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SENATE BILL 196

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

George K. Munoz

AN ACT

RELATING TO GAME AND FISH; AMENDING SECTIONS OF CHAPTER 17 NMSA
1978 TO PROVIDE FOR A CHANGE IN THE PERCENTAGES OF HUNTING
LICENSES ISSUED TO NONRESIDENTS AND RESIDENTS FOR PUBLIC LAND
DRAWS AND TO CHANGE CERTAIN LICENSE FEES.

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

SECTION 1. Section 17-1-22 NMSA 1978 (being Laws 1964
(1st S.S.), Chapter 18, Section 7, as amended) is amended to
read:

"17-1-22. SECURITY--RETIREMENT OF BONDS.--

A. There is created in the state treasury the "game
and fish bond retirement fund". The state game commission
shall place into the game and fish bond retirement fund the sum
of one dollar (\$1.00) from each license enumerated in this
subsection that is sold after April 1, 1976:

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- 1 (1) resident, fishing;
- 2 (2) resident, [~~small~~] game hunting;
- 3 (3) resident, deer;
- 4 [~~(4) resident, general hunting;~~
- 5 ~~(5)]~~ (4) resident, [~~general~~] game hunting and
- 6 fishing;
- 7 [~~(6)~~] (5) resident, trapper;
- 8 [~~(7)~~] (6) nonresident, fishing;
- 9 [~~(8)~~] (7) nonresident, [~~small~~] game hunting;
- 10 [~~(9)~~] (8) temporary fishing, five days; and
- 11 [~~(10)~~] (9) nonresident, deer.

12 Such payments to the game and fish bond retirement fund shall
13 be effective for all bonds issued under the Game and Fish Bond
14 Act up to the maximum limitation on the amount of bonds
15 provided in that act.

16 B. Money in the game and fish bond retirement fund
17 is first pledged for the payment of principal and interest on
18 all state game commission bonds which have been issued and are
19 outstanding [~~at the time of the effective date of this 1983~~
20 ~~amendment~~] prior to June 17, 1983. Money in the game and fish
21 bond retirement fund is further pledged for the payment of
22 principal and interest on all state game commission bonds
23 issued [~~after the effective date of this 1983 amendment~~] as of
24 June 17, 1983. The issuance and sale of bonds under the Game
25 and Fish Bond Act constitutes an irrevocable contract between

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1 the state game commission and the owner of any bond, and so
2 long as any bond remains outstanding the fees pledged for
3 payment shall not be reduced.

4 C. Bonds issued under the Game and Fish Bond Act
5 are payable solely from the game and fish bond retirement fund,
6 and they are not general obligations of the state.

7 D. The state game commission shall continue to
8 place in the game and fish bond retirement fund the sum of one
9 dollar (\$1.00) from each of the licenses enumerated in
10 Subsection A of this section, even after the fund is sufficient
11 to pay the principal and interest of the outstanding bonds and
12 after all bonds issued have been retired."

13 SECTION 2. Section 17-3-2 NMSA 1978 (being Laws 1964 (1st
14 S.S.), Chapter 17, Section 2, as amended) is amended to read:

15 "17-3-2. CLASSES OF LICENSES.--

16 A. As used with reference to licenses in Chapter 17
17 NMSA 1978:

18 (1) "fishing" entitles the licensee to fish
19 for game fish during the open seasons for each species;

20 (2) "~~small~~ game hunting" entitles the
21 licensee to hunt game birds, other than wild turkey, and
22 squirrel during the open seasons for each and to apply for or
23 purchase a license to hunt for deer, antelope, elk, bighorn
24 sheep, Barbary sheep, javelina, bear, oryx, ibex, cougar and
25 wild turkey;

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1 (3) "deer" entitles the licensee to hunt deer
2 during the open season;

3 ~~[(4) "general hunting" entitles the licensee~~
4 ~~to hunt deer, squirrel and game birds during the open seasons~~
5 ~~for each;~~

6 ~~(5) "general hunting and fishing" entitles the~~
7 ~~licensee to hunt deer, squirrel and game birds and to fish for~~
8 ~~game fish during the open seasons for each;~~

