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SENATE BILL 79

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Richard M. Romero

AN ACT

RELATING TO VETERANS AFFAIRS; PROVIDING FOR MILITARY HONORS AT
FUNERALS OF RESIDENT VETERANS; MAKING AN APPROPRIATION.

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

Section 1. Section 20-2-3 NMSA 1978 (being Laws 1987,
Chapter 318, Section 10, as amended) is amended to read:

"20-2-3. GOVERNOR--POWER TO CALL OUT MILITIA. --

A. The governor may, in case of insurrection,
invasion, riot or breach of the peace or of imminent danger
thereof or in case of other emergency, order into active
service of the state the militia or any components or parts
thereof that have not been called into federal service. As
used in this section, "emergency" includes any manmade or
natural disaster causing or threatening widespread physical or
economic harm that is beyond local control and requiring the

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1 resources of the state.

2 B. In case of any breach of the peace, tumult, riot
3 or resistance to process of this state or imminent danger
4 thereof, the sheriff of a county may call for aid from the
5 governor as commander-in-chief of the national guard. If it
6 appears to the governor that the power of the county is
7 insufficient to enable the sheriff to preserve the peace and
8 protect the lives and property of the peaceful residents of the
9 county or to overcome the resistance to process of this state,
10 the governor shall, on application of the sheriff, order out
11 such military force as is necessary.

12 C. When any portion of the militia is called out
13 for the purpose of suppressing an unlawful or riotous assembly,
14 the commander of the troops shall cooperate with the civil
15 officers to the fullest extent consistent with the
16 accomplishment of the object for which the troops were called.
17 The civil officials may express to the commander of the troops
18 the general or specific objective that the civil officials
19 desire to accomplish, but the tactical direction of the troops,
20 the kind and extent of force to be used and the particular
21 means to be employed to accomplish the object specified by the
22 civil officers shall be left solely to the commander of the
23 troops present on duty.

24 D. When any portion of the militia is ordered into
25 active service pursuant to this section in case of an

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1 emergency, the militia may provide those resources and services
2 necessary to avoid or minimize economic or physical harm until
3 a situation becomes stabilized and again under local self-
4 support and control, including the provision, on a temporary,
5 emergency basis, for lodging, sheltering, health care, food,
6 any transportation or shipping necessary to protect lives or
7 public property; or for any other action necessary to protect
8 the public health, safety and welfare.

9 E. In cooperation with the New Mexico veterans'
10 service commission as provided in Section 28-13-5 NMSA 1978,
11 the governor may order into active service any component or
12 part of the militia to provide military honors at the funeral
13 of a resident veteran of this state.

14 [~~E-~~] F. In the event of the exercise by the
15 governor of the powers under this section, the governor shall
16 first utilize the personnel and assets of the national guard
17 and only in their absence or insufficiency utilize the
18 personnel and assets of the New Mexico state defense force. "

19 Section 2. Section 28-13-5 NMSA 1978 (being Laws 1927,
20 Chapter 147, Section 3, as amended) is amended to read:

21 "28-13-5. POWERS AND DUTIES OF COMMISSION. -- The New
22 Mexico veterans' service commission shall:

- 23 A. make rules and regulations as may be necessary;
- 24 B. disseminate information regarding all laws
25 beneficial to veterans, their surviving spouses and their

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1 children;

2 C. assist veterans, their surviving spouses and
3 their children in the preparation, presentation and prosecution
4 of claims against the United States arising by reason of
5 military or naval services;

6 D. assist veterans, their surviving spouses and
7 their children in ~~[the]~~ establishing ~~[of]~~ all rights and ~~[the~~
8 ~~procurement of]~~ procuring all benefits ~~[which]~~ that have
9 accrued or ~~may~~ hereafter accrue to them under the laws of this
10 state;

11 E. establish and coordinate a program utilizing the
12 New Mexico national guard and local units of veterans
13 organizations to provide military honors at the funeral of a
14 resident veteran of this state. For each funeral,
15 reimbursement not to exceed fifty dollars (\$50.00) for expenses
16 incurred by local veterans organizations may be authorized;

17 ~~[E-]~~ F. cooperate with all agencies of the United
18 States ~~[which are now or may hereafter be]~~ established for the
19 beneficial interest of veterans ~~[and]~~. To ~~[which]~~ this end,
20 the commission is authorized and empowered to enter into any
21 agreements or contracts with the United States ~~[which]~~ that may
22 be necessary for protecting or procuring rights or benefits for
23 ~~[veteran residents]~~ resident veterans of this state; and

24 ~~[F-]~~ G. make a report to the governor on or before
25 ~~[the first day of]~~ December 1 of each year covering all of its

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activities during the preceding year. "

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