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AN ACT

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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. SHORT TITLE.--Sections 1 through 20 of this act may be cited as the "Veterans' Services Department Act". Section 2. 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. DEFINITIONS.--As used in the Veterans' Services Department Act:

- A. "department" means the veterans' services department;
- B. "secretary" means the secretary of veterans' services; and
- C. "veteran" means a New Mexico resident who:
  - (1) is a citizen of the United States;
  - (2) was regularly enlisted, drafted, inducted or commissioned in the armed forces of the United States and was accepted for and assigned to active duty in the armed forces of the United States; and
  - (3) was not separated from such service under circumstances amounting to dishonorable discharge.

Section 4. DEPARTMENT ESTABLISHED.--The "veterans' services department" is created in the executive branch. The department is a cabinet department and includes the following divisions:

- A. the administrative services division;

- 1 B. the field services division; S  
2 C. the state approving division; and B  
3 D. the state benefits division. 1

4 Section 5. SECRETARY OF VETERANS' SERVICES--APPOINTMENT.-- 6  
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5 A. The chief executive and administrative officer of the department is a  
6 the "secretary of veterans' services". The secretary shall be appointed by the g  
7 governor with the consent of the senate and shall hold the office at the pleasure of e  
8 the governor and serve in the executive cabinet. 2

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

12 Section 6. SECRETARY--DUTIES AND GENERAL POWERS.--

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

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

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

25 (2) delegate authority to subordinates as the secretary  
deems necessary and appropriate, clearly delineating the delegated authority and  
its limitations;

1 (3) organize the department into organizational units that the S  
2 secretary deems will enable it to function most efficiently, subject to provisions of B  
3 law requiring or establishing specific organizational units; 1  
4 (4) within the limitations of available appropriations and 6  
5 applicable laws, employ and fix the compensation of the persons necessary to 4  
6 discharge the duties of the secretary; P  
7 (5) take administrative action by issuing orders and a  
8 instructions, not inconsistent with the law, to ensure implementation of and g  
9 compliance with the provisions of law with the administration or execution of which e  
10 the secretary is responsible and to enforce the orders and instructions by 3  
11 appropriate administrative action or actions in the courts;  
12 (6) conduct research and studies that will improve the  
13 operations of the department and the provision of services to the citizens of the  
14 state;  
15 (7) provide courses of instruction and practical training for  
16 employees of the department and other persons involved in the administration of  
17 programs with the objective of improving the operations and efficiency of the  
18 administration;  
19 (8) prepare an annual budget of the department;  
20 (9) provide cooperation, at the request of heads of  
21 administratively attached agencies, to:  
22 (a) minimize or eliminate duplication of services and  
23 jurisdictional conflicts;  
24 (b) coordinate activities and resolve problems of  
25 mutual concern; and  
(c) resolve by agreement the manner and extent to  
which the department shall provide budgeting, record keeping and related clerical

1 assistance to administratively attached agencies; and

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

5 C. The secretary may apply for and receive, in the name of the  
6 department and with the approval of the governor, public or private funds, including  
7 United States government funds, available to the department to carry out its  
8 programs, duties or services.

9 D. Where functions of departments overlap, or a function assigned  
10 to one department could better be performed by another department, the secretary  
11 may recommend appropriate legislation to the next session of the legislature for its  
12 approval.

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

1 Section 7. DEPARTMENT RESPONSIBILITIES.--The department is S  
2 responsible for: B

3 A. assisting veterans, their surviving spouses and their children in 1  
4 the preparation, presentation and prosecution of claims against the United States 6  
5 arising by reason of military or naval service; 4  
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6 B. assisting veterans, their surviving spouses and their children in g  
7 establishing the rights and the procurement of benefits that have accrued or may e  
8 accrue to them pursuant to state law; 5

9 C. disseminating information regarding laws beneficial to veterans,  
10 their surviving spouses and their children; and

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

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

23 Section 9. DIVISIONS--DIRECTORS.--The secretary may appoint, with the  
24 approval of the governor, "directors" of the divisions that are established within the  
25 department. Directors are exempt from the Personnel Act.

