

MILITARY AND VETERANS' AFFAIRS COMMITTEE

2011
INTERIM
FINAL REPORT



New Mexico Legislature
Legislative Council Service
411 State Capitol
Santa Fe, New Mexico 87501

MILITARY AND VETERANS' AFFAIRS COMMITTEE
2011 INTERIM FINAL REPORT
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2011 INTERIM SUMMARY

MILITARY AND VETERANS' AFFAIRS COMMITTEE 2011 INTERIM SUMMARY

The Military and Veterans' Affairs Committee (MVAC) was originally created by statute for the 2009 interim and was permanently reauthorized during the Second Session of the Forty-Ninth Legislature. Pursuant to Section 2-20-2 NMSA 1978, the MVAC holds hearings relating to military and veterans' issues and creates an annual report, with recommendations for any necessary legislation prior to each session of the legislature. The MVAC is also tasked with making legislative recommendations to Congress and regulatory recommendations to the United States Department of Veterans Affairs and the United States Department of Defense.

The MVAC held six meetings during the 2011 interim. At its initial meeting, the MVAC developed a work plan identifying the specific topics to be explored and discussed during the 2011 interim. The MVAC also reviewed past legislation endorsed by the MVAC and otherwise related to military and veterans' issues. The MVAC also heard testimony from Major General Kenny C. Montoya, adjutant general, Department of Military Affairs, regarding the priorities and initiatives of the department, including the National Guard's mission to provide military support to civil authorities for emergency assistance and disaster relief missions, and the National Guard's involvement in state activities that support local communities, such as the summer camp it runs for New Mexico youth. The MVAC also heard testimony from Timothy L. Hale, secretary, Veterans' Services Department (VSD), who provided the priorities and initiatives of the VSD, including its main goal of assisting veterans and their families with establishing the privileges they have earned through military service and its main areas of focus for veterans, which are business, education and general services. The final presentation at the initial MVAC hearing was from Hanson Scott, brigadier general (ret.), director, Office of Military Base Planning and Support, who provided testimony regarding New Mexico's military base planning programs, highlighting the current operations and capabilities at Kirtland Air Force Base (KAFB) and Holloman Air Force Base and a transition at Holloman that should occur due to a restructuring of the F-16 wings at that base. Brigadier General Scott also addressed the committee about the possibility of the Base Realignment and Closure Commission undertaking another round of base closures, and he noted that while New Mexico has been successful in the past in protecting New Mexico military installations from closure, it may be more difficult this time to protect bases from the list of possible closure sites.

At the MVAC's second meeting, the committee heard testimony from Carole Donsbach, R.N., M.P.H., manager, Women Veterans Program, and Diane T. Castillo, Ph.D., coordinator, Women's Stress Disorder Treatment Team, New Mexico Veterans Administration Health Care System (NMVAHCS), concerning health care for female veterans. The mission of the NMVAHCS is to promote and provide all health care services while developing an optimal continuum of health care services for female veterans. These services include mental, psychological, prenatal, preventative, oncological, diagnostic and rehabilitative health care. The NMVAHCS provides a comprehensive health care clinic, devoted entirely to providing female veterans with care in each of the aforementioned areas of health care. The MVAC also heard from Rose James, program director, New Mexico Veterans' Integration Center (NMVIC), concerning the integration of homeless and returning veterans to New Mexico community life. The NMVIC offers quality employment training, housing and supportive services based on a

continuum of care to homeless veterans, and it is seeking funding from a variety of sources to increase the number of beds available to homeless veterans from 50 to 100 and to expand the program to offer emergency shelter to displaced veterans. The MVAC next heard from Alan Martinez, deputy secretary, VSD, and Brent Eastwood, division director, Office of International Trade, Economic Development Department, as to the development of a veterans business incubator program pursuant to House Memorial 59 (HM 59), which called for a study of the feasibility of creating or implementing a veterans business incubator program in New Mexico. It was reported that the most efficient way to study the feasibility of developing a veterans business incubator program is to study other business incubator programs in the state, forming a network of veteran-owned businesses to inform the public about the possibility of a veterans business incubator program and gauge interest throughout the state before undertaking steps to create an incubator. Thomas F. Berardinelli, director of staff, 377th Air Base Wing, KAFB, provided testimony relevant to the status, economic impact and current operations under way at KAFB. KAFB has a large economic impact in the state, accounting for \$7.8 billion brought into the state by way of employment with the base and contracts with local contractors. Mr. Berardinelli also addressed the energy and environmental impacts of KAFB, saying there is a plan to reduce KAFB's energy needs and better secure the supply of energy by developing renewables that are housed on the base, and that KAFB is undertaking major steps to rectify and clean the environmental damage caused by jet fuel leaks in the Albuquerque area.

