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AN ACT

RELATING TO EXECUTIVE ORGANIZATION; CREATING THE VETERANS'
SERVICES DEPARTMENT; PROVIDING POWERS AND DUTIES; APPROVING
TRANSFERS OF FUNCTIONS, PERSONNEL, PROPERTY, CONTRACTUAL
OBLIGATIONS AND STATUTORY REFERENCES.

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

Section 1. SHORT TITLE.--Sections 1 through 20 of this
act may be cited as the "Veterans' Services Department Act".

Section 2. PURPOSE.--The purpose of the Veterans'
Services Department Act is to create a unified department to
administer the laws and exercise the functions formerly
administered and exercised by the New Mexico veterans'
service commission.

Section 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) is a citizen of the United States;

(2) was regularly enlisted, drafted,

inducted or commissioned in the armed forces of the United

States and was accepted for and assigned to active duty in

1 the armed forces of the United States; and

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

4 Section 4. DEPARTMENT ESTABLISHED.--The "veterans'
5 services department" is created in the executive branch. The
6 department is a cabinet department and includes the following
7 divisions:

- 8 A. the administrative services division;
- 9 B. the field services division;
- 10 C. the state approving division; and
- 11 D. the state benefits division.

12 Section 5. SECRETARY OF VETERANS' SERVICES--
13 APPOINTMENT.--

14 A. The chief executive and administrative officer
15 of the department is the "secretary of veterans' services".
16 The secretary shall be appointed by the governor with the
17 consent of the senate and shall hold the office at the
18 pleasure of the governor and serve in the executive cabinet.

19 B. An appointed secretary shall serve and have all
20 of the duties, responsibilities and authority of the office
21 during the period of time prior to final action by the senate
22 confirming or rejecting his appointment.

23 Section 6. SECRETARY--DUTIES AND GENERAL POWERS.--

24 A. The secretary is responsible to the governor
25 for the operation of the department. It is the duty of the

1 secretary to manage the operations of the department and to
2 administer and enforce the laws with which the secretary or
3 the department is charged.

4 B. The secretary has every power expressly
5 enumerated in the laws, whether granted to the secretary or
6 to a division of the department, except where authority
7 conferred upon a division in the department is explicitly
8 exempted from the authority of the secretary by statute. In
9 accordance with these provisions, the secretary shall:

10 (1) except as otherwise provided in the
11 Veterans' Services Department Act, exercise general
12 supervisory and appointing authority over all department
13 employees, subject to applicable personnel laws and rules;

14 (2) delegate authority to subordinates as
15 the secretary deems necessary and appropriate, clearly
16 delineating the delegated authority and its limitations;

17 (3) organize the department into
18 organizational units that the secretary deems will enable it
19 to function most efficiently, subject to provisions of law
20 requiring or establishing specific organizational units;

21 (4) within the limitations of available
22 appropriations and applicable laws, employ and fix the
23 compensation of the persons necessary to discharge the duties
24 of the secretary;

25 (5) take administrative action by issuing

1 orders and instructions, not inconsistent with the law, to
2 ensure implementation of and compliance with the provisions
3 of law with the administration or execution of which the
4 secretary is responsible and to enforce the orders and
5 instructions by appropriate administrative action or actions
6 in the courts;

7 (6) conduct research and studies that will
8 improve the operations of the department and the provision of
9 services to the citizens of the state;

10 (7) provide courses of instruction and
11 practical training for employees of the department and other
12 persons involved in the administration of programs with the
13 objective of improving the operations and efficiency of the
14 administration;

15 (8) prepare an annual budget of the
16 department;

17 (9) provide cooperation, at the request of
18 heads of administratively attached agencies, to:

19 (a) minimize or eliminate duplication
20 of services and jurisdictional conflicts;

21 (b) coordinate activities and resolve
22 problems of mutual concern; and

23 (c) resolve by agreement the manner and
24 extent to which the department shall provide budgeting,
25 record keeping and related clerical assistance to

1 administratively attached agencies; and

2 (10) except as otherwise provided by law,
3 with the approval of the governor, appoint a "director" for
4 each division established within the department.

5 C. The secretary may apply for and receive, in the
6 name of the department and with the approval of the governor,
7 public or private funds, including United States government
8 funds, available to the department to carry out its programs,
9 duties or services.

10 D. Where functions of departments overlap, or a
11 function assigned to one department could better be performed
12 by another department, the secretary may recommend
13 appropriate legislation to the next session of the
14 legislature for its approval.