Section 10. BUREAUS--CHIEFS.--The secretary may establish, within each  
division, such "bureaus" that the secretary deems necessary to carry out the

1 provisions of the Veterans' Services Department Act. The secretary shall appoint a  
2 "chief" to be the administrative head of a bureau. All chiefs and subsidiary  
3 employees of the department shall be covered by the Personnel Act, unless  
4 otherwise provided by law.

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5 Section 11. ADMINISTRATIVE SERVICES DIVISION--DUTIES.--

6 A. The administrative services division shall provide administrative services  
7 to the department, including:

- 8 (1) keeping all official records of the department;
- 9 (2) providing clerical services in the areas of personnel and  
10 budget preparation;
- 11 (3) providing clerical, record-keeping and administrative  
12 support to agencies administratively attached to the department at their request;
- 13 (4) coordinating short- and long-term planning of the  
14 department; and
- 15 (5) administering programs and grants that have been  
16 assigned to the department by the secretary or governor or by statute.

17 B. The administrative services division shall provide fiduciary  
18 services, including acting as either  
19 court-appointed conservator or representative payee for veterans adjudicated as  
20 unable to handle their own financial affairs without assistance. The division shall  
21 manage fiduciary funds and safeguard the assets for veterans and their  
22 dependents.

23 Section 12. FIELD SERVICES DIVISION--POWERS AND DUTIES.--The  
24 field services division shall assist veterans and their families with claims for federal  
25 veterans' administration compensation, pensions, education, medical care and  
death benefits. The field services division shall operate field offices throughout the  
state to provide services and disseminate information regarding all federal and state

1 laws beneficial to veterans and their families.

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2 Section 13. STATE APPROVING DIVISION.--

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

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5 B. The state approving division shall evaluate and approve  
6 educational programs and training programs for all persons and veterans eligible for  
7 educational assistance pursuant to the provisions of Title 38 of the United States  
8 Code. Approval of courses, educational programs and training programs, including  
9 training on the job, by the state approving division shall be in accordance with the  
10 provisions of Title 38 of the United States Code.

11 Section 14. STATE BENEFITS DIVISION.--The state benefits division shall:

12 A. provide oversight of veterans' service organizations;

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

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

21 Section 15. VETERANS' SERVICES ADVISORY BOARD--

22 CREATED--PURPOSE.--

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

1 or allowance.

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

4 Section 16. POWER TO ACT AS A PERSONAL REPRESENTATIVE OR  
5 CONSERVATOR.--

6 A. The department may act as a:

- 7 (1) personal representative of a deceased veteran;
- 8 (2) conservator of the estate of a minor child of a veteran;
- 9 (3) conservator of the estate of an incompetent veteran; or
- 10 (4) conservator of the estate of a person who is a bona fide

11 resident of New Mexico and who is certified by the United States veterans'  
12 administration as having money due from the veterans' administration, the payment  
13 of which is dependent upon the appointment of a conservator for the person.

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

16 C. When the department is appointed as a personal representative  
17 in the last will of a veteran, the court or officer authorized to grant testamentary  
18 letters in the state shall, upon the proper application, grant testamentary letters to  
19 the department. When application is made to a court or officer having authority to  
20 grant letters of administration with the will annexed upon the estate of a veteran or  
21 upon the estate of a deceased veteran who may have died intestate, and there is  
22 no person entitled to the letters who is qualified, competent, willing or able to accept  
23 such administration, the court or officer may, at the request of a party interested in  
24 the estate, grant letters of administration to the department. A court or officer  
25 having authority to grant letters of guardianship of an infant may, upon the same  
application as is required by law for the appointment of a guardian of such an infant,  
appoint the department as conservator of the estate of an infant who is the child of



1 a veteran. A court having jurisdiction to appoint a conservator of the estate of an  
2 incompetent may appoint the department to be such conservator when the  
3 incompetent is a veteran. A court having jurisdiction over a person who is a  
4 resident of New Mexico, and who is certified by the United States veterans'  
5 administration as having money due from the veterans' administration, the payment  
6 of which is dependent upon the appointment of a conservator for the person, may  
7 appoint the department to be the conservator.