The first presentation of the third meeting of the MVAC was from Chuck Howe, president, and Candace Green, program director, National Veterans Wellness and Healing Center, who spoke on the center's programs and successes and discussed the center's holistic approach to treating posttraumatic stress disorder (PTSD), including alternative modalities and therapies. Mr. Howe noted that the Angel Fire Resort is donating land to the center to build a year-round campus, and when the campus is completed, the center will be able to offer services for PTSD treatment, to train personnel for other states, to develop programs for first responders and to devise specialized programs for female veterans who have been the victims of trauma. The MVAC also heard a presentation from Chief Warrant Officer Amanda Pagan, New Mexico Army National Guard, and Colonel Joe M. Romero, New Mexico Army National Guard state judge advocate, on House Bill 108 from the 2011 regular legislative session and the impact of deployment on child custody. Members of the committee expressed strong support for reintroducing the legislation. Tim Chelpaty, Otis Ferguson and Adolfo Vasquez of Veterans Office Solutions, Inc. (VOS), gave a presentation to the committee regarding the business plan of VOS, which would employ veterans to refurbish used furniture for use by the federal government, and the need for financial support to get the enterprise started. Marilyn Melendez Dykman, director of the Veterans Resource Center (VRC), and Maria Veronica Yzeta gave a presentation to the committee on the programs that the VRC has for student veterans attending the University of New Mexico and the VRC's mission to provide support for student veterans and their dependents by increasing veterans' access and admission to higher education and removing barriers to veterans' education. The final presentation at this meeting was from Brandon Trujillo, director, and Nancy Soto, program specialist, both from the New Mexico State Approving Agency (SAA) of the Higher Education Department, regarding the impact of changes made in recent federal legislation to the processes that shifts the role of SAAs from being an approving body and one that can prevent veterans from starting a program that will not be covered by GI Bill benefits, to one that only performs compliance surveys.

At the MVAC's fourth meeting, Demesia Padilla, secretary, Taxation and Revenue Department (TRD), and Deputy Secretary Martinez offered a briefing on the Native American Veterans' Income Tax Settlement Fund. The purpose of the fund is to refund Native American veterans who were domiciled on tribal lands and had New Mexico personal income taxes improperly withheld from their military pay during periods of active duty. The TRD and VSD are working to ensure that all money from the fund is used to identify and provide a refund to any Native American veteran who had taxes improperly withheld. Tom Wray, project manager, SunZia Southwest Transmission Project, reported on the status of the project, which would install energy transmission lines near White Sands Missile Range, and recent discussions with the Bureau of Land Management regarding the project. Deputy Secretary Martinez and Minda McGonagle, lobbyist for Veterans and Fraternal Non-Profit Clubs of New Mexico, Inc. (VFNP), later discussed the problems that VFNP clubs are having with the Gaming Control Board (GCB), including what was described as overwhelming paperwork required to be submitted to the GCB, overly strict requirements for the paperwork and ever-changing policies issued via policy letters rather than by rule. Deputy Secretary Martinez also made a presentation regarding House Joint Memorial 10 (2010), which requests the VSD to study extending eligibility to the Fort Bayard National Cemetery to receive funding from the Veterans' National Cemetery Fund. Dennis H. Felipe of the Pueblo of Acoma and Marvin Trujillo, Jr., veterans director of the Pueblo of Laguna, also made separate presentations regarding the issues and concerns of the veterans of their pueblos. Finally, Keith Little, president, and Wynette Arviso, Navajo Code Talkers Foundation, made a presentation on the Navajo Code Talkers Museum and Veterans Center. The mission of the museum and center is to preserve and pass on the legacy and language of the Navajo code talkers while educating the public and providing a place of refuge, renewal and healing for all veterans and military personnel and their families.

