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SENATE BILL 164

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Richard C. Martinez

FOR THE SUBCOMMITTEE ON REORGANIZATION

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

Section 2. [NEW MATERIAL] 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. [NEW MATERIAL] DEFINITIONS. -- As used in the

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1 Veterans' Services Department Act:

2 A. "department" means the veterans' services  
3 department;

4 B. "secretary" means the secretary of veterans'  
5 services; and

6 C. "veteran" means a New Mexico resident who:

7 (1) is a citizen of the United States;

8 (2) was regularly enlisted, drafted, inducted  
9 or commissioned in the armed forces of the United States and  
10 was accepted for and assigned to active duty in the armed  
11 forces of the United States; and

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

14 Section 4. [NEW MATERIAL] DEPARTMENT ESTABLISHED. -- The  
15 "veterans' services department" is created in the executive  
16 branch. The department is a cabinet department and includes  
17 the following divisions:

18 A. the administrative services division;

19 B. the field services division;

20 C. the state approving division; and

21 D. the state benefits division.

22 Section 5. [NEW MATERIAL] SECRETARY OF VETERANS'  
23 SERVICES-- APPOINTMENT. --

24 A. The chief executive and administrative officer  
25 of the department is the "secretary of veterans' services".

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1 The secretary shall be appointed by the governor with the  
2 consent of the senate and shall hold the office at the pleasure  
3 of the governor and serve in the executive cabinet.

4 B. An appointed secretary shall serve and have all  
5 of the duties, responsibilities and authority of the office  
6 during the period of time prior to final action by the senate  
7 confirming or rejecting his appointment.

8 Section 6. [NEW MATERIAL] SECRETARY--DUTIES AND GENERAL  
9 POWERS. --

10 A. The secretary is responsible to the governor for  
11 the operation of the department. It is the duty of the  
12 secretary to manage the operations of the department and to  
13 administer and enforce the laws with which the secretary or the  
14 department is charged.

15 B. The secretary has every power expressly  
16 enumerated in the laws, whether granted to the secretary or to  
17 a division of the department, except where authority conferred  
18 upon a division in the department is explicitly exempted from  
19 the authority of the secretary by statute. In accordance with  
20 these provisions, the secretary shall:

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

25 (2) delegate authority to subordinates as the

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1 secretary deems necessary and appropriate, clearly delineating  
2 the delegated authority and its limitations;

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

7 (4) within the limitations of available  
8 appropriations and applicable laws, employ and fix the  
9 compensation of the persons necessary to discharge the duties  
10 of the secretary;

11 (5) take administrative action by issuing  
12 orders and instructions, not inconsistent with the law, to  
13 ensure implementation of and compliance with the provisions of  
14 law with the administration or execution of which the secretary  
15 is responsible and to enforce the orders and instructions by  
16 appropriate administrative action or actions in the courts;

17 (6) conduct research and studies that will  
18 improve the operations of the department and the provision of  
19 services to the citizens of the state;

20 (7) provide courses of instruction and  
21 practical training for employees of the department and other  
22 persons involved in the administration of programs with the  
23 objective of improving the operations and efficiency of the  
24 administration;

25 (8) prepare an annual budget of the

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1 department;

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

4 (a) minimize or eliminate duplication of  
5 services and jurisdictional conflicts;

6 (b) coordinate activities and resolve  
7 problems of mutual concern; and

8 (c) resolve by agreement the manner and  
9 extent to which the department shall provide budgeting, record  
10 keeping and related clerical assistance to administratively  
11 attached agencies; and

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

15 C. The secretary may apply for and receive, in the  
16 name of the department and with the approval of the governor,  
17 public or private funds, including United States government  
18 funds, available to the department to carry out its programs,  
19 duties or services.

20 D. Where functions of departments overlap, or a  
21 function assigned to one department could better be performed  
22 by another department, the secretary may recommend appropriate  
23 legislation to the next session of the legislature for its  
24 approval.