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8 D. The court or officer may make orders respecting the department  
9 as the personal representative or conservator and may require the department to  
10 render all accounts that the court or officer might lawfully require if the personal  
11 representative or conservator were a natural person.

12 Section 17. COURT PROCEEDINGS FOR APPOINTMENT AS  
13 PERSONAL REPRESENTATIVE OR CONSERVATOR.--The department may  
14 institute a proceeding in a court of competent jurisdiction for appointment as  
15 personal representative of the estate of a deceased veteran or as conservator of  
16 the estate of a minor child of a veteran or as conservator of the estate of an  
17 incompetent veteran without cost and tax.

18 Section 18. ACTION AS A PERSONAL REPRESENTATIVE OR  
19 CONSERVATOR--BOND.--The department shall post with the secretary of state a  
20 corporate surety bond in the amount of five hundred thousand dollars (\$500,000).  
21 The bond shall be conditioned upon the faithful discharge of the duties of the  
22 department as personal representative or conservator and shall inure to the use  
23 and benefit of each person or estate for whom the department is appointed to act.  
24 In a case or proceeding in which the department is appointed as a personal  
25 representative of the estate of a veteran or as a conservator of the estate of an  
incompetent veteran or as a conservator of the estate of a minor child of a veteran,  
the department shall act without additional bond and the court or official having

1 jurisdiction shall so order in its order of appointment.

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2 Section 19. BOND PREMIUM COST PRORATION.--In each case where  
3 the department is appointed to serve as a personal representative or conservator of  
4 the estate of a beneficiary of the United States veterans' administration, the court in  
5 which the estate is filed shall authorize a charge for each estate's share of the bond  
6 premium to be paid from the assets of the estate. The department shall determine  
7 the charge to be made against each estate, and the aggregate amount of all  
8 charges shall not exceed the bond premium. It is the intent of the legislature that  
9 this charge shall be the share of each estate in the cost of the bond that the  
10 department posts as provided in Section 18 of the Veterans' Services Department  
11 Act.

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12 Section 20. OATHS AND AFFIRMATIONS.--The secretary and the  
13 employees designated by the secretary may administer oaths and affirmations and  
14 execute attestation and certificates.

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

19 "7-37-5.1. DISABLED VETERAN EXEMPTION.--

20 A. As used in this section:

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

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

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

1 (2) "honorably discharged" means discharged from the S  
2 armed forces pursuant to a discharge other than a dishonorable or bad conduct B  
3 discharge. 1  
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4 B. The property of a disabled veteran, including joint or community 4  
5 property of the veteran and the veteran's spouse, is exempt from property taxation if P  
6 it is occupied by the disabled veteran as his principal place of residence. Property a  
7 held in a grantor trust established under g  
8 Sections 671 through 677 of the Internal Revenue Code of 1986, as those sections e  
9 may be amended or renumbered, by a disabled veteran or the veteran's surviving 1  
10 spouse is also exempt from property taxation if the property otherwise meets the 1  
11 requirements for exemption in this subsection or Subsection C of this section.

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

14 (1) the surviving spouse and the disabled veteran were  
15 married at the time of the disabled veteran's death; and

16 (2) the surviving spouse continues to occupy the property  
17 continuously after the disabled veteran's death as the spouse's principal place of  
18 residence.

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

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

24 F. The veterans' services department shall assist the department  
25 and the county assessors in determining which veterans qualify for the disabled  
veteran exemption."

