

1 AN ACT

2 RELATING TO THE STATE DEFENSE FORCE; EXTENDING WORKERS'
3 COMPENSATION BENEFITS TO MEMBERS OF THE STATE DEFENSE FORCE.

4
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

6 Section 1. A new section of Chapter 20, Article 5 NMSA
7 1978 is enacted to read:

8 "STATE DEFENSE FORCE--WORKERS' COMPENSATION.--

9 A. When a member of the state defense force is
10 on state-ordered militia duty, he is a worker under the
11 Workers' Compensation Act and the department of military
12 affairs is his employer.

13 B. The average weekly wage of a member of the
14 state defense force shall be computed at the pay earned in
15 his civilian capacity. Disability benefits to a member of
16 the state defense force shall be limited to medical benefits
17 and two-thirds of his civilian pay if he is unable to work.

18 C. A member of the state defense force shall not
19 be considered a worker under the Workers' Compensation Act
20 when performing cadre duty.

21 D. As used in this section:

22 (1) "cadre duty" means the normal service
23 and training of the standing cadre of the state defense
24 force in anticipation and support of militia duty, including
25 organization, administration and other pre-call matters; and

1 (2) "militia duty" means the performance of
2 actual military service for the state in time of need when
3 called by the governor or adjutant general following
4 mobilization of the national guard. If performed by the
5 unorganized militia following its call by the governor
6 pursuant to Section 20-2-6 NMSA 1978, it shall include the
7 post-call training of the New Mexico state defense force as
8 required by that call. "_____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25