25 E. The secretary may make and adopt reasonable

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1 rules necessary to carry out the duties of the department and  
2 its divisions. A rule promulgated by the director of a  
3 division in carrying out the functions and duties of the  
4 division shall not be effective until approved by the  
5 secretary. Unless otherwise provided by statute, a rule  
6 affecting a person or agency outside the department shall not  
7 be adopted, amended or repealed without a public hearing on the  
8 proposed action before the secretary or a hearing officer  
9 designated by him. The public hearing shall be held in Santa  
10 Fe unless otherwise permitted by statute. Notice of the  
11 subject matter of the rule, the action proposed to be taken,  
12 the time and place of the hearing, the manner in which an  
13 interested person may present a view and the method by which  
14 copies of the proposed rule, amendment or repeal of an existing  
15 rule may be obtained shall be published once at least thirty  
16 days prior to the hearing date in a newspaper of general  
17 circulation and mailed at least thirty days before the hearing  
18 date to a person who has submitted a written request for  
19 advance notice of hearing. A rule shall be filed in accordance  
20 with the State Rules Act.

21 Section 7. DEPARTMENT RESPONSIBILITIES. --The department  
22 is responsible for:

23 A. assisting veterans, their surviving spouses and  
24 their children in the preparation, presentation and prosecution  
25 of claims against the United States arising by reason of

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1 military or naval service;

2 B. assisting veterans, their surviving spouses and  
3 their children in establishing the rights and the procurement  
4 of benefits that have accrued or may accrue to them pursuant to  
5 state law;

6 C. disseminating information regarding laws  
7 beneficial to veterans, their surviving spouses and their  
8 children; and

9 D. cooperating with agencies of the United States  
10 that are or may be established for the beneficial interest of  
11 veterans, to which end the department may enter into agreements  
12 or contracts with the United States for the purpose of  
13 protecting or procuring rights or benefits for veterans.

14 Section 8. [NEW MATERIAL] ORGANIZATIONAL UNITS OF  
15 DEPARTMENT-- POWERS AND DUTIES SPECIFIED BY LAW-- ACCESS TO  
16 INFORMATION.-- The powers and duties of the officers of the  
17 organizational units of the department shall be subject to the  
18 direction and supervision of the secretary, and the secretary  
19 shall retain final decision-making authority and responsibility  
20 in accordance with Section 6 of the Veterans' Services  
21 Department Act. The department shall have access to all  
22 records, data and information of other departments, agencies  
23 and institutions, including its own organizational units not  
24 specifically held confidential by law.

25 Section 9. [NEW MATERIAL] DIVISIONS-- DIRECTORS.-- The

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1 secretary may appoint, with the approval of the governor,  
2 "directors" of the divisions that are established within the  
3 department. Directors are exempt from the Personnel Act.

4 Section 10. [NEW MATERIAL] BUREAUS--CHIEFS. -- The  
5 secretary may establish, within each division, such "bureaus"  
6 that the secretary deems necessary to carry out the provisions  
7 of the Veterans' Services Department Act. The secretary shall  
8 appoint a "chief" to be the administrative head of a bureau.  
9 All chiefs and subsidiary employees of the department shall be  
10 covered by the Personnel Act, unless otherwise provided by law.

11 Section 11. [NEW MATERIAL] ADMINISTRATIVE SERVICES  
12 DIVISION-- DUTIES. --

13 A. The administrative services division shall  
14 provide administrative services to the department, including:

- 15 (1) keeping all official records of the  
16 department;
- 17 (2) providing clerical services in the areas  
18 of personnel and budget preparation;
- 19 (3) providing clerical, record-keeping and  
20 administrative support to agencies administratively attached to  
21 the department at their request;
- 22 (4) coordinating short- and long-term planning  
23 of the department; and
- 24 (5) administering programs and grants that  
25 have been assigned to the department by the secretary or

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1 governor or by statute.

2 B. The administrative services division shall  
3 provide fiduciary services, including acting as either court-  
4 appointed conservator or representative payee for veterans  
5 adjudicated as unable to handle their own financial affairs  
6 without assistance. The division shall manage fiduciary funds  
7 and safeguard the assets for veterans and their dependents.