Section 22. Section 7-38-17 NMSA 1978 (being Laws 1973, Chapter 258,

1 Section 57, as amended) is amended to read:

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2 "7-38-17. CLAIMING EXEMPTIONS--REQUIREMENTS--PENALTIES.--

3 A. Subject to the requirements of Subsection E of this section, head- 1  
4 of-family exemptions claimed and allowed in the 1974 or a subsequent tax year, 6  
5 veteran exemptions claimed and allowed in the 1982 or a subsequent tax year or 4  
6 disabled veteran exemptions claimed and allowed in the 2000 or a subsequent tax 6  
7 year need not be claimed for subsequent tax years if there is no change in eligibility 1  
8 for the exemption nor any change in ownership of the property against which the 2  
9 exemption was claimed. Head-of-family and veteran exemptions allowable under  
10 this subsection shall be applied automatically by county assessors in the  
11 subsequent tax years.

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

18 C. An exemption required to be claimed under this section shall be  
19 applied for no later than thirty days after the mailing of the county assessor's notices  
20 of valuation pursuant to Section 7-38-20 NMSA 1978 in order for it to be allowed for  
21 that tax year.

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

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

12 F. The department shall consult and cooperate with the veterans'  
13 services department in the development and promulgation of regulations under  
14 Subsection E of this section. The veterans' services department shall comply with  
15 the promulgated regulations. The veterans' services department shall collect a fee  
16 of five dollars (\$5.00) for the issuance of a duplicate certificate of eligibility to a  
17 veteran.

18 G. A person who violates the provisions of this section by  
19 intentionally claiming and receiving the benefit of an exemption to which the person  
20 is not entitled or who fails to comply with the provisions of Subsection D of this  
21 section is guilty of a misdemeanor and shall be punished by a fine of not more than  
22 one thousand dollars (\$1,000). A county assessor or the assessor's employee who  
23 knowingly permits a claimant for an exemption to receive the benefit of an  
24 exemption to which the claimant is not entitled is guilty of a misdemeanor and shall  
25 be punished by a fine of not more than one thousand dollars (\$1,000) and shall also  
be automatically removed from office or dismissed from employment upon  
conviction under this subsection."

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

3 "15-3-34. PUBLIC BUILDINGS--FLAG DISPLAY.--The prisoner of war and 1  
4 missing in action flag shall be displayed on legal public holidays in New Mexico at 6  
5 all public buildings with flagpoles owned by the state in accordance with rules 4  
6 adopted by the veterans' services department." P  
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7 Section 24. Section 21-21E-2 NMSA 1978 (being Laws 1985, Chapter 171, 1  
8 Section 2) is amended to read: 4

9 "21-21E-2. DISBURSEMENTS FROM FUND.--

10 A. A Vietnam veteran may apply to the veterans' services  
11 department for a scholarship. The department shall determine the eligibility of an  
12 applicant and certify approved applicants to the commission on higher education.

13 B. The commission on higher education shall pay by voucher to the  
14 appropriate educational institution an amount not exceeding the amount of the  
15 scholarship for an approved Vietnam veteran.

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

18 Section 25. Section 23-4-1 NMSA 1978 (being Laws 1974 (S.S.), Chapter  
19 2, Section 1, as amended) is amended to read:

20 "23-4-1. VETERANS' HOME CREATED--ADVISORY BOARD.--

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

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

1 C. There is created the "New Mexico veterans' advisory board". The S  
2 advisory board shall consist of nine members as follows: B

- 3 (1) the secretary of veterans' services or his designee; 1
- 4 (2) the director of the state benefits division of the veterans' 6
- 5 services department; 4
- 6 (3) a veteran of World War II; P
- 7 (4) the administrator of a private nursing home; a
- 8 (5) a registered nurse who is employed by a public or private 5
- 9 nursing home; g
- 10 (6) a veteran of the Korean conflict; e
- 11 (7) a veteran of the Vietnam conflict;
- 12 (8) a veteran of the Gulf War; and
- 13 (9) a veteran of the Iraqi Freedom conflict.

14 D. The governor shall appoint the members designated in  
15 Paragraphs (3) through (9) 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 under the control  
18 of the department of health.

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

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

24 "28-14-2. AMOUNTS PAYABLE TO INSTITUTIONS--ELIGIBILITY.--The  
25 amounts due to any educational or training institution pursuant to Chapter 28,  
Article 14 NMSA 1978 shall be payable to those institutions on vouchers signed by  
the secretary of veterans' services or the secretary's authorized representative.

