

Military and Veterans' Affairs Committee
Bills for Consideration for the First Session of the 51st Legislature, 2013

202#	Description
190392.1	Appropriate \$5,000,000 to demolish the old Fort Bayard medical center
190393.1	Create the Military War Veteran Scholarship Fund – HB438 (2011)
190396.1	Memorial requesting the Governor to declare March 29, 2013 as Vietnam Veterans Day in the state
190400.1	Memorial requesting the New Mexico congressional delegation to utilize the New Mexico state approving agency and the national association of state approving agencies when considering legislation that could impact VA education benefits
190401.1	Appropriate \$50,000 to raise awareness of the state's namesake nuclear submarine, the <i>USS New Mexico</i>
190428.1	Exempt military retainer pay from income tax – HB162 (2012)
190434.1	Enact the Service Member Child Custody Act – HB121 (2012)
190534.1SA	Appropriate \$750,000 to improve and maintain the cemetery at the Fort Stanton state monument, contingent upon receiving a \$7,500,000 grant from the United States Department of Veterans Affairs

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BILL

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

MAKING AN APPROPRIATION TO THE PROPERTY CONTROL DIVISION OF THE
GENERAL SERVICES DEPARTMENT TO DEMOLISH THE FORT BAYARD MEDICAL
CENTER.

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

SECTION 1. APPROPRIATION.--Five million dollars
(\$5,000,000) is appropriated from the general fund to the
property control division of the general services department
for expenditure in fiscal year 2014 and subsequent fiscal years
to demolish the Fort Bayard medical center owned by the state.
Any unexpended or unencumbered balance remaining at the end of
a fiscal year shall not revert to the general fund.

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BILL

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO HIGHER EDUCATION; CREATING THE MILITARY WAR VETERAN SCHOLARSHIP FUND; MAKING AN APPROPRIATION.

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

SECTION 1. A new section of Chapter 21, Article 21E NMSA 1978 is enacted to read:

"[NEW MATERIAL] MILITARY WAR VETERAN SCHOLARSHIP FUND-- PURPOSE--ADMINISTRATION--DISBURSEMENTS.--

A. There is created in the state treasury the "military war veteran scholarship fund". The fund shall consist of all money appropriated to the fund and any grants, gifts and bequests made to the fund. Any money in the fund from grants, gifts or bequests shall not revert to the general fund at the end of any fiscal year.

B. The higher education department shall administer

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1 the fund and shall make disbursements from the fund to
2 reimburse post-secondary educational institutions under the
3 exclusive control of the state for any tuition payments,
4 required student fees and book allowances for military war
5 veteran students, including students who have already received
6 a baccalaureate degree and post-secondary students who are
7 enrolled in a program of study leading to a master's degree,
8 who are attending post-secondary educational institutions
9 pursuant to Article 9, Section 14 of the constitution of New
10 Mexico and who are in compliance with the educational
11 institution's satisfactory academic progress requirements. A
12 financial aid officer may exercise professional judgment when
13 special circumstances exist to adjust the cost of attendance or
14 expected family contribution or to modify other factors to make
15 the program responsive to a student's special financial
16 circumstances; provided that documentation exists in the
17 student's file within the parameters authorized for this
18 program.

19 C. A military war veteran may apply to the
20 veterans' services department for a scholarship. The veterans'
21 services department shall determine the eligibility of an
22 applicant and certify approved applicants to the higher
23 education department. The higher education department shall
24 pay by voucher to the appropriate post-secondary educational
25 institution an amount not exceeding the amount of the

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1 scholarship for an approved military war veteran. Money in the
2 fund shall be allocated in the order that applications are
3 received and approved.

4 D. The higher education department and the
5 veterans' services department may adopt rules and procedures as
6 necessary or appropriate to implement the provisions of this
7 section.

