

1 SENATE BILL 210

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Michael Padilla and Harold Pope

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10 AN ACT

11 RELATING TO MILITARY AFFAIRS; ENACTING THE NATIONAL GUARD DEATH  
12 BENEFIT ACT; CREATING THE NATIONAL GUARD DEATH BENEFIT FUND;  
13 MAKING AN APPROPRIATION.

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

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

18 SECTION 2. [NEW MATERIAL] FUND CREATED.--The "national  
19 guard death benefit fund" is created in the state treasury and  
20 shall be administered by the department of military affairs.  
21 The fund shall consist of all gifts, donations and bequests of  
22 money to the fund as well as any appropriations made to the  
23 fund. Earnings from investment of the fund shall be credited  
24 to the fund. Money in the fund is appropriated to the  
25 department of military affairs for the purpose of paying death

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1 benefits pursuant to the National Guard Death Benefit Act and  
2 shall be paid out only upon warrants issued by the secretary of  
3 finance and administration pursuant to vouchers signed by the  
4 adjutant general. Any unexpended or unencumbered balance  
5 remaining in the fund at the end of any fiscal year shall not  
6 revert.

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

9 A. The adjutant general shall determine whether a  
10 member of the national guard or a member of the state defense  
11 force division of the department of military affairs has been  
12 killed while on state active duty. In addition to any other  
13 death benefits provided by law, the surviving spouse, children  
14 or parents shall be paid five hundred thousand dollars  
15 (\$500,000) as supplemental death benefits whenever a member of  
16 the national guard or a member of the state defense force  
17 division is killed while on state active duty. The benefits  
18 shall be paid from the national guard death benefit fund.

19 B. The benefits shall be paid first to the  
20 surviving spouse. If there is no surviving spouse, the  
21 benefits shall be distributed in pro rata shares to all  
22 surviving children. If there are no surviving children or  
23 spouse, benefits shall be distributed to the surviving parents  
24 of the member of the national guard or the member of the state  
25 defense force division.

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