9 ~~(6)]~~ (4) "antelope" entitles the licensee to
10 hunt antelope during the open season;

11 ~~[(7)]~~ (5) "elk" entitles the licensee to hunt
12 elk during the open season;

13 ~~[(8)]~~ (6) "bighorn sheep" entitles the
14 licensee to hunt bighorn sheep during the open season;

15 ~~[(9)]~~ (7) "Barbary sheep" entitles the
16 licensee to hunt Barbary sheep during the open season;

17 ~~[(10)]~~ (8) "javelina" entitles the licensee to
18 hunt javelina during the open season;

19 ~~[(11)]~~ (9) "bear" entitles the licensee to
20 hunt bear during the open season;

21 ~~[(12)]~~ (10) "nongame" entitles the licensee to
22 hunt or take any animal or bird not protected by law;

23 ~~[(13)]~~ (11) "temporary fishing" entitles the
24 licensee to fish for game fish during a specific period of time
25 indicated on the license;

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1 [~~(14)~~] (12) "oryx" entitles the licensee to
2 hunt oryx during the open season;

3 [~~(15)~~] (13) "ibex" entitles the licensee to
4 hunt ibex during the open season;

5 [~~(16)~~] (14) "cougar" entitles the licensee to
6 hunt cougar during the open season;

7 [~~(17)~~] (15) "turkey" entitles the licensee to
8 hunt turkey during the open season;

9 [~~(18)~~] (16) "special season turkey" entitles
10 the licensee to hunt turkey during special seasons designated
11 by the state game commission;

12 [~~(19)~~] (17) "quality elk" entitles the
13 licensee to hunt elk during a special quality elk season, to be
14 established by the state game commission, when the timing of
15 the season and hunter density is specially regulated and the
16 elk population is managed with an intent to provide the
17 licensee an increased opportunity to take a mature elk;

18 [~~(20)~~] (18) "quality deer" entitles the
19 licensee to hunt deer during a special quality deer season, to
20 be established by the state game commission, when the timing of
21 the season and hunter density is specially regulated and the
22 deer population is managed with an intent to provide the
23 licensee an increased opportunity to take a mature deer;

24 [~~(21)~~] (19) "temporary [~~small~~] game hunting"
25 entitles the licensee to hunt game birds, except wild turkey,

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1 and squirrel during a specific period of time indicated on the
2 license;

3 [~~(22)~~] (20) "second rod" entitles the licensee
4 to fish using two fishing rods to fish for game fish during the
5 open seasons for each species; and

6 [~~(23)~~] (21) "fishing and [~~small~~] game hunting
7 combination" entitles the licensee to hunt squirrel and game
8 birds, other than wild turkey, and to fish for game fish during
9 the open season for each.

10 B. A hunting license does not entitle the licensee
11 to hunt, kill or take game animals or birds within or upon a
12 park or enclosure licensed or posted as provided by law or
13 within or upon a privately owned enclosure without consent of
14 the owner or within or upon a game refuge or game management
15 area.

16 C. A fishing license does not entitle the licensee
17 to fish for or take fish within or upon a park or enclosure
18 licensed or posted as provided by law or within or upon a
19 privately owned enclosure without consent of the owner or in or
20 on closed waters.

21 D. A junior fishing license may be purchased by a
22 resident who has reached the age of twelve years but has not
23 reached the age of eighteen years. A junior fishing license
24 entitles the licensee to fish for game fish during the open
25 season for each species.

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1 E. A senior fishing license may be purchased by a
2 resident who has reached the age of sixty-five years. A senior
3 fishing license entitles the licensee to fish for game fish
4 during the open season for each species.

5 F. A nonresident junior fishing license may be
6 purchased by a nonresident who has reached the age of twelve
7 years but has not reached the age of eighteen years. A
8 nonresident junior fishing license entitles the licensee to
9 fish for game fish during the open season for each species.

10 G. A senior [~~general~~] game hunting license may be
11 purchased by a resident who has reached the age of sixty-five
12 years. A senior [~~general~~] game hunting license entitles the
13 licensee to hunt for [~~deer~~] squirrel and game birds, other than
14 wild turkey, during the open seasons for each species.