The MVAC's fifth meeting opened with an overview from Secretary Hale and George Marnell, director, New Mexico Veterans Affairs Medical Center, of the state's current capabilities to provide long-term veteran care. The next presentation was an update of the State Veteran's Home by Brad McGrath, chief, Facilities Division, Department of Health, and Donna Deason, assistant administrator, New Mexico State Veterans' Home, the state's only fully dedicated home for veterans, their spouses and Gold Star parents. Daniel J. Stoddard, president, and Suzette Lindemuth, vice president, Senior Community Services, Inc. (SCS), gave a presentation on the SCS facility, stating their hopes that the SCS facility will be utilized to provide veterans' services for the state. Armando Armador, Vietnam Veterans Chapter 358, gave a presentation to the committee on the needs of Vietnam veterans, as well as veterans of other wars, in Grant County and throughout New Mexico, especially for treatment of PTSD. The next presentation provided the status of the state's capabilities to provide PTSD treatment to veterans. A presentation led by Harrison Kinney, executive manager of the Behavioral Health Services Division of the Human Services Department, updated the committee, on the work of the Interagency Behavioral Health Purchasing Collaborative. Mr. Kinney discussed the importance of addressing PTSD and warned of a coming health care crisis because of the growing number of veterans from recent conflicts reentering civilian life and the tightening of budgets, both on state and national levels. The final presentation of the meeting was from Dr. Mark D. Wiederhold, M.D., president, Virtual Reality Medical Center (VRMC), concerning a new technique he and his colleagues have developed that uses a virtual reality device to treat PTSD. A pilot study conducted by the VRMC showed an overall 80% success rate of significant reduction in PTSD, with 100%

reduction in anxiety and depression.

At the MVAC's final meeting, representatives from Cannon Air Force Base (CAFB), led by Colonel Larry Munz, vice commander, 27th Special Operations Wing, provided a briefing on the status of the Low Altitude Training Area (LATA) proposed by CAFB in northern New Mexico and southern Colorado, including proposed routes, types of aircraft to be utilized and the Draft Environmental Assessment for LATA produced in August 2011. CAFB held numerous public meetings on LATA throughout September and October and were in the process of compiling the comments received. Secretary Hale then gave a presentation on the strategic plan of the VSD, including its strategic goals of improving awareness of and access to VA benefits, building on community and interagency partnerships to bridge gaps in VA benefits and becoming the most veteran-friendly state for veteran-owned businesses, benefits and community support. The final presentation was from David L. Norvell, chair, GCB, Frank A. Baca, executive director, GCB, and Tom Fair, Auditing and Compliance Division, GCB, regarding the issues reported by the VFNP at the MVAC's fourth meeting. Prior to adjournment, the MVAC endorsed the following for the upcoming legislative session:

- a bill enacting the Service Member Child Custody Act — 187687.1;
- a bill making an appropriation for a feasibility and market study for a Navajo Code Talkers Museum and Veterans Center — 187913.1;
- a bill making an appropriation to study the need for a state cemetery for members of the United States National Guard and Reserves — 187980.1;
- a bill making an appropriation for a pilot program to treat veterans with PTSD with a virtual reality device — 187979.1;
- a memorial requesting the VSD to collaborate with various agencies and organizations to study the unmet behavioral health and primary health care needs of veterans in the state — 187911.1;
- a memorial requesting the VSD to collaborate with various agencies and organizations to study the unmet behavioral health and primary health care needs of veterans in the southwest portion of the state — 187910.3; and
- a capital outlay request to plan, design and renovate the Yucca Lodge at Fort Bayard for use as a veterans' PTSD clinic.

2011 WORK PLAN AND MEETING SCHEDULE

**2011 APPROVED
WORK PLAN AND MEETING SCHEDULE
for the
MILITARY AND VETERANS' AFFAIRS COMMITTEE**

Members

Rep. Thomas A. Garcia, Co-Chair
Sen. David Ulibarri, Co-Chair
Rep. Eliseo Lee Alcon
Sen. Kent L. Cravens

Rep. Dianne Miller Hamilton
Sen. Richard C. Martinez
Sen. John Pinto
Rep. Bob Wooley

Advisory Members

Rep. Thomas A. Anderson
Sen. William F. Burt
Sen. Carlos R. Cisneros
Rep. George Dodge, Jr.
Sen. Mary Jane M. Garcia
Sen. Eric G. Griego

Sen. Clinton D. Harden, Jr.
Sen. Timothy M. Keller
Rep. Rodolpho "Rudy" S. Martinez
Sen. William H. Payne
Rep. Edward C. Sandoval

Work Plan

The Military and Veterans' Affairs Committee was first created by statute for the 2009 interim session. The committee was permanently reauthorized by statute during the 2010 regular session. The committee was given various statutory duties, including making an annual report with recommendations of any necessary legislation to the next session of the legislature and requesting necessary action of Congress, the United States Department of Veterans Affairs and the United States Department of Defense. The committee is required to conduct meetings in several geographically dispersed areas of the state and conduct hearings relating to military issues and veterans' issues. This year, however, the committee will limit travel to reduce costs of legislative staff and executive agency personnel. The committee will coordinate, as needed, with other committees regarding presentations of subject matter of common concern.

