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AN ACT

RELATING TO MILITARY AFFAIRS; ENACTING THE NATIONAL GUARD DEATH BENEFIT ACT; CREATING THE NATIONAL GUARD DEATH BENEFIT FUND; DECLARING AN EMERGENCY.

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

SECTION 1. SHORT TITLE.--This act may be cited as the "National Guard Death Benefit Act".

SECTION 2. FUND CREATED.--The "national guard death benefit fund" is created in the state treasury and shall be administered by the department of military affairs. The fund shall consist of all gifts, donations and bequests of money to the fund as well as any appropriations made to the fund. Earnings from investment of the fund shall be credited to the fund. Money in the fund is appropriated to the department of military affairs for the purpose of paying death benefits pursuant to the National Guard Death Benefit Act and shall be paid out only upon warrants issued by the secretary of finance and administration pursuant to vouchers signed by the adjutant general. Any unexpended or unencumbered balance remaining in the fund at the end of any fiscal year shall not revert.

SECTION 3. NATIONAL GUARD DEATH BENEFITS-- DETERMINATION--PAYMENT.--

A. The adjutant general shall determine whether a

1 member of the national guard or a member of the state defense
2 force division of the department of military affairs has been
3 killed while on state active duty. In addition to any other
4 death benefits provided by law, the beneficiary or
5 beneficiaries designated by the service member on a form
6 provided by the department of military affairs shall be paid
7 five hundred thousand dollars (\$500,000) as supplemental
8 death benefits whenever a member of the national guard or a
9 member of the state defense force division is killed while on
10 state active duty. The benefits shall be paid from the
11 national guard death benefit fund.

12 B. The benefits shall be paid to a beneficiary or
13 beneficiaries designated by the service member on a form
14 provided by the department of military affairs.

15 SECTION 4. EMERGENCY.--It is necessary for the public
16 peace, health and safety that this act take effect
17 immediately. _____