8 Section 12. [NEW MATERIAL] FIELD SERVICES DIVISION--  
9 POWERS AND DUTIES. --The field services division shall assist  
10 veterans and their families with claims for federal veterans'  
11 administration compensation, pensions, education, medical care  
12 and death benefits. The field services division shall operate  
13 field offices throughout the state to provide services and  
14 disseminate information regarding all federal and state laws  
15 beneficial to veterans and their families.

16 Section 13. [NEW MATERIAL] STATE APPROVING DIVISION. --

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

19 B. The state approving division shall evaluate and  
20 approve educational programs and training programs for all  
21 persons and veterans eligible for educational assistance  
22 pursuant to the provisions of Title 38 of the United States  
23 Code. Approval of courses, educational programs and training  
24 programs, including training on the job, by the state approving  
25 division shall be in accordance with the provisions of Title 38

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1 of the United States Code.

2 Section 14. [NEW MATERIAL] STATE BENEFITS DIVISION. -- The  
3 state benefits division shall:

4 A. provide oversight of veterans' service  
5 organizations;

6 B. develop or coordinate veterans' programs and  
7 outreach, including transitional living, housing, health care  
8 and economic development; and

9 C. determine eligibility for, conduct or oversee  
10 state-funded veterans' services and benefits, including  
11 determining eligibility for veteran property tax exemptions,  
12 hunting and fishing licensing and motor vehicle license plate  
13 programs; managing the Vietnam and children of deceased  
14 veterans scholarship programs; and overseeing the state funeral  
15 honors and burial program and state veterans' cemeteries,  
16 monuments and museums.

17 Section 15. [NEW MATERIAL] VETERANS' SERVICES ADVISORY  
18 BOARD-- CREATED-- PURPOSE. --

19 A. The "veterans' services advisory board" is  
20 created, composed of five members who shall be veterans  
21 appointed by the governor. Members of the board shall serve at  
22 the pleasure of the governor. Members of the board may be paid  
23 per diem and mileage as provided in the Per Diem and Mileage  
24 Act but shall receive no other compensation, perquisite or  
25 allowance.

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1           B. The veterans' services advisory board shall  
2 advise the secretary and the department on matters related to  
3 veterans.

4           Section 16. [NEW MATERIAL] POWER TO ACT AS A PERSONAL  
5 REPRESENTATIVE OR CONSERVATOR. --

6           A. The department may act as a:

7                   (1) personal representative of a deceased  
8 veteran;

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

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

13                   (4) conservator of the estate of a person who  
14 is a bona fide resident of New Mexico and who is certified by  
15 the United States veterans' administration as having money due  
16 from the veterans' administration, the payment of which is  
17 dependent upon the appointment of a conservator for the person.

18           B. A fee shall not be allowed or paid to the  
19 department for acting as a personal representative or  
20 conservator.

21           C. When the department is appointed as a personal  
22 representative in the last will of a veteran, the court or  
23 officer authorized to grant testamentary letters in the state  
24 shall, upon the proper application, grant testamentary letters  
25 to the department. When application is made to a court or

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1 officer having authority to grant letters of administration  
2 with the will annexed upon the estate of a veteran or upon the  
3 estate of a deceased veteran who may have died intestate, and  
4 there is no person entitled to the letters who is qualified,  
5 competent, willing or able to accept such administration, the  
6 court or officer may, at the request of a party interested in  
7 the estate, grant letters of administration to the department.  
8 A court or officer having authority to grant letters of  
9 guardianship of an infant may, upon the same application as is  
10 required by law for the appointment of a guardian of such an  
11 infant, appoint the department as conservator of the estate of  
12 an infant who is the child of a veteran. A court having  
13 jurisdiction to appoint a conservator of the estate of an  
14 incompetent may appoint the department to be such conservator  
15 when the incompetent is a veteran. A court having jurisdiction  
16 over a person who is a resident of New Mexico, and who is  
17 certified by the United States veterans' administration as  
18 having money due from the veterans' administration, the payment  
19 of which is dependent upon the appointment of a conservator for  
20 the person, may appoint the department to be the conservator.

21 D. The court or officer may make orders respecting  
22 the department as the personal representative or conservator  
23 and may require the department to render all accounts that the  
24 court or officer might lawfully require if the personal  
25 representative or conservator were a natural person.