During the 2011 interim, as time permits, the Military and Veterans' Affairs Committee proposes to explore and discuss the following topics:

1. educational opportunities for veterans and their families, including college scholarships for veterans, and performance evaluations for K-12 programs on military bases;
2. health care delivery systems for military personnel, veterans and those in transition to include access to medical providers in rural areas, expansion of emergency room treatment to primary care treatment and continued treatment for posttraumatic stress disorder and traumatic brain injury;
3. long-term care for aging veterans, including aid and attendants, special pension benefits, long-term care expenses and the expansion of the veterans home in Truth or Consequences;

4. integration of homeless veterans back into stable homes, including special accommodations for female veterans;
5. establishment of a holistic wellness center;
6. establishment of a clinic for female veterans;
7. the feasibility of using the Fort Bayard campus for a veterans posttraumatic stress disorder treatment facility, pursuant to HJM 5 (2011);
8. procedures and guidelines for service members in child custody proceedings and for veterans in the judicial system;
9. pretrial diversion programs for veterans and service members suffering from posttraumatic stress disorder and traumatic brain injury;
10. family support centers and other support for military families and communities;
11. ensuring adequate resources for military women for programs such as sexual assault prevention and response;
12. the effects of base operations at the state level, including low-altitude flights out of Cannon Air Force Base;
13. state benefits for military personnel, such as the active duty military discount for a temporary small game or fishing license, pursuant to HB 180 (Laws 2011, Chapter 25);
14. status of cemetery space for veterans throughout the state;
15. veterans' business and entrepreneur programs;
16. the benefit and feasibility of establishing a business incubator program to foster the creation of veteran-owned businesses pursuant to HM 59 (2011);
17. the interface of New Mexico National Guard personnel and the federal government, including hazard pay, eligibility and requirements for medical coverage, and employer support of the guard and reserve programs; and
18. the deployment and mission of the New Mexico National Guard at the state and federal levels.

2011 Approved Meeting Schedule

<u>Dates</u>	<u>Location</u>
June 3	Santa Fe
July 5	Albuquerque
August 12	Angel Fire
October 27	Grants
November 11	Silver City
November 23	Santa Fe

AGENDAS

Revised: June 2, 2011

**TENTATIVE AGENDA
for the
FIRST MEETING
of the
MILITARY AND VETERANS' AFFAIRS COMMITTEE**

**June 3, 2011
Room 322, State Capitol
Santa Fe**

Friday, June 3

- 9:00 a.m. **Call to Order**
- 9:10 a.m. **Committee Protocol**
—Raúl E. Burciaga, Director, Legislative Council Service (LCS)
- 9:20 a.m. **2011 Legislation — Summary**
—Damian Lara, Staff Attorney, LCS
—Andrew Pierce, Law School Intern, LCS
- 10:00 a.m. **Department of Military Affairs — Priorities and Initiatives**
—Kenny C. Montoya, Adjutant General, Department of Military Affairs
- 11:00 a.m. **Veterans' Services Department — Priorities and Initiatives**
—Timothy L. Hale, Secretary of Veterans' Services
- 12:00 noon **Lunch**
- 1:00 p.m. **Office of Military Base Planning and Support — Priorities and Initiatives**
—Hanson Scott, Director, Office of Military Base Planning and Support
- 2:00 p.m. **Discussion of Focus Areas and Work Plan**
—Pam Stokes, Staff Attorney, LCS
—Andrew Pierce, Law School Intern, LCS
- 3:00 p.m. **Adjourn**

Revised: June 23, 2011

**TENTATIVE AGENDA
for the
SECOND MEETING
of the
MILITARY AND VETERANS' AFFAIRS COMMITTEE**

**July 5, 2011
New Mexico Army National Guard Armory
600 Wyoming Blvd. NE, Albuquerque**

Tuesday, July 5

- 9:30 a.m. **Call to Order**
- 9:35 a.m. **Female Veterans Issues**
—Carole Donsbach, RN, MPH, Manager, Women Veterans Program, New Mexico VA Health Care System
—Diane T. Castillo, Ph.D., Coordinator, Women's Stress Disorder Treatment Team, New Mexico VA Health Care System
- 10:30 a.m. **Integration of Returning Combat Veterans**
—Rose James, Program Director, New Mexico Veterans' Integration Center
- 11:30 a.m. **Lunch**
- 1:00 p.m. **Veteran Access to Medical Care in Rural Areas**
—Alan Martinez, Deputy Secretary, State Benefits and Legislation Affairs, Veterans' Services Department
- 2:00 p.m. **Veterans' Business Incubator Program — HM 59**
—Alan Martinez, Deputy Secretary, State Benefits and Legislation Affairs, Veterans' Services Department
—Brent Eastwood, Division Director, Office of International Trade, Economic Development Department
- 3:00 p.m. **Kirtland Air Force Base — Update and Status**
—Thomas F. Berardinelli, Director of Staff, 377th Air Base Wing, Kirtland Air Force Base
- 4:00 p.m. **Adjourn**