8 E. As used in this section, "military war veteran"
9 means a person who has been honorably discharged from the armed
10 forces of the United States; who was a resident of New Mexico
11 at the original time of entry into the armed forces or who has
12 lived in New Mexico for ten years or more; and who has been
13 awarded a southwest Asia service medal, global war on terror
14 service medal, Iraq campaign medal, Afghanistan campaign medal
15 or any other medal issued for service in the armed forces of
16 the United States in support of any United States military
17 campaign or armed conflict as defined by congress or
18 presidential executive order or any other campaign medal issued
19 for service after August 1, 1990 in the armed forces of the
20 United States during periods of armed conflict as defined by
21 congress or by executive order."

22 SECTION 2. APPROPRIATION.--One hundred fifty thousand
23 dollars (\$150,000) is appropriated from the general fund to the
24 military war veteran scholarship fund for expenditure in fiscal
25 year 2014 to carry out the provisions of this act. Any

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1 unexpended or unencumbered balance remaining at the end of
2 fiscal year 2014 shall revert to the general fund.

3 SECTION 3. EFFECTIVE DATE.--The effective date of the
4 provision of this act is July 1, 2013.

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HOUSE JOINT MEMORIAL

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

DISCUSSION DRAFT

A JOINT MEMORIAL

REQUESTING THAT THE GOVERNOR DECLARE MARCH 29, 2013 AS "VIETNAM VETERANS DAY" IN THE STATE OF NEW MEXICO.

WHEREAS, on January 12, 1962, United States Army pilots lifted more than one thousand south Vietnamese service members over jungle and underbrush to capture a national liberation front stronghold near Saigon; and

WHEREAS, Operation Chopper marked America's first combat mission against the Viet Cong and the beginning of one of the longest and most challenging wars; and

WHEREAS, through more than a decade of conflict that tested the fabric of the nation, the service of men and women in uniform stood true; and

WHEREAS, thousands returned home bearing shrapnel and scars; more were burdened by the invisible wounds of

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1 posttraumatic stress disorder, agent orange and memories that
2 would never fade; and many of these men and women came home to
3 be shunned or neglected and to face treatment unbecoming their
4 courage and a welcome unworthy of their example; and

5 WHEREAS, America's veterans answered the country's call
6 and served with honor, and on March 29, 1973, the last United
7 States' troops left Vietnam, where more than fifty-eight
8 thousand laid down their lives in service to the nation; and

9 WHEREAS, fifty-one years later, we honor the sacrifice of
10 the more than three million Americans who served in Vietnam by
11 serving them as well as they served the country and by
12 reaffirming one of the most fundamental obligations to show all
13 who have worn the uniform of the United States the respect and
14 dignity that they deserve, and by paying tribute to the fallen,
15 the missing, the wounded, the millions who served and the
16 millions more who awaited their return; and

17 WHEREAS, the United States stands stronger for their
18 service, and their proud legacy is honored with deepest
19 gratitude;

20 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
21 STATE OF NEW MEXICO that the governor be requested to declare
22 March 29, 2013 "Vietnam Veterans Day" in the state of New
23 Mexico; and

24 BE IT FURTHER RESOLVED that copies of this memorial be
25 transmitted to the office of the governor, the office of the

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1 lieutenant governor and the veterans' services department.

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_____ JOINT MEMORIAL

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

DISCUSSION DRAFT

A MEMORIAL

REQUESTING THE NEW MEXICO CONGRESSIONAL DELEGATION TO UTILIZE THE NEW MEXICO STATE APPROVING AGENCY AND THE NATIONAL ASSOCIATION OF STATE APPROVING AGENCIES WHEN LEGISLATION IS BEING CONSIDERED BY CONGRESS THAT COULD IMPACT EDUCATION BENEFITS FOR NEW MEXICO VETERANS.