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1           Section 17.   [NEW MATERIAL] COURT PROCEEDINGS FOR  
2   APPOINTMENT AS PERSONAL REPRESENTATIVE OR CONSERVATOR. -- The  
3   department may institute a proceeding in a court of competent  
4   jurisdiction for appointment as personal representative of the  
5   estate of a deceased veteran or as conservator of the estate of  
6   a minor child of a veteran or as conservator of the estate of  
7   an incompetent veteran without cost and tax.

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

22           Section 19.   [NEW MATERIAL] BOND PREMIUM COST PRORATION. --  
23  In each case where the department is appointed to serve as a  
24  personal representative or conservator of the estate of a  
25  beneficiary of the United States veterans' administration, the

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1 court in which the estate is filed shall authorize a charge for  
2 each estate's share of the bond premium to be paid from the  
3 assets of the estate. The department shall determine the  
4 charge to be made against each estate, and the aggregate amount  
5 of all charges shall not exceed the bond premium. It is the  
6 intent of the legislature that this charge shall be the share  
7 of each estate in the cost of the bond that the department  
8 posts as provided in Section 18 of the Veterans' Services  
9 Department Act.

10 Section 20. [NEW MATERIAL] OATHS AND AFFIRMATIONS. -- The  
11 secretary and the employees designated by the secretary may  
12 administer oaths and affirmations and execute attestation and  
13 certificates.

14 Section 21. Section 7-37-5.1 NMSA 1978 (being Laws 2000,  
15 Chapter 92, Section 1 and Laws 2000, Chapter 94, Section 1, as  
16 amended by Laws 2003, Chapter 29, Section 1 and by Laws 2003,  
17 Chapter 57, Section 2) is amended to read:

18 "7-37-5.1. DISABLED VETERAN EXEMPTION. --

19 A. As used in this section:

20 (1) "disabled veteran" means an individual  
21 who:

22 (a) has been honorably discharged from  
23 membership in the armed forces of the United States or has  
24 received a discharge certificate from a branch of the armed  
25 forces of the United States for civilian service recognized

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1 pursuant to federal law as service in the armed forces of the  
2 United States; and

3 (b) has been determined pursuant to  
4 federal law to have a one hundred percent permanent and total  
5 service-connected disability; and

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

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

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

22 (1) the surviving spouse and the disabled  
23 veteran were married at the time of the disabled veteran's  
24 death;

25 (2) the property was exempt prior to the

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1 disabled veteran's death pursuant to Subsection B of this  
2 section; and

3 (3) the surviving spouse continues to occupy  
4 the property continuously after the disabled veteran's death as  
5 the spouse's principal place of residence.

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

8 E. The disabled veteran exemption shall be applied  
9 only if claimed and allowed in accordance with Section 7-38-17  
10 NMSA 1978 and the rules of the department.

11 F. The ~~[New Mexico veterans' service commission]~~  
12 veterans' services department shall assist the department and  
13 the county assessors in determining which veterans qualify for  
14 the disabled veteran exemption. "

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

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

18 A. Subject to the requirements of Subsection E of  
19 this section, head-of-family exemptions claimed and allowed in  
20 the 1974 or a subsequent tax year, veteran exemptions claimed  
21 and allowed in the 1982 or a subsequent tax year or disabled  
22 veteran exemptions claimed and allowed in the 2000 or a  
23 subsequent tax year need not be claimed for subsequent tax  
24 years if there is no change in eligibility for the exemption  
25 nor any change in ownership of the property against which the



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1 exemption was claimed. Head-of-family and veteran exemptions  
2 allowable under this subsection shall be applied automatically  
3 by county assessors in the subsequent tax years.

4 B. Beginning with the 1983 tax year, other  
5 exemptions of real property specified under Section 7-36-7 NMSA  
6 1978 for nongovernmental entities shall be claimed in order to  
7 be allowed. Once such exemptions are claimed and allowed for a  
8 tax year, they need not be claimed for subsequent tax years if  
9 there is no change in eligibility. Exemptions allowable under  
10 this subsection shall be applied automatically by county  
11 assessors in subsequent tax years.