15 H. A junior [~~general~~], resident or nonresident,
16 game hunting license may be purchased by a [~~resident~~] person
17 who has not reached the age of eighteen years. A junior
18 [~~general~~] game hunting license entitles the licensee to hunt
19 for [~~deer~~] squirrel and game birds, other than wild turkey,
20 during the open seasons for each species and to apply for or
21 purchase a license to hunt for deer, antelope, elk, bighorn
22 sheep, Barbary sheep, javelina, bear, oryx, ibex, cougar and
23 wild turkey.

24 I. A handicapped fishing license may be purchased
25 by a resident who has a severe physical impairment that

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1 substantially limits one or more major life activities and who
2 can furnish adequate proof of this disability to the state game
3 commission. A handicapped fishing license may be purchased by
4 a resident who has a developmental disability as defined in
5 Subsection H of Section 43-1-3 NMSA 1978 and who can furnish
6 adequate proof of this disability to the state game commission.
7 A handicapped fishing license entitles the licensee to fish for
8 game fish during the open season for each species.

9 J. A handicapped [~~general~~] game hunting license may
10 be purchased by a resident who has a severe physical impairment
11 that substantially limits one or more major life activities and
12 who can furnish adequate proof of this disability to the state
13 game commission. A handicapped [~~general~~] game hunting license
14 entitles the licensee to hunt for [~~deer~~] squirrel and game
15 birds, other than wild turkey, during the open season for each
16 species and to apply for or purchase a license to hunt for
17 deer, antelope, elk, bighorn sheep, Barbary sheep, javelina,
18 bear, oryx, ibex, cougar and wild turkey.

19 K. A fishing license may be obtained at no cost by
20 a resident who has reached the age of seventy years.

21 L. A second rod validation may be purchased by
22 either a resident or nonresident. A second rod validation
23 entitles the licensee to fish using two rods for game fish
24 during the open season for each species.

25 M. A junior-senior elk license may be purchased by

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1 a resident who has not reached the age of eighteen years or by
2 a resident who has reached the age of sixty-five years. A
3 junior-senior elk license entitles the licensee to hunt for elk
4 during the open season for that species.

5 N. A junior-senior deer license may be purchased by
6 a resident who is younger than eighteen years or older than
7 sixty-five years. A junior-senior deer license entitles the
8 licensee to hunt for deer during the open season for that
9 species.

10 O. A [~~junior-senior~~] junior or senior fishing and
11 [~~small~~] game hunting combination license may be purchased by a
12 resident who is younger than eighteen years or older than
13 sixty-five years. A [~~junior-senior~~] junior or senior fishing
14 and [~~small~~] game hunting combination license entitles the
15 licensee to fish for game fish or hunt for squirrel and game
16 birds, other than wild turkey, during the open seasons for each
17 species and to apply for or purchase a license to hunt for
18 deer, antelope, elk, bighorn sheep, Barbary sheep, javelina,
19 bear, oryx, ibex, cougar and wild turkey.

20 P. A disabled veteran fishing and [~~small~~] game
21 hunting combination license may be purchased by a resident who
22 has been granted a disability by the federal department of
23 veterans affairs as a result of having served in the armed
24 forces of the United States if the resident submits to the
25 state game commission satisfactory proof that the resident was

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1 disabled as a result of having served in the armed forces of
2 the United States. A disabled veteran fishing and ~~[small]~~ game
3 hunting combination license entitles the licensee to fish for
4 game fish or hunt for squirrel and game birds, other than wild
5 turkey, during the open season for each species and to apply
6 for or purchase a license to hunt for deer, antelope, elk,
7 bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex,
8 cougar and wild turkey.

9 Q. A military ~~[general]~~ game hunting and fishing
10 license may be purchased by a member of the armed forces of the
11 United States who, for a period of not less than ninety days
12 immediately preceding the date of application for the license,
13 has been domiciled in New Mexico and has not claimed residency
14 elsewhere for any purpose. A military ~~[general]~~ game hunting
15 and fishing license entitles the licensee to hunt ~~[deer]~~
16 squirrel and game birds, other than wild turkey, and to fish
17 for game fish during the open seasons for each species and to
18 apply for or purchase a license to hunt for deer, antelope,
19 elk, bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex,
20 cougar and wild turkey."