WHEREAS, congress, in its wisdom, determined that each state should create a state approving agency to approve educational programs for veterans and to determine which programs were appropriate for veterans to utilize United States department of veterans affairs education benefits; and

WHEREAS, the first state approving agencies were formed after World War II; and

WHEREAS, the primary role of a state approving agency is to review, evaluate and approve quality programs of education

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1 and training under state and federal criteria so that veterans
2 may use the GI Bill or other veteran-related education
3 benefits; and

4 WHEREAS, this fundamental role of a state approving agency
5 has remained the same; however, state approving agencies have
6 grown with the changes in society over the past fifty years.
7 State approving agencies have become advocates for quality
8 education and training for veterans and other eligible persons;
9 educational partners with the institutions themselves,
10 facilitating even greater and more diverse educational
11 opportunities for veterans; and strong advocates for the usage
12 of the GI Bill; and

13 WHEREAS, the New Mexico state approving agency is a
14 division of the veterans' services department; and

15 WHEREAS, the New Mexico state approving agency approves
16 programs of education and training at institutions of higher
17 learning, non-degree institutions, apprenticeship programs and
18 other on-the-job training programs; and

19 WHEREAS, New Mexico has approved over two hundred twenty-
20 seven facilities for veteran-related education benefits; and

21 WHEREAS, in fiscal year 2011, New Mexico had six thousand
22 six hundred fifty-seven persons receiving veteran-related
23 education benefits at one hundred twenty-five active
24 facilities; and

25 WHEREAS, state approving agencies conduct on-site

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1 compliance visits at approved institutions and schools; provide
2 technical assistance to all interested parties; are engaged in
3 outreach activities to foster the usage of the GI Bill; and act
4 as state liaisons in assisting military installations to
5 provide base personnel with quality educational offerings; and

6 WHEREAS, the New Mexico state approving agency is a member
7 of the national association of state approving agencies, which
8 works in cooperation with its partners to facilitate the
9 efforts of the state approving agencies to promote and
10 safeguard quality educational and training programs for all
11 veterans and other eligible persons to ensure greater
12 educational and training opportunities that meet the changing
13 needs of veterans; and

14 WHEREAS, state approving agencies have developed a working
15 partnership with the federal government that other federal
16 agencies have tried to emulate; and

17 WHEREAS, every year, congress discusses and enacts
18 legislation impacting veteran-related education benefits; and

19 WHEREAS, the New Mexico state approving agency is the only
20 state government entity that works directly with schools and
21 veterans regarding veteran-related education benefits and that
22 can provide invaluable information to the New Mexico
23 congressional delegation on issues regarding these benefits;
24 and

25 WHEREAS, to ensure quality educational and training

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1 programs for veterans and other eligible persons, it is
2 important for congress to utilize the expertise of the New
3 Mexico state approving agency and the national association of
4 state approving agencies when contemplating legislation that
5 could impact veteran-related education benefits;

6 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
7 STATE OF NEW MEXICO that the New Mexico congressional
8 delegation be requested to utilize the New Mexico state
9 approving agency and the national association of state
10 approving agencies when legislation is being considered by
11 congress that could impact education benefits for New Mexico
12 veterans; and

13 BE IT FURTHER RESOLVED that copies of this memorial be
14 transmitted to members of the New Mexico congressional
15 delegation, the secretary of the United States department of
16 veterans affairs, the president of the national association of
17 state directors of veterans affairs, the national association
18 of state approving agencies and the veterans' services
19 department.

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51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF MILITARY AFFAIRS
TO RAISE AWARENESS OF THE SUBMARINE USS *NEW MEXICO* IN THE
STATE.

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

SECTION 1. APPROPRIATION.--Fifty thousand dollars
(\$50,000) is appropriated from the general fund to the
department of military affairs for expenditure in fiscal year
2014 to educate the people of New Mexico about the mission of
the nuclear-powered submarine USS *New Mexico*, SSN-779; to
sponsor visits of the crew of the USS *New Mexico* to New Mexico;
to recognize the top sailors of the crew of the USS *New Mexico*
each quarter; and to recognize the top sailor of the USS *New*
Mexico for the year. Any unexpended or unencumbered balance
remaining at the end of fiscal year 2014 shall revert to the

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general fund.

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51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO TAXATION; ENACTING A NEW SECTION OF THE INCOME TAX ACT; CREATING THE ARMED FORCES RETAINER PAY TAX CREDIT.