15 E. The secretary may make and adopt reasonable
16 rules necessary to carry out the duties of the department and
17 its divisions. A rule promulgated by the director of a
18 division in carrying out the functions and duties of the
19 division shall not be effective until approved by the
20 secretary. Unless otherwise provided by statute, a rule
21 affecting a person or agency outside the department shall not
22 be adopted, amended or repealed without a public hearing on
23 the proposed action before the secretary or a hearing officer
24 designated by him. The public hearing shall be held in Santa
25 Fe unless otherwise permitted by statute. Notice of the

1 subject matter of the rule, the action proposed to be taken,
2 the time and place of the hearing, the manner in which an
3 interested person may present a view and the method by which
4 copies of the proposed rule, amendment or repeal of an
5 existing rule may be obtained shall be published once at
6 least thirty days prior to the hearing date in a newspaper of
7 general circulation and mailed at least thirty days before
8 the hearing date to a person who has submitted a written
9 request for advance notice of hearing. A rule shall be filed
10 in accordance with the State Rules Act.

11 Section 7. DEPARTMENT RESPONSIBILITIES.--The department
12 is responsible for:

13 A. assisting veterans, their surviving spouses and
14 their children in the preparation, presentation and
15 prosecution of claims against the United States arising by
16 reason of military or naval service;

17 B. assisting veterans, their surviving spouses and
18 their children in establishing the rights and the procurement
19 of benefits that have accrued or may accrue to them pursuant
20 to state law;

21 C. disseminating information regarding laws
22 beneficial to veterans, their surviving spouses and their
23 children; and

24 D. cooperating with agencies of the United States
25 that are or may be established for the beneficial interest of

1 veterans, to which end the department may enter into
2 agreements or contracts with the United States for the
3 purpose of protecting or procuring rights or benefits for
4 veterans.

5 Section 8. ORGANIZATIONAL UNITS OF DEPARTMENT--POWERS
6 AND DUTIES SPECIFIED BY LAW--ACCESS TO INFORMATION.--The
7 powers and duties of the officers of the organizational units
8 of the department shall be subject to the direction and
9 supervision of the secretary, and the secretary shall retain
10 final decision-making authority and responsibility in
11 accordance with Section 6 of the Veterans' Services
12 Department Act. The department shall have access to all
13 records, data and information of other departments, agencies
14 and institutions, including its own organizational units not
15 specifically held confidential by law.

16 Section 9. DIVISIONS--DIRECTORS.--The secretary may
17 appoint, with the approval of the governor, "directors" of
18 the divisions that are established within the department.
19 Directors are exempt from the Personnel Act.

20 Section 10. BUREAUS--CHIEFS.--The secretary may
21 establish, within each division, such "bureaus" that the
22 secretary deems necessary to carry out the provisions of the
23 Veterans' Services Department Act. The secretary shall
24 appoint a "chief" to be the administrative head of a bureau.
25 All chiefs and subsidiary employees of the department shall

1 be covered by the Personnel Act, unless otherwise provided by
2 law.

3 Section 11. ADMINISTRATIVE SERVICES DIVISION--DUTIES.--

4 A. The administrative services division shall
5 provide administrative services to the department, including:

6 (1) keeping all official records of the
7 department;

8 (2) providing clerical services in the areas
9 of personnel and budget preparation;

10 (3) providing clerical, record-keeping and
11 administrative support to agencies administratively attached
12 to the department at their request;

13 (4) coordinating short- and long-term
14 planning of the department; and

15 (5) administering programs and grants that
16 have been assigned to the department by the secretary or
17 governor or by statute.

18 B. The administrative services division shall
19 provide fiduciary services, including acting as either
20 court-appointed conservator or representative payee for
21 veterans adjudicated as unable to handle their own financial
22 affairs without assistance. The division shall manage
23 fiduciary funds and safeguard the assets for veterans and
24 their dependents.

25 Section 12. FIELD SERVICES DIVISION--POWERS AND

1 DUTIES.--The field services division shall assist veterans
2 and their families with claims for federal veterans'
3 administration compensation, pensions, education, medical
4 care and death benefits. The field services division shall
5 operate field offices throughout the state to provide
6 services and disseminate information regarding all federal
7 and state laws beneficial to veterans and their families.