21 SECTION 3. Section 17-3-5 NMSA 1978 (being Laws 1923,
22 Chapter 129, Section 1, as amended) is amended to read:

23 "17-3-5. APPLICATION FOR HUNTING OR FISHING LICENSES--
24 CONTENTS--FILING.--

25 A. The director of the department of game and fish

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1 shall prepare and furnish blank applications for all persons
2 applying for fishing or hunting licenses within the state.
3 Except as provided in Subsection B or E of this section, each
4 person, before receiving any fishing or hunting license, shall
5 make application on a blank so provided. Among other matters
6 that may be shown by the application, [~~shall be~~] a statement
7 [~~showing~~] shall show the exact residence of the applicant.

8 Except as provided in Subsection B or E of this section, the
9 application shall be signed by the applicant. All applications
10 for licenses shall be filed with and issued by license vendors
11 appointed by the director. All fishing and hunting licenses
12 and the applications therefor shall contain the place of
13 residence of the person to whom any license may be issued.

14 B. License vendors, as authorized by the director
15 of the department of game and fish, [~~shall be allowed to~~] may
16 take applications for hunting and fishing licenses or
17 authorizations via telephone or the internet. The vendor or
18 applicant shall fill out a license application with the same
19 information as required for other applications. The vendor
20 shall mail the license to the applicant, and the license shall
21 be in the possession of the hunter or angler unless otherwise
22 provided in Chapter 17 NMSA 1978. All money collected through
23 telephone or internet sales shall be remitted to the director
24 by the tenth day of the month following the sale. An
25 individual receiving a license pursuant to this subsection is

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1 not required to sign an application prior to issuance of the
2 license; provided, however, that [~~such~~] the individual is
3 subject to prosecution pursuant to Section 17-3-6 NMSA 1978 for
4 any false or fraudulent statement or other misrepresentation as
5 if the individual had signed an application for license.

6 C. Upon request, an applicant for a fishing or
7 [~~small~~] game hunting license shall receive an authorization
8 number as assigned by the director of the department of game
9 and fish through the vendor. The authorization number may be
10 used in lieu of the actual license only by the individual who
11 applies and meets the requirements for a license. The
12 authorization number shall serve as a license for the purposes
13 of Sections 17-3-1 and 17-3-17 NMSA 1978. It is a misdemeanor
14 to hunt or fish with an invalid authorization number or a
15 number issued to another person.

16 D. Each license vendor authorized to sell licenses
17 via telephone or internet may collect the actual cost, not to
18 exceed five dollars (\$5.00), of shipping and handling the
19 application and license issuance.

20 E. The director of the department of game and fish
21 may prepare and furnish an electronic application for all
22 persons applying for hunting license drawings. A person making
23 an electronic application is not required to sign an
24 application prior to issuance of the license; provided that the
25 person is subject to prosecution pursuant to Section

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1 17-3-6 NMSA 1978 for any false or fraudulent statement or other
2 misrepresentation as if the person had signed an application."

3 SECTION 4. Section 17-3-13 NMSA 1978 (being Laws 1964
4 (1st S.S.), Chapter 17, Section 5, as amended) is amended to
5 read:

6 "17-3-13. LICENSE FEES.--

7 A. The director of the department of game and fish
8 shall keep a record of all money received and licenses and
9 permits issued by the department, numbering each class
10 separately. Upon satisfactory proof that a license or permit
11 has been lost before its expiration, the director may issue a
12 duplicate and collect a just and reasonable fee for it as
13 determined by regulation of the state game commission.