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

SECTION 1. A new section of the Income Tax Act is enacted to read:

"[NEW MATERIAL] ARMED FORCES RETAINER PAY TAX CREDIT.--

A. A taxpayer who files an individual New Mexico income tax return, who is not a dependent of another individual and who is an armed forces retiree may claim a credit against the tax liability imposed by the Income Tax Act. The tax credit provided by this section may be referred to as the "armed forces retainer pay tax credit".

B. The purpose of the armed forces retainer pay tax credit is to encourage armed forces retirees to move to New

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1 Mexico and to utilize the expertise of armed forces retirees in
2 New Mexico's work force.

3 C. The department may allow an armed forces
4 retainer pay tax credit to be claimed against a taxpayer's tax
5 liability for the taxable year imposed pursuant to the Income
6 Tax Act in an amount that shall not exceed one thousand dollars
7 (\$1,000) and equal to the following percentages of military
8 retainer pay:

9 (1) beginning January 1, 2014, twenty-five
10 percent;

11 (2) beginning January 1, 2015, fifty percent;

12 (3) beginning January 1, 2016, seventy-five
13 percent; and

14 (4) beginning on or after January 1, 2017, one
15 hundred percent.

16 D. That portion of an armed forces retainer pay tax
17 credit approved by the department that exceeds a taxpayer's
18 income tax liability in the taxable year in which the armed
19 forces retainer pay tax credit is claimed shall not be refunded
20 to the taxpayer. No portion of the armed forces retainer pay
21 tax credit shall be carried forward, refunded or transferred to
22 another taxpayer.

23 E. The taxpayer shall submit to the department
24 information required by the secretary establishing that the
25 taxpayer is an armed forces retiree pursuant to this section.

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1 F. The department shall adopt rules establishing
2 procedures to certify armed forces retirees for purposes of
3 obtaining an armed forces retainer pay tax credit.

4 G. The department shall compile an annual report
5 that includes the number of taxpayers approved by the
6 department to receive an armed forces retainer pay tax credit.
7 Notwithstanding any other section of law to the contrary, the
8 department may disclose the number of applicants for the armed
9 forces retainer pay tax credit, the amount of each credit
10 approved, the number of taxpayers receiving the credit who are
11 employed in the state of New Mexico and any other information
12 required by the legislature or the department to aid in
13 evaluating the effectiveness of the armed forces retainer pay
14 tax credit.

15 H. Acceptance by a taxpayer of an armed forces
16 retainer pay tax credit pursuant to this section is
17 authorization by the taxpayer receiving the credit for the
18 department to reveal information to the legislature necessary
19 to analyze the effectiveness of the armed forces retainer pay
20 tax credit.

21 I. An appropriate legislative committee shall
22 review the effectiveness of the armed forces retainer pay tax
23 credit every five years beginning in 2019.

24 J. As used in this section, "armed forces retiree"
25 means a former member of the armed forces of the United States

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1 who has qualified by years of service or disability to separate
2 from military service with lifetime benefits."

3 SECTION 2. APPLICABILITY.--The provisions of this act
4 apply to taxable years beginning on or after January 1, 2014.

5 SECTION 3. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is January 1, 2014.

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51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO DOMESTIC RELATIONS; ENACTING THE SERVICE MEMBER
CHILD CUSTODY ACT; ESTABLISHING PROCEDURES FOR MODIFYING
EXISTING CUSTODY, TIME-SHARING OR VISITATION ORDERS FOR
CHILDREN OF SERVICE MEMBERS; PROHIBITING ENTRY OF FINAL ORDERS
MODIFYING EXISTING CHILD CUSTODY, TIME-SHARING OR VISITATION
ORDERS WHILE A SERVICE MEMBER IS UNAVAILABLE PURSUANT TO
MILITARY ORDERS; PROHIBITING THE MODIFICATION OF EXISTING CHILD
CUSTODY, TIME-SHARING OR VISITATION ORDERS SOLELY BECAUSE A
SERVICE MEMBER IS ABSENT OR MIGHT BE ABSENT PURSUANT TO
MILITARY ORDERS; PROVIDING FOR A SERVICE MEMBER TO DELEGATE
VISITATION RIGHTS; PROVIDING FOR AN EXPEDITED HEARING WHEN A
SERVICE MEMBER WILL BE UNAVAILABLE PURSUANT TO MILITARY ORDERS;
PROVIDING FOR ELECTRONIC TESTIMONY.