8 Section 13. STATE APPROVING DIVISION.--

9 A. The state approving division is the state
10 approving agency for the purposes of 38 USCA Section 3671.

11 B. The state approving division shall evaluate and
12 approve educational programs and training programs for all
13 persons and veterans eligible for educational assistance
14 pursuant to the provisions of Title 38 of the United States
15 Code. Approval of courses, educational programs and training
16 programs, including training on the job, by the state
17 approving division shall be in accordance with the provisions
18 of Title 38 of the United States Code.

19 Section 14. STATE BENEFITS DIVISION.--The state
20 benefits division shall:

21 A. provide oversight of veterans' service
22 organizations;

23 B. develop or coordinate veterans' programs and
24 outreach, including transitional living, housing, health care
25 and economic development; and

1 C. determine eligibility for, conduct or oversee
2 state-funded veterans' services and benefits, including
3 determining eligibility for veteran property tax exemptions,
4 hunting and fishing licensing and motor vehicle license plate
5 programs; managing the Vietnam and children of deceased
6 veterans scholarship programs; and overseeing the state
7 funeral honors and burial program and state veterans'
8 cemeteries, monuments and museums.

9 Section 15. VETERANS' SERVICES ADVISORY BOARD--
10 CREATED--PURPOSE.--

11 A. The "veterans' services advisory board" is
12 created, composed of five members from different geographical
13 regions of the state who shall be veterans appointed by the
14 governor. Members of the board shall serve at the pleasure
15 of the governor. Members of the board may be paid per diem
16 and mileage as provided in the Per Diem and Mileage Act but
17 shall receive no other compensation, perquisite or allowance.

18 B. The veterans' services advisory board shall
19 advise the secretary and the department on matters related to
20 veterans.

21 Section 16. POWER TO ACT AS A PERSONAL REPRESENTATIVE
22 OR CONSERVATOR.--

23 A. The department may act as a:

24 (1) personal representative of a deceased
25 veteran;

1 (2) conservator of the estate of a minor
2 child of a veteran;

3 (3) conservator of the estate of an
4 incompetent veteran; or

5 (4) conservator of the estate of a person
6 who is a bona fide resident of New Mexico and who is
7 certified by the United States veterans' administration as
8 having money due from the veterans' administration, the
9 payment of which is dependent upon the appointment of a
10 conservator for the person.

11 B. A fee shall not be allowed or paid to the
12 department for acting as a personal representative or
13 conservator.

14 C. When the department is appointed as a personal
15 representative in the last will of a veteran, the court or
16 officer authorized to grant testamentary letters in the state
17 shall, upon the proper application, grant testamentary
18 letters to the department. When application is made to a
19 court or officer having authority to grant letters of
20 administration with the will annexed upon the estate of a
21 veteran or upon the estate of a deceased veteran who may have
22 died intestate, and there is no person entitled to the
23 letters who is qualified, competent, willing or able to
24 accept such administration, the court or officer may, at the
25 request of a party interested in the estate, grant letters of

1 administration to the department. A court or officer having
2 authority to grant letters of guardianship of an infant may,
3 upon the same application as is required by law for the
4 appointment of a guardian of such an infant, appoint the
5 department as conservator of the estate of an infant who is
6 the child of a veteran. A court having jurisdiction to
7 appoint a conservator of the estate of an incompetent may
8 appoint the department to be such conservator when the
9 incompetent is a veteran. A court having jurisdiction over a
10 person who is a resident of New Mexico, and who is certified
11 by the United States veterans' administration as having money
12 due from the veterans' administration, the payment of which
13 is dependent upon the appointment of a conservator for the
14 person, may appoint the department to be the conservator.

15 D. The court or officer may make orders respecting
16 the department as the personal representative or conservator
17 and may require the department to render all accounts that
18 the court or officer might lawfully require if the personal
19 representative or conservator were a natural person.

20 Section 17. COURT PROCEEDINGS FOR APPOINTMENT AS
21 PERSONAL REPRESENTATIVE OR CONSERVATOR.--The department may
22 institute a proceeding in a court of competent jurisdiction
23 for appointment as personal representative of the estate of a
24 deceased veteran or as conservator of the estate of a minor
25 child of a veteran or as conservator of the estate of an

1 incompetent veteran without cost and tax.

