

SENATE BILL 210

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO MILITARY AFFAIRS; ENACTING THE NATIONAL GUARD DEATH BENEFIT ACT; CREATING THE NATIONAL GUARD DEATH BENEFIT FUND

HAFC→; ~~MAKING AN APPROPRIATION~~←HAFC SFC→; **DECLARING AN EMERGENCY**←SFC .

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "National Guard Death Benefit Act".

.224229.1GLGAIC March 16, 2023 (2:24pm)

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SECTION 2. [NEW MATERIAL] FUND CREATED.--The "national

guard death benefit fund" is created in the state treasury and shall be administered by the department of military affairs. The fund shall consist of all gifts, donations and bequests of money to the fund as well as any appropriations made to the fund. Earnings from investment of the fund shall be credited to the fund. Money in the fund is appropriated to the department of military affairs for the purpose of paying death benefits pursuant to the National Guard Death Benefit Act and shall be paid out only upon warrants issued by the secretary of finance and administration pursuant to vouchers signed by the adjutant general. Any unexpended or unencumbered balance remaining in the fund at the end of any fiscal year shall not revert.

SECTION 3. [NEW MATERIAL] NATIONAL GUARD DEATH BENEFITS-- DETERMINATION--PAYMENT.--

A. The adjutant general shall determine whether a member of the national guard or a member of the state defense force division of the department of military affairs has been killed while on state active duty. In addition to any other death benefits provided by law, the SHPAC→~~surviving spouse,~~ ~~children or parents~~←SHPAC SHPAC→~~beneficiary or beneficiaries~~ designated by the service member on a form provided by the department of military affairs←SHPAC shall be paid five hundred thousand dollars (\$500,000) as supplemental death benefits

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whenever a member of the national guard or a member of the state defense force division is killed while on state active duty. The benefits shall be paid from the national guard death benefit fund.

B. The benefits shall be paid SHPAC→~~first to the surviving spouse~~←SHPAC SHPAC→to a beneficiary or beneficiaries designated by the service member on a form provided by the department of military affairs←SHPAC . SHPAC→~~If there is no surviving spouse, the benefits shall be distributed in pro rata shares to all surviving children. If there are no surviving children or spouse, benefits shall be distributed to the surviving parents of the member of the national guard or the member of the state defense force division.~~←SHPAC

H AFC→~~SECTION 4. APPROPRIATION.--Two million dollars (\$2,000,000) is appropriated from the general fund to the national guard death benefit fund for expenditure in fiscal year 2024 and subsequent fiscal years to pay death benefits pursuant to the National Guard Death Benefit Act. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.~~←H AFC

SFC→SECTION H AFC→~~5.~~←H AFC H AFC→~~4.~~←H AFC EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.←SFC