1 The veterans' services department shall determine the eligibility of children making  
2 application for the benefits provided in Chapter 28, Article 14 NMSA 1978 and shall  
3 satisfy itself of the attendance of the children and of the accuracy of charges  
4 submitted to the department. No staff of the department shall receive any  
5 compensation for this service except as provided in the Per Diem and Mileage Act."

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

9 "28-14-3. SELECTION BY VETERANS' SERVICES DEPARTMENT.--  
10 Children who are to receive the educational benefits provided under Section 28-14-  
11 1 NMSA 1978 shall be selected by the veterans' services department on the basis  
12 of need and merit. Nominations shall be made by:

- 13 A. the department, for children of deceased veterans;
- 14 B. the adjutant general, for children of deceased national guard of  
15 New Mexico members; and
- 16 C. the New Mexico state police board, for children of deceased New  
17 Mexico state police members."

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

20 "66-3-418. PURPOSE.--The purpose of providing special registration plates  
21 for veterans of the armed forces is to allow veterans to be publicly recognized and  
22 to enable veterans to support the activities of the veterans' services department by  
23 annually purchasing such license plates in addition to paying the regular motor  
24 vehicle registration fees."

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

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



1 VETERANS.--

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2 A. The department shall issue distinctive registration plates  
3 indicating that the recipient is a veteran of the armed forces of the United States, as  
4 defined in Section 28-13-7 NMSA 1978, or is retired from the national guard or  
5 military reserves, if that person submits proof satisfactory to the department of  
6 honorable discharge from the armed forces or of retirement from the national guard  
7 or military reserves.

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

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

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

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

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

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

- 21 (1) seven dollars (\$7.00) of the fee collected for each  
22 registration plate shall be retained by the department and is appropriated to the  
23 department for the manufacture and issuance of the registration plates; and
- 24 (2) eight dollars (\$8.00) of the fee collected for each  
25 registration plate shall be transferred pursuant to the provisions of Subsection F of  
this section.

F. There is created in the state treasury the "armed forces veterans

1 license fund". A portion of the fee collected for each special registration plate for S  
2 armed forces veterans, as provided in Subsection E of this section, shall be B  
3 transferred to the state treasurer for the credit of the fund. Expenditures from the 1  
4 fund shall be made on vouchers issued and signed by the secretary of veterans' 6  
5 services or his authorized representative upon warrants drawn by the department of 4  
6 finance and administration for the purpose of expanding services to rural areas of P  
7 the state, including Native American communities and senior citizen centers. Any a  
8 unexpended or unencumbered balance remaining at the end of any fiscal year in g  
9 the armed forces veterans license fund shall not revert to the general fund." e

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

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

16 B. All references in law to the New Mexico veterans' service  
17 commission shall be deemed to be references to the veterans' services department.

18 Section 31. RECOMPILATION.--Section 28-13-16 NMSA 1978 (being Laws  
19 1921, Chapter 61, Section 1, as amended) is recompiled in Chapter 14, Article 8  
20 NMSA 1978.

21 Section 32. APPROPRIATION.--Two hundred ten thousand dollars  
22 (\$210,000) is appropriated from the general fund to the veterans' services  
23 department for expenditure in fiscal year 2005 to carry out the purposes of the  
24 Veterans' Services Department Act. Any unexpended or unencumbered balance  
25 remaining at the end of the fiscal year 2005 shall revert to the general fund.

Section 33. REPEAL.--Sections 28-13-1 through 28-13-14 NMSA 1978  
(being Laws 1977, Chapter 252, Section 33, Laws 1979, Chapter 317, Sections 1

**1** through 3, Laws 1927, Chapter 147, Sections 3 through 5, Laws 1935, Chapter 18,  
**2** Section 1, Laws 1937, Chapter 87, Section 2, Laws 1939, Chapter 110, Sections 1  
**3** and 2, Laws 1957, Chapter 176, Section 4 and Laws 1973, Chapter 83, Sections 1  
**4** and 2, as amended) are repealed.

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