2 Section 18. ACTION AS A PERSONAL REPRESENTATIVE OR
3 CONSERVATOR--BOND.--The department shall post with the
4 secretary of state a corporate surety bond in the amount of
5 five hundred thousand dollars (\$500,000). The bond shall be
6 conditioned upon the faithful discharge of the duties of the
7 department as personal representative or conservator and
8 shall inure to the use and benefit of each person or estate
9 for whom the department is appointed to act. In a case or
10 proceeding in which the department is appointed as a personal
11 representative of the estate of a veteran or as a conservator
12 of the estate of an incompetent veteran or as a conservator
13 of the estate of a minor child of a veteran, the department
14 shall act without additional bond and the court or official
15 having jurisdiction shall so order in its order of
16 appointment.

17 Section 19. BOND PREMIUM COST PRORATION.--In each case
18 where the department is appointed to serve as a personal
19 representative or conservator of the estate of a beneficiary
20 of the United States veterans' administration, the court in
21 which the estate is filed shall authorize a charge for each
22 estate's share of the bond premium to be paid from the assets
23 of the estate. The department shall determine the charge to
24 be made against each estate, and the aggregate amount of all
25 charges shall not exceed the bond premium. It is the intent

1 of the legislature that this charge shall be the share of
2 each estate in the cost of the bond that the department posts
3 as provided in Section 18 of the Veterans' Services
4 Department Act.

5 Section 20. OATHS AND AFFIRMATIONS.--The secretary and
6 the employees designated by the secretary may administer
7 oaths and affirmations and execute attestation and
8 certificates.

9 Section 21. Section 7-37-5.1 NMSA 1978 (being Laws
10 2000, Chapter 92, Section 1 and Laws 2000, Chapter 94,
11 Section 1, as amended by Laws 2003, Chapter 29, Section 1 and
12 by Laws 2003, Chapter 57, Section 2) is amended to read:

13 "7-37-5.1. DISABLED VETERAN EXEMPTION.--

14 A. As used in this section:

15 (1) "disabled veteran" means an individual
16 who:

17 (a) has been honorably discharged from
18 membership in the armed forces of the United States or has
19 received a discharge certificate from a branch of the armed
20 forces of the United States for civilian service recognized
21 pursuant to federal law as service in the armed forces of the
22 United States; and

23 (b) has been determined pursuant to
24 federal law to have a one hundred percent permanent and total
25 service-connected disability; and

1 (2) "honorably discharged" means discharged
2 from the armed forces pursuant to a discharge other than a
3 dishonorable or bad conduct discharge.

4 B. The property of a disabled veteran, including
5 joint or community property of the veteran and the veteran's
6 spouse, is exempt from property taxation if it is occupied by
7 the disabled veteran as his principal place of residence.
8 Property held in a grantor trust established under
9 Sections 671 through 677 of the Internal Revenue Code of
10 1986, as those sections may be amended or renumbered, by a
11 disabled veteran or the veteran's surviving spouse is also
12 exempt from property taxation if the property otherwise meets
13 the requirements for exemption in this subsection or
14 Subsection C of this section.

15 C. The property of the surviving spouse of a
16 disabled veteran is exempt from property taxation if:

17 (1) the surviving spouse and the disabled
18 veteran were married at the time of the disabled veteran's
19 death; and

20 (2) the surviving spouse continues to occupy
21 the property continuously after the disabled veteran's death
22 as the spouse's principal place of residence.

23 D. The exemption provided by this section may be
24 referred to as the "disabled veteran exemption".

25 E. The disabled veteran exemption shall be applied SB 164
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1 only if claimed and allowed in accordance with
2 Section 7-38-17 NMSA 1978 and the rules of the department.

3 F. The veterans' services department shall assist
4 the department and the county assessors in determining which
5 veterans qualify for the disabled veteran exemption."

6 Section 22. Section 7-38-17 NMSA 1978 (being Laws 1973,
7 Chapter 258, Section 57, as amended) is amended to read:

8 "7-38-17. CLAIMING EXEMPTIONS--REQUIREMENTS--
9 PENALTIES.--

10 A. Subject to the requirements of Subsection E of
11 this section, head-of-family exemptions claimed and allowed
12 in the 1974 or a subsequent tax year, veteran exemptions
13 claimed and allowed in the 1982 or a subsequent tax year or
14 disabled veteran exemptions claimed and allowed in the 2000
15 or a subsequent tax year need not be claimed for subsequent
16 tax years if there is no change in eligibility for the
17 exemption nor any change in ownership of the property against
18 which the exemption was claimed. Head-of-family and veteran
19 exemptions allowable under this subsection shall be applied
20 automatically by county assessors in the subsequent tax
21 years.