14 B. The director of the department of game and fish
15 shall collect the following fees for each license of the class
16 indicated:

17	Resident, fishing	\$25.00
18	Resident, [small] game <u>hunting</u>	[20.00] <u>15.00</u>
19	Resident, deer	[36.00] <u>31.00</u>
20	Resident, junior-senior, deer	[24.00] <u>19.00</u>
21	[Resident, general hunting	40.00
22	Resident, general hunting and fishing	59.00
23	Resident, senior, handicapped, military,	
24	[general] <u>game hunting and fishing</u>	[28.00] <u>20.00</u>
25	[Resident, junior, general	

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1	hunting and fishing 20.00]
2	Resident, fishing and [small] game <u>hunting</u>
3	combination [33.00] <u>30.00</u>
4	Resident, [junior-senior] <u>junior</u> , fishing and [small] game
5	<u>hunting</u> combination [16.00] <u>15.00</u>
6	Resident, disabled veteran, fishing and [small] game
7	hunting combination 10.00
8	Resident, antelope 50.00
9	Resident, elk cow 50.00
10	Resident, elk bull or either sex 80.00
11	Resident, junior-senior, elk 48.00
12	Resident, bighorn sheep, ram 150.00
13	Resident, bighorn sheep, ewe 75.00
14	Resident, Barbary sheep 100.00
15	Resident, bear 44.00
16	Resident, turkey 25.00
17	Resident, cougar 40.00
18	Resident, oryx 150.00
19	Resident, ibex 100.00
20	Resident, javelina 55.00
21	Resident, fur dealer 15.00
22	Resident, trapper 20.00
23	Resident, junior trapper 9.00
24	Nonresident, fishing 56.00
25	Nonresident, junior fishing 28.00

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1	<u>Nonresident, junior, game hunting</u>	20.00
2	Nonresident, [small] game <u>hunting</u>	90.00
3	Nonresident, deer	260.00
4	Nonresident, quality deer	345.00
5	Nonresident, bear	250.00
6	Nonresident, cougar	280.00
7	Nonresident, turkey	100.00
8	Nonresident, antelope	260.00
9	Nonresident, elk cow	315.00
10	Nonresident, elk bull or either sex	525.00
11	Nonresident, quality elk	750.00
12	Nonresident, bighorn sheep	3,150.00
13	Nonresident, Barbary sheep	350.00
14	Nonresident, oryx	1,600.00
15	Nonresident, ibex	1,600.00
16	Nonresident, javelina	155.00
17	Nonresident, fur dealer	125.00
18	Nonresident, trapper	345.00
19	Nonresident, nongame	65.00
20	Resident, senior, handicapped,	
21	fishing	8.00
22	Resident, junior fishing	5.00
23	Temporary fishing, one day	12.00
24	Temporary fishing, five days	24.00
25	Resident, senior, handicapped,	

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1 ~~[general]~~ game hunting [24.00] 15.00
2 Resident, junior, ~~[general]~~ game hunting . [15.00] 10.00
3 Temporary ~~[small]~~ game hunting, four days 33.00
4 Second rod validation 4.00."

5 SECTION 5. Section 17-3-16 NMSA 1978 (being Laws 1964
6 (1st S.S.), Chapter 17, Section 7, as amended) is amended to
7 read:

8 "17-3-16. FUNDS--SPECIAL DRAWINGS FOR LICENSES.--

9 A. The director of the department of game and fish
10 may provide special envelopes and application blanks when a
11 special drawing is to be held to determine the persons to receive
12 licenses. Money required to be submitted with these
13 applications, if enclosed in the special envelopes, need not be
14 deposited with the state treasurer but may be held by the
15 director until the successful applicants are determined. At that
16 time, the fees of the successful applicants shall be deposited
17 with the state treasurer and the fees submitted by the
18 unsuccessful applicants shall be returned to them.

19 B. Beginning with the licenses issued from a special
20 drawing for a hunt code ~~[on public lands]~~ that commences on or
21 after April 1, ~~[1997:~~

22 ~~(1) twenty-two percent of the licenses shall be~~
23 ~~issued to nonresidents divided as follows:~~

24 ~~(a) twelve percent of the licenses to be~~
25 ~~drawn by nonresidents who will be guided by a New Mexico~~

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1 ~~outfitter or guide; and~~

2 ~~(b) ten percent of the licenses to be~~
3 ~~drawn by nonresidents who are not required to be guided by a~~
4 ~~New Mexico outfitter or guide; and~~

5 ~~(2) seventy-eight]~~ 2012, a minimum of ninety
6 percent of the licenses shall be issued to residents of New
7 Mexico.