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

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1 SECTION 1. SHORT TITLE.--This act may be cited as the
2 "Service Member Child Custody Act".

3 SECTION 2. DEFINITIONS.--As used in the Service Member
4 Child Custody Act:

5 A. "child" means an individual who has not attained
6 eighteen years of age or is not otherwise legally emancipated;

7 B. "deploying parent" means a military parent who
8 has received written orders to deploy with the United States
9 army, navy, air force, marine corps, coast guard or national
10 guard or a reserve component thereof;

11 C. "deployment" means military service in
12 compliance with military orders received by a service member to
13 report for combat operations, contingency operations,
14 peacekeeping operations, temporary duty, a remote tour of duty
15 or other active service for which a service member is required
16 to report unaccompanied by any family member; and "deployment"
17 includes a period during which a service member remains subject
18 to deployment orders and remains deployed on account of
19 sickness, wounds, leave or other military cause;

20 D. "family member" means a person related by blood,
21 adoption or marriage and includes a spouse, child, sibling,
22 parent or grandparent or other person who may significantly
23 affect a child's best interest;

24 E. "military parent" means a parent who is a
25 service member;

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1 F. "non-deploying parent" means a parent not
2 subject to deployment;

3 G. "parent" includes a biological or adoptive
4 parent of a child or other person who provides care for a child
5 and may significantly affect the child's best interest;

6 H. "period of leave" means an authorized absence
7 from military duty; and

8 I. "service member" means a member of the United
9 States army, navy, air force, marine corps, coast guard or
10 national guard or a member of a reserve component thereof.

11 SECTION 3. FINAL ORDERS.--

12 A. A court shall not enter a final order modifying
13 an existing order concerning custody, time-sharing or
14 visitation to which a deploying parent is a party until ninety
15 days after that deploying parent's deployment ends unless all
16 parties stipulate to the entry of a final order.

17 B. Nothing in this section shall be interpreted to
18 limit the power of a court to conduct a hearing concerning
19 custody, time-sharing or visitation in which a military parent
20 is a party and to issue a temporary order concerning custody,
21 time-sharing or visitation in the best interest of the child
22 until a final order may be issued.

23 SECTION 4. MODIFICATION OF CUSTODY, TIME-SHARING OR
24 VISITATION--DEPLOYMENT NOT SOLE FACTOR.--Deployment or the
25 potential for future deployment is not in itself a substantial

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1 and material change in circumstance affecting the welfare of a
2 child. A court shall not use deployment or the potential for
3 future deployment as the sole factor to modify an existing
4 order concerning custody, time-sharing or visitation.

5 SECTION 5. TEMPORARY MODIFICATION--LEAVE AND OTHER
6 ACCOMMODATIONS.--

7 A. A court may issue a temporary order to modify an
8 existing order concerning custody, time-sharing or visitation
9 to which a deploying parent is a party to make reasonable
10 accommodation for the child because of the deploying parent's
11 deployment.

12 B. A temporary modification order issued pursuant
13 to this section shall provide that:

14 (1) the deploying parent shall have custody of
15 the child or reasonable time-sharing or visitation, whichever
16 is applicable, pursuant to the existing order concerning child
17 custody or visitation, during a period of leave granted to the
18 deploying parent;

19 (2) the non-deploying parent shall facilitate
20 telephonic, electronic mail or other communications and contact
21 between the deploying parent and the child during deployment;
22 and

23 (3) the deploying parent shall provide
24 information regarding the deploying parent's period of leave
25 schedule to the non-deploying parent at least ten days prior to

1 the commencement of the period of leave or within reasonable
2 time if the deploying parent received less than ten days'
3 notice of a period of leave.