22 B. Beginning with the 1983 tax year, other
23 exemptions of real property specified under Section 7-36-7
24 NMSA 1978 for nongovernmental entities shall be claimed in
25 order to be allowed. Once such exemptions are claimed and

1 allowed for a tax year, they need not be claimed for
2 subsequent tax years if there is no change in eligibility.
3 Exemptions allowable under this subsection shall be applied
4 automatically by county assessors in subsequent tax years.

5 C. An exemption required to be claimed under this
6 section shall be applied for no later than thirty days after
7 the mailing of the county assessor's notices of valuation
8 pursuant to Section 7-38-20 NMSA 1978 in order for it to be
9 allowed for that tax year.

10 D. A person who has had an exemption applied to a
11 tax year and subsequently becomes ineligible for the
12 exemption because of a change in the person's status or a
13 change in the ownership of the property against which the
14 exemption was applied shall notify the county assessor of the
15 loss of eligibility for the exemption by the last day of
16 February of the tax year immediately following the year in
17 which loss of eligibility occurs.

18 E. Exemptions may be claimed by filing proof of
19 eligibility for the exemption with the county assessor. The
20 proof shall be in a form prescribed by regulation of the
21 department. Procedures for determining eligibility of
22 claimants for any exemption shall be prescribed by regulation
23 of the department, and these regulations shall include
24 provisions for requiring the veterans' services department to
25 issue certificates of eligibility for veteran exemptions in a

1 form and with the information required by the department.
2 The regulations shall also include verification procedures to
3 assure that veteran exemptions in excess of the amount
4 authorized under Section 7-37-5 NMSA 1978 are not allowed as
5 a result of multiple claiming in more than one county or
6 claiming against more than one property in a single tax year.

7 F. The department shall consult and cooperate with
8 the veterans' services department in the development and
9 promulgation of regulations under Subsection E of this
10 section. The veterans' services department shall comply with
11 the promulgated regulations. The veterans' services
12 department shall collect a fee of five dollars (\$5.00) for
13 the issuance of a duplicate certificate of eligibility to a
14 veteran.

15 G. A person who violates the provisions of this
16 section by intentionally claiming and receiving the benefit
17 of an exemption to which the person is not entitled or who
18 fails to comply with the provisions of Subsection D of this
19 section is guilty of a misdemeanor and shall be punished by a
20 fine of not more than one thousand dollars (\$1,000). A
21 county assessor or the assessor's employee who knowingly
22 permits a claimant for an exemption to receive the benefit of
23 an exemption to which the claimant is not entitled is guilty
24 of a misdemeanor and shall be punished by a fine of not more
25 than one thousand dollars (\$1,000) and shall also be

1 automatically removed from office or dismissed from
2 employment upon conviction under this subsection."

3 Section 23. Section 15-3-34 NMSA 1978 (being Laws 1991,
4 Chapter 39, Section 1, as amended) is amended to read:

5 "15-3-34. PUBLIC BUILDINGS--FLAG DISPLAY.--The prisoner
6 of war and missing in action flag shall be displayed on legal
7 public holidays in New Mexico at all public buildings with
8 flagpoles owned by the state in accordance with rules adopted
9 by the veterans' services department."

10 Section 24. Section 21-21E-2 NMSA 1978 (being Laws
11 1985, Chapter 171, Section 2) is amended to read:

12 "21-21E-2. DISBURSEMENTS FROM FUND.--

13 A. A Vietnam veteran may apply to the veterans'
14 services department for a scholarship. The department shall
15 determine the eligibility of an applicant and certify
16 approved applicants to the commission on higher education.

17 B. The commission on higher education shall pay by
18 voucher to the appropriate educational institution an amount
19 not exceeding the amount of the scholarship for an approved
20 Vietnam veteran.

21 C. Money in the fund shall be allocated in the
22 order that applications are received and approved."

23 Section 25. Section 23-4-1 NMSA 1978 (being Laws 1974
24 (S.S.), Chapter 2, Section 1, as amended) is amended to read:

25 "23-4-1. VETERANS' HOME CREATED--ADVISORY BOARD.--

1 A. The "New Mexico state veterans' home" located
2 near Truth or Consequences, New Mexico, is declared to be a
3 state home for veterans of service in the armed forces of the
4 United States.