8 C. If the number of [~~nonresidents or~~] residents who
9 apply for licenses pursuant to the provisions [~~of Paragraphs~~
10 ~~(1) and (2)~~] of Subsection B of this section does not
11 constitute the allocated [~~percentages~~] licenses for [~~either~~
12 ~~category of nonresidents or~~] residents, then the additional
13 licenses available [~~shall~~] may be granted to [~~the other~~
14 ~~category of~~] nonresidents [~~or residents~~] who applied.

15 D. If the determination of the [~~percentages~~]
16 percentage in Subsection B of this section yields a fraction
17 of:

18 (1) five-tenths or greater, the number of
19 licenses to be issued shall be rounded up to the next whole
20 number; and

21 (2) less than five-tenths, the number of
22 licenses shall be rounded down to the next whole number.

23 E. The fee for a nonresident license for a special
24 drawing in a high-demand hunt covered in Subsection B of this
25 section shall be assessed at the same rate as a license for

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1 nonresident quality elk or quality deer. As used in this
2 subsection, "high-demand hunt" means:

3 (1) a hunt where the total number of
4 nonresident applicants for a hunt code in each unit exceeds
5 [~~twenty-two~~] ten percent of the total applicants and where the
6 total applicants for a hunt exceeds the number of licenses
7 available based on application data indicating that this
8 criteria occurred in each of the two immediately preceding
9 years; or

10 (2) an additional hunt code designated by the
11 department of game and fish as a quality hunt."

12 SECTION 6. Section 17-3-40 NMSA 1978 (being Laws 1957,
13 Chapter 194, Section 6) is amended to read:

14 "17-3-40. REGULAR LICENSES.--Residents or nonresidents
15 may hunt on private shooting preserves when possessed of the
16 appropriate bird or [~~general~~] hunting license. All hunting on
17 [~~such~~] shooting preserves covered in [~~this~~] the Regulated
18 Shooting Preserve Act shall be done only with the consent of
19 the owner of [~~such~~] the private preserve."

20 SECTION 7. Section 20-1-8 NMSA 1978 (being Laws 2003,
21 Chapter 136, Section 1) is amended to read:

22 "20-1-8. STATE BENEFITS FOR MEMBERS OF ARMED FORCES
23 CALLED TO ACTIVE DUTY AND DEPLOYED--BENEFITS FOR SURVIVING
24 CHILDREN OF A MEMBER KILLED IN THE LINE OF DUTY.--

25 A. A New Mexico resident who is a member of the New

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1 Mexico national guard or of a branch of the federal armed
2 forces and who is called to active duty and is deployed and
3 serves during the period beginning on the effective date of
4 this section and ending on the date the president of the United
5 States declares that the emergency requiring the
6 call-up is terminated is entitled to the following benefits,
7 notwithstanding any provision of law to the contrary:

8 (1) a free ~~[general]~~ game hunting and fishing
9 license for the year following the year of the member's
10 deactivation and return to the state;

11 (2) an extension of one year after the return
12 of the member to the state of the date the member is required
13 to file a state personal income tax return if the filing date
14 occurs while the member is on active duty and deployed;

15 (3) an extension for one month after the
16 member's return to the state of the date to renew a driver's
17 license if the renewal date occurs while the member is on
18 active duty and deployed; and

19 (4) a refund or credit of tuition paid to a
20 state post-secondary educational institution for attendance
21 during a period when the attendance of the member was
22 interrupted by activation and deployment.

23 B. The surviving children of a New Mexico resident
24 who was a member of the New Mexico national guard or of a
25 branch of the federal armed forces and who was killed in the

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1 line of duty after being called to active duty and deployed
2 during the period beginning on [~~the effective date of this~~
3 ~~section~~] April 3, 2003 and ending on the date the president of
4 the United States declares that the emergency requiring the
5 call-up is terminated are entitled to waivers of tuition for
6 four consecutive years at a state post-secondary educational
7 institution, notwithstanding any provision of law to the
8 contrary."

9 SECTION 8. EFFECTIVE DATE.--The effective date of the
10 provisions of this act is April 1, 2012.

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