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SENATE BILL 527

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

William H. Payne

AN ACT

RELATING TO VETERANS; ENACTING THE FALLEN MILITARY WARRIORS OF
NEW MEXICO ACT; MAKING AN APPROPRIATION; DECLARING AN
EMERGENCY.

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

Section 1. SHORT TITLE.--This act may be cited as the
"Fallen Military Warriors of New Mexico Act".

Section 2. DEFINITIONS.--As used in the Fallen Military
Warriors of New Mexico Act:

A. "child" means a natural or adopted, legitimate
or illegitimate child or stepchild of the decedent. The term
"child" includes a child or stepchild born posthumously;

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

C. "fund" means the fallen military warrior fund;

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1 D. "secretary" means the secretary of veterans'
2 services;

3 E. "stepchild" means a child of the surviving
4 spouse who was living with or dependent for support on the
5 decedent at the time of the decedent's death; and

6 F. "veteran" means an individual who was a member
7 of the uniformed services of the United States who served in:

8 (1) Afghanistan or contiguous air space, as
9 defined in federal regulations, on or after October 24, 2001,
10 and before a terminal date to be prescribed by the United
11 States secretary of defense; or

12 (2) Iraq or contiguous waters or air space, as
13 defined in federal regulations, on or after March 19, 2003, and
14 before a terminal date to be prescribed by the United States
15 secretary of defense.

16 Section 3. DEATH BENEFITS.--

17 A. A death benefit of one hundred twenty-five
18 thousand dollars (\$125,000) shall be paid from the fund to the
19 surviving spouse, child, dependent parent or estate of a New
20 Mexico resident who was a veteran who was killed or died in the
21 performance of duties on or after the effective date of the
22 Fallen Military Warriors of New Mexico Act.

23 B. For fiscal year 2010 and for each following
24 fiscal year, the death benefit provided in the prior fiscal
25 year shall be adjusted by any change in the calendar year

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1 preceding the fiscal year in the consumer price index for all
2 urban consumers for all items as published by the United States
3 department of labor.

4 C. A death benefit pursuant to this section is in
5 addition to the proceeds of any form of life insurance,
6 regardless of who paid the premiums on the insurance.

7 Section 4. FLAG BENEFIT.--The secretary shall issue a
8 state flag to the family of a New Mexico resident who was a
9 veteran who was killed or died in the performance of duties on
10 or after the effective date of the Fallen Military Warriors of
11 New Mexico Act.

12 Section 5. DISTRIBUTION OF DEATH BENEFITS.--If the
13 secretary determines that death benefits pursuant to the Fallen
14 Military Warriors of New Mexico Act are to be paid, the death
15 benefits shall be paid from the fund:

16 A. to the veteran's surviving spouse;

17 B. if no individual is eligible under Subsection A
18 of this section, then to each surviving child of the veteran in
19 equal shares;

20 C. if no individuals are eligible under Subsection
21 A or B of this section, then to the veteran's surviving parent,
22 if the parent was a dependent as defined in Section 52 of the
23 federal Internal Revenue Code of 1986; or

24 D. if no individuals are eligible under Subsection
25 A, B or C of this section, then to the veteran's estate.

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1 Section 6. FALLEN MILITARY WARRIOR FUND--CREATED--
2 PURPOSE--APPROPRIATION.--

3 A. The "fallen military warrior fund" is created as
4 a nonreverting fund in the state treasury and shall be
5 administered by the department. The fund shall consist of
6 money that is appropriated or donated or that otherwise accrues
7 to the fund. Money in the fund shall be invested by the state
8 investment officer in the manner that land grant permanent
9 funds are invested pursuant to Chapter 6, Article 8 NMSA 1978.
10 Income from investment of the fund shall be credited to the
11 fund.

12 B. The department shall establish procedures and
13 adopt rules as required to administer the fund and to pay death
14 benefits pursuant to the Fallen Military Warriors of New Mexico
15 Act.

16 C. Money in the fund is appropriated to the
17 department to carry out the purposes of the Fallen Military
18 Warriors of New Mexico Act by paying death benefits for
19 deceased veterans pursuant to that act. Money shall be
20 disbursed from the fund only on warrant of the secretary of
21 finance and administration upon vouchers signed by the
22 secretary of veterans' services or the secretary's authorized
23 representative. Any unexpended or unencumbered balance
24 remaining at the end of a fiscal year shall not revert to the
25 general fund.

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1 Section 7. APPROPRIATION.--Five million dollars
 2 (\$5,000,000) is appropriated from the general fund to the
 3 fallen military warriors fund for expenditure in fiscal year
 4 2008 and subsequent fiscal years to carry out the purposes of
 5 the Fallen Military Warriors of New Mexico Act. Any unexpended
 6 or unencumbered balance remaining at the end of a fiscal year
 7 shall not revert to the general fund.

8 Section 8. EMERGENCY.--It is necessary for the public
 9 peace, health and safety that this act take effect immediately.

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