

(1) was regularly enlisted, drafted,  
inducted or commissioned in the:

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

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

(c) United States public health service  
commissioned corps or the national oceanic and atmospheric

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

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

6 SECTION 2. Section 21-1-4.5 NMSA 1978 (being Laws 2005,  
7 Chapter 168, Section 1, as amended) is amended to read:

8 "21-1-4.5. RESIDENT TUITION FOR VETERANS OF THE ARMED  
9 FORCES OF THE UNITED STATES AND FAMILIES OF MEMBERS OF THE  
10 ARMED FORCES.--

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

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

25 C. A spouse or child of an active member of the

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

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

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

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

1 without regard to length of time that the spouse or child has  
2 resided in the state.

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

16 H. A spouse or child of a veteran of the armed  
17 forces is entitled to pay tuition and fees at the rate  
18 provided for New Mexico residents; provided that the spouse  
19 or child is eligible for benefits pursuant to the federal  
20 Post-9/11 Veterans Educational Assistance Act of 2008 or any  
21 other federal law authorizing educational benefits for a  
22 veteran and the dependents of a veteran.

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

1 J. As used in this section, "veteran" means a  
2 person who:

3 (1) was regularly enlisted, drafted,  
4 inducted or commissioned in the:

5 (a) armed forces of the United States  
6 and was accepted for and assigned to active duty in the armed  
7 forces of the United States;

8 (b) army reserve, navy reserve, marine  
9 corps reserve, air force reserve, coast guard reserve, army  
10 national guard or air national guard and was accepted for and  
11 assigned to duty for a minimum of six continuous years; or

12 (c) United States public health service  
13 commissioned corps or the national oceanic and atmospheric  
14 administration commissioned officer corps and served in the  
15 capacity of a commissioned officer while on active duty in  
16 defense of the United States; and

17 (2) was not separated from such service  
18 under circumstances amounting to dishonorable discharge."

19 SECTION 3. Section 66-3-412 NMSA 1978 (being Laws 1979,  
20 Chapter 299, Section 2, as amended) is amended to read:

21 "66-3-412. SPECIAL REGISTRATION PLATES--FIFTY PERCENT  
22 OR MORE DISABLED VETERANS--SUBMISSION OF PROOF--PENALTY.--

23 A. The department shall issue distinctive  
24 registration plates for up to two vehicles, including  
25 motorcycles, to a person who is a veteran of the armed forces

1 of the United States and was fifty percent or more disabled  
2 while serving in the armed forces of the United States, upon  
3 the submission by the person of proof satisfactory to the  
4 department that the person was fifty percent or more disabled  
5 while serving in the armed forces of the United States. No  
6 fee, including the regular registration fee applicable to the  
7 passenger motor vehicle or regular motorcycle registration  
8 fees, if any, shall be collected for issuance of a special  
9 registration plate pursuant to this section. A person  
10 eligible for a special registration plate pursuant to this  
11 section and also eligible for one or more special  
12 registration plates pursuant to Sections 66-3-406, 66-3-409,  
13 66-3-411 and 66-3-412.1 NMSA 1978 shall be issued only one  
14 special registration plate of the person's choice.

15 B. No person shall falsely make any representation  
16 as having been fifty percent or more disabled while serving  
17 in the armed forces of the United States so as to be eligible  
18 to be issued special registration plates pursuant to this  
19 section when the person in fact was not fifty percent or more  
20 disabled while serving in the armed forces of the United  
21 States.

22 C. A person who violates the provisions of  
23 Subsection B of this section is guilty of a misdemeanor.

24 D. As used in this section, "veteran" means an  
25 individual who was regularly enlisted, drafted, inducted or

1 commissioned, who was accepted for and assigned to active duty  
2 in the armed forces of the United States and who was not  
3 separated from such service under circumstances amounting to  
4 dishonorable discharge." \_\_\_\_\_

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