12 C. An exemption required to be claimed under this  
13 section shall be applied for no later than thirty days after  
14 the mailing of the county [~~assessors'~~] assessor's notices of  
15 valuation pursuant to Section 7-38-20 NMSA 1978 in order for it  
16 to be allowed for that tax year.

17 D. A person who has had an exemption applied to a  
18 tax year and subsequently becomes ineligible for the exemption  
19 because of a change in the person's status or a change in the  
20 ownership of the property against which the exemption was  
21 applied shall notify the county assessor of the loss of  
22 eligibility for the exemption by the last day of February of  
23 the tax year immediately following the year in which loss of  
24 eligibility occurs.

25 E. Exemptions may be claimed by filing proof of

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1 eligibility for the exemption with the county assessor. The  
2 proof shall be in a form prescribed by regulation of the  
3 department. Procedures for determining eligibility of  
4 claimants for any exemption shall be prescribed by regulation  
5 of the department, and these regulations shall include  
6 provisions for requiring the [~~New Mexico veterans' service~~  
7 ~~commission~~] veterans' services department to issue certificates  
8 of eligibility for veteran exemptions in a form and with the  
9 information required by the department. The regulations shall  
10 also include verification procedures to assure that veteran  
11 exemptions in excess of the amount authorized under Section  
12 7-37-5 NMSA 1978 are not allowed as a result of multiple  
13 claiming in more than one county or claiming against more than  
14 one property in a single tax year.

15 F. The department shall consult and cooperate with  
16 the [~~New Mexico veterans' service commission~~] veterans'  
17 services department in the development and promulgation of  
18 regulations under Subsection E of this section. The  
19 [~~commission~~] veterans' services department shall comply with  
20 the promulgated regulations. The [~~commission~~] veterans'  
21 services department shall collect a fee of five dollars (\$5.00)  
22 for the issuance of a duplicate certificate of eligibility to a  
23 veteran.

24 G. A person who violates the provisions of this  
25 section by intentionally claiming and receiving the benefit of

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1 an exemption to which [~~he~~] the person is not entitled or who  
2 fails to comply with the provisions of Subsection D of this  
3 section is guilty of a misdemeanor and shall be punished by a  
4 fine of not more than one thousand dollars (\$1,000). A county  
5 assessor or [~~his~~] the assessor's employee who knowingly permits  
6 a claimant for an exemption to receive the benefit of an  
7 exemption to which [~~he~~] the claimant is not entitled is guilty  
8 of a misdemeanor and shall be punished by a fine of not more  
9 than one thousand dollars (\$1,000) and shall also be  
10 automatically removed from office or dismissed from employment  
11 upon conviction under this subsection. "

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

14 "15-3-34. PUBLIC BUILDINGS--FLAG DISPLAY. --The prisoner  
15 of war and missing in action flag shall be displayed on legal  
16 public holidays in New Mexico at all public buildings with  
17 flagpoles owned by the state in accordance with rules adopted  
18 by the [~~New Mexico veterans' service commission~~] veterans'  
19 services department. "

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

22 "21-21E-2. DISBURSEMENTS FROM FUND. --

23 A. A Vietnam veteran may apply to the [~~New Mexico~~  
24 ~~veterans' service commission~~] veterans' services department for  
25 a scholarship. The [~~commission~~] department shall determine the

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1 eligibility of an applicant and certify approved applicants to  
2 the [~~board of educational finance~~] commission on higher  
3 education.

4 B. The [~~board of educational finance~~] commission on  
5 higher education shall pay by voucher to the appropriate  
6 educational institution an amount not exceeding the amount of  
7 the scholarship for an approved Vietnam veteran.

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

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

12 "23-4-1. VETERANS' HOME CREATED--ADVISORY BOARD. --

13 A. The "New Mexico state veterans' home" located  
14 near Truth or Consequences, New Mexico, is declared to be a  
15 state home for veterans of service in the armed forces of the  
16 United States.

17 B. The "Fort Bayard medical center veterans' unit",  
18 a separate and distinct unit of the Fort Bayard medical center,  
19 located near Silver City, New Mexico, is declared to be a state  
20 home for veterans of service in the armed forces of the United  
21 States.