4 C. The non-deploying parent shall make a reasonable
5 effort to afford the deploying parent custody, time-sharing and
6 visitation pursuant to the existing order and parenting plan
7 concerning custody, time-sharing and visitation; provided,
8 however, that the non-deploying parent shall not be obligated
9 to incur a financial burden to facilitate custody, time-sharing
10 and visitation with the deploying parent. A reasonable effort
11 to afford custody, time-sharing and visitation includes
12 facilitation of the transportation of the child within the
13 exterior boundaries of New Mexico and other facilitation for
14 the child to visit with the deploying parent.

15 D. A court modifying an existing order concerning
16 custody, time-sharing or visitation due to deployment shall
17 specify that the deployment is the basis for the modification
18 and shall enter the order as a temporary order. The court
19 shall require the non-deploying parent to provide the court and
20 the deploying parent with thirty days' advance written notice
21 of any change of address and any change of telephone number,
22 unless a domestic violence order requires that the address or
23 contact information of the non-deploying parent be kept
24 confidential pursuant to the Family Violence Protection Act.

25 E. Upon motion of a deploying parent notifying the

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1 court of imminent deployment, the court shall hold an expedited
2 hearing in the custody, time-sharing or visitation proceeding
3 to which that deploying parent is a party.

4 SECTION 6. TERMINATION OF TEMPORARY ORDER ISSUED DURING
5 DEPLOYMENT.--

6 A. Except as provided in Subsection B of this
7 section, a temporary order modifying an existing order
8 concerning custody, time-sharing or visitation during
9 deployment of a military parent shall terminate no later than
10 ten days after the end of the deployment of the military
11 parent. The original terms of the existing order and parenting
12 plan concerning custody, time-sharing or visitation prior to
13 deployment shall be reinstated. The deploying parent shall
14 notify the court and the non-deploying parent, in writing, of
15 the deploying parent's termination of deployment at least
16 fifteen days prior to the termination of deployment. If the
17 address of the non-deploying parent is confidential due to a
18 domestic violence order, the deploying parent shall only notify
19 the court in writing of the deploying parent's termination of
20 deployment.

21 B. The court shall not terminate the temporary
22 order if either the deploying parent or non-deploying parent
23 files an emergency or expedited motion alleging an immediate
24 danger or irreparable harm to the child if the terms of the
25 existing order concerning custody, time-sharing or visitation

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1 is reinstated. The court shall hold a hearing within ten days
2 of the filing of an emergency or expedited motion by either the
3 deploying parent or non-deploying parent alleging an immediate
4 danger of irreparable harm to the child if the terms of the
5 existing order and parenting plan concerning custody, time-
6 sharing and visitation are reinstated.

7 SECTION 7. DELEGATION OF VISITATION RIGHTS.--

8 A. Upon motion of a deploying parent, or upon
9 motion of a family member of the deploying parent with the
10 consent of the deploying parent, the court may issue a
11 temporary order to delegate all or a portion of the deploying
12 parent's visitation rights to a family member with a close and
13 substantial relationship to the child for the duration of the
14 deployment if in the best interest of the child. The person to
15 whom delegated visitation rights are granted shall have full
16 legal standing to enforce that temporary order.

17 B. The delegation of visitation rights or access to
18 the child shall not create an entitlement or standing to assert
19 separate rights to a liberty interest in the care and custody
20 of the child for a person other than a parent. A temporary
21 order delegating the visitation rights of a deploying parent
22 shall terminate by operation of law upon the end of that
23 deploying parent's deployment.

24 C. A delegation of visitation rights shall not
25 exceed the visitation time granted to the deploying parent

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1 under the existing order concerning child custody or
2 visitation, unless the court determines that additional time is
3 required to transport the child.