5 B. The "Fort Bayard medical center veterans'
6 unit", a separate and distinct unit of the Fort Bayard
7 medical center, located near Silver City, New Mexico, is
8 declared to be a state home for veterans of service in the
9 armed forces of the United States.

10 C. There is created the "New Mexico veterans'
11 advisory board". The advisory board shall consist of nine
12 members as follows:

13 (1) the secretary of veterans' services or
14 his designee;

15 (2) the director of the state benefits
16 division of the veterans' services department;

17 (3) a veteran of World War II;

18 (4) the administrator of a private nursing
19 home;

20 (5) a registered nurse who is employed by a
21 public or private nursing home;

22 (6) a veteran of the Korean conflict;

23 (7) a veteran of the Vietnam conflict;

24 (8) a veteran of the Gulf War; and

25 (9) a veteran of the Iraqi Freedom conflict.

1 D. The governor shall appoint the members
2 designated in Paragraphs (3) through (9) of Subsection C of
3 this section, and their terms shall be for three years each.

4 E. The New Mexico state veterans' home shall be
5 under the control of the department of health.

6 F. The New Mexico veterans' advisory board shall
7 provide advice to the secretary of health and the
8 administrators of the New Mexico state veterans' home and the
9 Fort Bayard medical center regarding veterans' services."

10 Section 26. Section 28-14-2 NMSA 1978 (being Laws 1949,
11 Chapter 170, Section 2, as amended) is amended to read:

12 "28-14-2. AMOUNTS PAYABLE TO INSTITUTIONS--
13 ELIGIBILITY.--The amounts due to any educational or training
14 institution pursuant to Chapter 28, Article 14 NMSA 1978
15 shall be payable to those institutions on vouchers signed by
16 the secretary of veterans' services or the secretary's
17 authorized representative. The veterans' services department
18 shall determine the eligibility of children making
19 application for the benefits provided in Chapter 28, Article
20 14 NMSA 1978 and shall satisfy itself of the attendance of
21 the children and of the accuracy of charges submitted to the
22 department. No staff of the department shall receive any
23 compensation for this service except as provided in the Per
24 Diem and Mileage Act."

25 Section 27. Section 28-14-3 NMSA 1978 (being Laws 1949,

1 Chapter 170, Section 3, as amended by Laws 1975, Chapter 29,
2 Section 3 and by Laws 1975, Chapter 89, Section 2) is amended
3 to read:

4 "28-14-3. SELECTION BY VETERANS' SERVICES DEPARTMENT.--
5 Children who are to receive the educational benefits provided
6 under Section 28-14-1 NMSA 1978 shall be selected by the
7 veterans' services department on the basis of need and merit.
8 Nominations shall be made by:

9 A. the department, for children of deceased
10 veterans;

11 B. the adjutant general, for children of deceased
12 national guard of New Mexico members; and

13 C. the New Mexico state police board, for children
14 of deceased New Mexico state police members."

15 Section 28. Section 66-3-418 NMSA 1978 (being Laws
16 1990, Chapter 46, Section 1) is amended to read:

17 "66-3-418. PURPOSE.--The purpose of providing special
18 registration plates for veterans of the armed forces is to
19 allow veterans to be publicly recognized and to enable
20 veterans to support the activities of the veterans' services
21 department by annually purchasing such license plates in
22 addition to paying the regular motor vehicle registration
23 fees."

24 Section 29. Section 66-3-419 NMSA 1978 (being Laws
25 1990, Chapter 46, Section 2, as amended) is amended to read:

1 "66-3-419. SPECIAL REGISTRATION PLATES FOR ARMED FORCES
2 VETERANS.--

3 A. The department shall issue distinctive
4 registration plates indicating that the recipient is a
5 veteran of the armed forces of the United States, as defined
6 in Section 28-13-7 NMSA 1978, or is retired from the national
7 guard or military reserves, if that person submits proof
8 satisfactory to the department of honorable discharge from
9 the armed forces or of retirement from the national guard or
10 military reserves.

11 B. For a fee of fifteen dollars (\$15.00), which
12 shall be in addition to the regular motor vehicle
13 registration fees, any motor vehicle owner who is a veteran
14 of the armed forces of the United States or is retired from
15 the national guard or military reserves may apply for the
16 issuance of a special registration plate as defined in
17 Subsection A of this section. No two owners shall be issued
18 identically lettered or numbered plates.