22 C. There is created the "New Mexico veterans'  
23 advisory board". The advisory board shall consist of [~~seven~~]  
24 eight members as follows:

25 (1) the [~~chairman of the New Mexico veterans'~~

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1 ~~service commission~~ secretary of veterans' services or his  
2 designee;

3 (2) the director of ~~[veterans' affairs]~~ the  
4 state benefits division of the veterans' services department;

5 (3) a veteran of World War II;

6 (4) the administrator of a private nursing  
7 home;

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

10 (6) a veteran of the Korean conflict; ~~[and]~~

11 (7) a veteran of the Vietnam conflict; and

12 (8) a veteran of the Gulf War.

13 D. The governor shall appoint the members  
14 designated in Paragraphs (3) [~~(4), (5), (6) and (7)~~] through  
15 (8) of Subsection C of this section, and their terms shall be  
16 for three years each.

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

19 F. The New Mexico veterans' advisory board shall  
20 provide advice to the secretary of health and the  
21 administrators of the New Mexico state veterans' home and the  
22 Fort Bayard medical center regarding veterans' services. "

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

25 "28-14-2. AMOUNTS PAYABLE TO INSTITUTIONS--ELIGIBILITY.--

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1 The amounts due to any educational or training institution  
2 pursuant to Chapter 28, Article 14 NMSA 1978 shall be payable  
3 to [~~such~~] those institutions on vouchers signed by the  
4 [~~director of veterans' affairs of the New Mexico veterans'~~  
5 ~~service commission~~] secretary of veterans' services or [~~his~~]  
6 the secretary's authorized representative. The [~~commission~~]  
7 veterans' services department shall determine the eligibility  
8 of children making application for the benefits provided in  
9 [~~Sections 74-4-1 through 74-4-4 NMSA 1953~~] Chapter 28, Article  
10 14 NMSA 1978 and shall satisfy itself of the attendance of  
11 [~~such~~] the children and of the accuracy of charges submitted to  
12 the [~~commission~~] department. No [~~member~~] staff of the  
13 [~~commission~~] department shall receive any compensation for  
14 [~~such~~] this service except as provided in the Per Diem and  
15 Mileage Act. "

16 Section 27. Section 28-14-3 NMSA 1978 (being Laws 1949,  
17 Chapter 170, Section 3, as amended by Laws 1975, Chapter 29,  
18 Section 3 and by Laws 1975, Chapter 89, Section 2) is amended  
19 to read:

20 "28-14-3. SELECTION BY VETERANS' [~~SERVICE COMMISSION~~]  
21 SERVICES DEPARTMENT. -- Children who are to receive the  
22 educational benefits provided under Section [~~74-4-1 NMSA 1953~~]  
23 28-14-1 NMSA 1978 shall be selected by the [~~New Mexico~~  
24 ~~veterans' service commission~~] veterans' services department on  
25 the basis of need and merit. Nominations shall be made by:

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1           A. the [~~New Mexico veterans' service commission~~]  
2 department, for children of deceased veterans;

3           B. the adjutant general [~~of the state~~], for  
4 children of deceased national guard of New Mexico members; and

5           C. the New Mexico state police board, for children  
6 of [~~the~~] deceased New Mexico state police members. "

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

9           "66-3-418. PURPOSE. --The purpose of providing special  
10 registration plates for veterans of the armed forces is to  
11 allow veterans to be publicly recognized and to enable veterans  
12 to support the activities of the [~~New Mexico~~] veterans'  
13 [~~service commission~~] services department by annually purchasing  
14 such license plates in addition to paying the regular motor  
15 vehicle registration fees. "

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

18           "66-3-419. SPECIAL REGISTRATION PLATES FOR ARMED FORCES  
19 VETERANS. --

20           A. The department shall issue distinctive  
21 registration plates indicating that the recipient is a veteran  
22 of the armed forces of the United States, as defined in Section  
23 28-13-7 NMSA 1978, or is retired from the national guard or  
24 military reserves, if that person submits proof satisfactory to  
25 the department of honorable discharge from the armed forces or

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1 of retirement from the national guard or military reserves.