4 SECTION 8. TESTIMONY.--

5 A. In addition to other procedures available to a
6 party, a party to a custody, time-sharing or visitation
7 proceeding involving the child of a service member may offer
8 testimony of witnesses who are located in another state or
9 country, including testimony of the parties and the child, by
10 deposition or other means allowable in this state for testimony
11 taken in another state or country. The court on its own motion
12 may order that the testimony of a person be taken in another
13 state or country and may prescribe the manner in which and the
14 terms upon which the testimony is taken.

15 B. A court of this state may permit an individual
16 residing in another state or country to be deposed or to
17 testify by telephone, audiovisual means or other electronic
18 means before a designated court or at another location in that
19 state or country. A court of this state shall cooperate with
20 courts of other states or military facilities and courts in
21 other countries in designating an appropriate location for the
22 deposition or testimony.

23 SECTION 9. NO EXISTING ORDER.--

24 A. If a military parent has not been issued an
25 order concerning the terms of custody, time-sharing or

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1 visitation and it appears that deployment is imminent, upon the
2 filing of initial pleadings and a motion by either the
3 deploying parent or the non-deploying parent notifying the
4 court in the title of the pleading that deployment of a
5 military parent is imminent, the court shall expedite a hearing
6 to establish temporary custody, time-sharing or visitation to
7 ensure that the military parent has access to the child during
8 deployment, to ensure disclosure of information, to grant other
9 rights and duties pursuant to the Service Member Child Custody
10 Act and to provide other appropriate relief.

11 B. An initial pleading filed to establish custody,
12 time-sharing or visitation for a child of a deploying parent
13 shall be identified at the time of filing by stating in the
14 title of the pleading that the matter concerns a deploying
15 parent, and the pleading shall state the specific facts related
16 to the deployment.

17 **SECTION 10. DUTY TO COOPERATE AND DISCLOSE INFORMATION.--**

18 A deploying parent shall provide a copy of the deployment
19 orders to the non-deploying parent promptly and without delay
20 before deployment. Notification shall be made within ten days
21 of the receipt of the deployment orders or notification of a
22 period of leave. If less than ten days' notification is
23 received by the deploying parent, then notification to the non-
24 deploying parent shall be given immediately upon receipt of the
25 deployment orders. If all or part of the orders are classified

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1 or restricted as to release, the deploying parent shall provide
2 all nonclassified or nonrestricted information to the non-
3 deploying parent.

4 SECTION 11. FAILURE TO EXERCISE TIME-SHARING OR
5 VISITATION RIGHTS.--In determining whether a parent has failed
6 to exercise time-sharing or visitation rights, the court shall
7 not count any time periods during which the military parent did
8 not exercise time-sharing or visitation due to the material
9 effect of that military parent's military duties on time-
10 sharing or visitation time.

11 SECTION 12. REMOVAL FROM THE STATE.--Once an order for
12 child custody involving the child of a military parent has been
13 entered in this state, any absence of a child from this state
14 during the military parent's deployment shall be designated a
15 "temporary absence" for the purposes of the application of the
16 Uniform Child-Custody Jurisdiction and Enforcement Act. For
17 the duration of the military parent's deployment, this state
18 shall retain exclusive continuing jurisdiction under that act
19 and the non-deploying parent shall not use the non-deploying
20 parent's relocation to another state as a basis to assert
21 inconvenience of the forum under that act.

22 SECTION 13. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2013.

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BILL

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

MAKING AN APPROPRIATION TO THE CULTURAL AFFAIRS DEPARTMENT TO
IMPROVE AND MAINTAIN THE CEMETERY AT THE FORT STANTON STATE
MONUMENT.

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

SECTION 1. APPROPRIATION.--Seven hundred fifty thousand
dollars (\$750,000) is appropriated from the general fund to the
cultural affairs department for expenditure in fiscal year 2014
and subsequent fiscal years to improve and maintain the
cemetery at the Fort Stanton state monument, contingent on the
department receiving a grant of seven million five hundred
thousand dollars (\$7,500,000) from the United States department
of veterans affairs. Any unexpended or unencumbered balance
remaining at the end of a fiscal year shall not revert to the
general fund.

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