19 C. The fifteen-dollar (\$15.00) fee provided in
20 Subsection B of this section shall be waived for each
21 registration period in which a validating sticker is issued
22 under the provisions of Section 66-3-17 NMSA 1978, in lieu of
23 the issuance of a special armed forces veteran plate.

24 D. Each armed forces veteran may elect to receive
25 a veteran-designation decal to be placed across the top of

1 the plate, centered above the registration number.
2 Replacement or different veteran-designation decals shall be
3 available for purchase from the department at a reasonable
4 charge to be set by the secretary. The department shall
5 furnish the following veteran-designation decals with the
6 armed forces veteran plate to a:

- 7 (1) medal of honor recipient;
- 8 (2) silver star recipient;
- 9 (3) bronze star recipient;
- 10 (4) navy cross recipient;
- 11 (5) distinguished service cross recipient;
- 12 (6) air force cross recipient;
- 13 (7) ex-prisoner of war;
- 14 (8) disabled veteran;
- 15 (9) purple heart veteran;
- 16 (10) atomic veteran;
- 17 (11) Pearl Harbor survivor;
- 18 (12) Navajo code talker;
- 19 (13) Vietnam veteran;
- 20 (14) Korean veteran;
- 21 (15) disabled Korean veteran;
- 22 (16) World War II veteran;
- 23 (17) World War I veteran;
- 24 (18) Grenada veteran;
- 25 (19) Panama veteran;

1 (20) Desert Storm veteran; or

2 (21) Iraqi Freedom veteran.

3 E. The revenue from the special registration
4 plates for the armed forces veterans fee imposed by
5 Subsection B of this section shall be distributed as follows:

6 (1) seven dollars (\$7.00) of the fee
7 collected for each registration plate shall be retained by
8 the department and is appropriated to the department for the
9 manufacture and issuance of the registration plates; and

10 (2) eight dollars (\$8.00) of the fee
11 collected for each registration plate shall be transferred
12 pursuant to the provisions of Subsection F of this section.

13 F. There is created in the state treasury the
14 "armed forces veterans license fund". A portion of the fee
15 collected for each special registration plate for armed
16 forces veterans, as provided in Subsection E of this section,
17 shall be transferred to the state treasurer for the credit of
18 the fund. Expenditures from the fund shall be made on
19 vouchers issued and signed by the secretary of veterans'
20 services or his authorized representative upon warrants drawn
21 by the department of finance and administration for the
22 purpose of expanding services to rural areas of the state,
23 including Native American communities and senior citizen
24 centers. Any unexpended or unencumbered balance remaining at
25 the end of any fiscal year in the armed forces veterans

1 license fund shall not revert to the general fund."

2 Section 30. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS,
3 PERSONNEL, PROPERTY, CONTRACTS AND REFERENCES IN LAW.--

4 A. The transfer of functions, personnel,
5 appropriations, money, records, equipment, supplies, other
6 property and contractual obligations of the New Mexico
7 veterans' service commission to the veterans' services
8 department pursuant to executive order issued in accordance
9 with Laws 2003, Chapter 403 is approved.

10 B. All references in law to the New Mexico
11 veterans' service commission shall be deemed to be references
12 to the veterans' services department.

13 Section 31. RECOMPILATION.--Section 28-13-16 NMSA 1978
14 (being Laws 1921, Chapter 61, Section 1, as amended) is
15 recompiled in Chapter 14, Article 8 NMSA 1978.

16 Section 32. APPROPRIATION.--Two hundred ten thousand
17 dollars (\$210,000) is appropriated from the general fund to
18 the veterans' services department for expenditure in fiscal
19 year 2005 to carry out the purposes of the Veterans' Services
20 Department Act. Any unexpended or unencumbered balance
21 remaining at the end of the fiscal year 2005 shall revert to
22 the general fund.

23 Section 33. REPEAL.--Sections 28-13-1 through 28-13-14
24 NMSA 1978 (being Laws 1977, Chapter 252, Section 33, Laws
25 1979, Chapter 317, Sections 1 through 3, Laws 1927, Chapter

1 147, Sections 3 through 5, Laws 1935, Chapter 18, Section 1,
2 Laws 1937, Chapter 87, Section 2, Laws 1939, Chapter 110,
3 Sections 1 and 2, Laws 1957, Chapter 176, Section 4 and Laws
4 1973, Chapter 83, Sections 1 and 2, as amended) are repealed.==