2 B. For a fee of fifteen dollars (\$15.00), which  
3 shall be in addition to the regular motor vehicle registration  
4 fees, any motor vehicle owner who is a veteran of the armed  
5 forces of the United States or is retired from the national  
6 guard or military reserves may apply for the issuance of a  
7 special registration plate as defined in Subsection A of this  
8 section. No two owners shall be issued identically lettered or  
9 numbered plates.

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

15 D. Each armed forces veteran may elect to receive a  
16 veteran-designation decal to be placed across the top of the  
17 plate, centered above the registration number. Replacement or  
18 different veteran-designation decals shall be available for  
19 purchase from the department at a reasonable charge to be set  
20 by the secretary. The department shall furnish the following  
21 veteran-designation decals with the armed forces veteran plate  
22 to a:

- 23 (1) medal of honor recipient;
- 24 (2) silver star recipient;
- 25 (3) bronze star recipient;



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- 1 (4) navy cross recipient;
- 2 (5) distinguished service cross recipient;
- 3 (6) air force cross recipient;
- 4 (7) ex-prisoner of war;
- 5 (8) disabled veteran;
- 6 (9) purple heart veteran;
- 7 (10) atomic veteran;
- 8 (11) Pearl Harbor survivor;
- 9 (12) Navajo code talker;
- 10 (13) Vietnam veteran;
- 11 (14) Korean veteran;
- 12 (15) disabled Korean veteran;
- 13 (16) World War II veteran;
- 14 (17) World War I veteran;
- 15 (18) Grenada veteran;
- 16 (19) Panama veteran; or
- 17 (20) Desert Storm veteran.

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

21 (1) seven dollars (\$7.00) of the fee collected  
22 for each registration plate shall be retained by the department  
23 and is appropriated to the department for the manufacture and  
24 issuance of the registration plates; and

25 (2) eight dollars (\$8.00) of the fee collected

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1 for each registration plate shall be transferred pursuant to  
2 the provisions of Subsection F of this section.

3 F. There is created in the state treasury the  
4 "armed forces veterans license fund". A portion of the fee  
5 collected for each special registration plate for armed forces  
6 veterans, as provided in Subsection E of this section, shall be  
7 transferred to the state treasurer for the credit of the fund.  
8 Expenditures from the fund shall be made on vouchers issued and  
9 signed by the [~~director of veterans' affairs~~] secretary of  
10 veterans' services or his authorized representative upon  
11 warrants drawn by the department of finance and administration  
12 for the purpose of expanding services to rural areas of the  
13 state, including Native American communities and senior citizen  
14 centers. Any unexpended or unencumbered balance remaining at  
15 the end of any fiscal year in the armed forces veterans license  
16 fund shall not revert to the general fund. "

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

19 A. The transfer of functions, personnel,  
20 appropriations, money, records, equipment, supplies, other  
21 property and contractual obligations of the New Mexico  
22 veterans' service commission to the veterans' services  
23 department pursuant to executive order issued in accordance  
24 with Laws 2003, Chapter 403 is approved.

25 B. All references in law to the New Mexico

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1 veterans' service commission shall be deemed to be references  
2 to the veterans' services department.

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

6 Section 32. APPROPRIATION. --Two hundred ten thousand  
7 dollars (\$210,000) is appropriated from the general fund to the  
8 veterans' services department for expenditure in fiscal year  
9 2005 to carry out the purposes of the Veterans' Services  
10 Department Act. Any unexpended or unencumbered balance  
11 remaining at the end of the fiscal year 2005 shall revert to  
12 the general fund.

13 Section 33. REPEAL. --Sections 28-13-1 through 28-13-14  
14 NMSA 1978 (being Laws 1977, Chapter 252, Section 33, Laws 1979,  
15 Chapter 317, Sections 1 through 3, Laws 1927, Chapter 147,  
16 Sections 3 through 5, Laws 1935, Chapter 18, Section 1, Laws  
17 1937, Chapter 87, Section 2, Laws 1939, Chapter 110, Sections 1  
18 and 2, Laws 1957, Chapter 176, Section 4 and Laws 1973, Chapter  
19 83, Sections 1 and 2, as amended) are repealed.