Revised: August 9, 2011

**TENTATIVE AGENDA
for the
THIRD MEETING
of the
MILITARY AND VETERANS' AFFAIRS COMMITTEE**

**August 12, 2011
Angel Fire Resort, Garden Court
Angel Fire**

Friday, August 12

- 10:00 a.m. **Call to Order**
- 10:05 a.m. **The Future of the National Veterans Wellness and Healing Center**
—Chuck Howe, Board President
- 11:00 a.m. **Impact of Servicemember Deployment on Child Custody**
—Amanda Pagan, Atkinson & Kelsey, P.A.; Board Member, Family Law
 Section, State Bar of New Mexico; Chief Warrant Officer, New Mexico
 Army National Guard Judge Advocate General
—Colonel Joe M. Romero, New Mexico Army National Guard State Judge Advocate
- 12:00 noon **Lunch**
- 1:00 p.m. **Employment Opportunities for Veterans — Veterans Office Solutions, Inc.**
—Tim Chelpaty, President, Veterans Office Solutions, Inc. (VOS)
—Otis Ferguson, Director of Contracts, VOS
—Adolfo Vasquez, Director of Commodities, VOS
- 2:00 p.m. **Higher Education Opportunities for Veterans — Veterans Resource Center
at the University of New Mexico**
—Marilyn Meléndez Dykman, Director, Veterans Resource Center (VRC)
—Lionel (Lee) St. Pierre, Veterans Administration Certifying Official, VRC
- 3:00 p.m. **Changes to the State Approving Agency of the Higher Education Department (HED)**
—Brandon Trujillo, Director, State Approving Agency, HED
- 4:00 p.m. **Adjourn**

Revised: October 21, 2011

**TENTATIVE AGENDA
for the
FOURTH MEETING
of the
MILITARY AND VETERANS' AFFAIRS COMMITTEE**

**October 27, 2011
Martinez Hall Theater, New Mexico State University, Grants Campus
1500 North Third Street
Grants, New Mexico**

Thursday, October 27

- 9:00 a.m. **Call to Order**
- 9:05 a.m. **Native American Veterans' Income Tax Settlement (NAVITS) Fund Update**
—Demesia Padilla, Secretary, Taxation and Revenue Department
—Alan Martinez, Deputy Secretary, Legislative Affairs, Veterans'
 Services Department (VSD)
—Alexine Chavez, NAVITS Fund Coordinator, VSD
- 10:00 a.m. **SunZia Southwest Transmission Project Update**
—Tom Wray, Project Manager, SunZia Southwest Transmission Project
- 11:30 a.m. **Veterans Clubs — Nonprofit Gaming Issues**
—Alan Martinez, Deputy Secretary, Legislative Affairs, VSD
—Roger "Bart" Bartosiewicz, Quartermaster and Gaming Accountant, Veterans
 of Foreign Wars Post 3280 (Clovis)
—Minda McGonagle, Lobbyist, Veterans & Fraternal Non-Profit Clubs of
 New Mexico, Inc.
- 12:00 noon **Lunch**
- 1:00 p.m. **National Cemetery Funds for Fort Bayard — HJM 10 (2010)**
—Alan Martinez, Deputy Secretary, Legislative Affairs, VSD
- 2:00 p.m. **Native American Veterans Issues and Concerns — Pueblo of Acoma**
—Dennis H. Felipe, Commander, American Legion Post 116
- 3:00 p.m. **Native American Veterans Issues and Concerns — Pueblo of Laguna**
—Marvin Trujillo, Jr., Veterans Director, Pueblo of Laguna

4:00 p.m. **Navajo Code Talkers Museum and Veterans Center Update**
—Keith Little, President, Navajo Code Talkers Foundation
—Wynette Arviso, Navajo Code Talkers Foundation

5:00 p.m. **Adjourn**

Revised: November 1, 2011

**TENTATIVE AGENDA
for the
FIFTH MEETING
of the
MILITARY AND VETERANS' AFFAIRS COMMITTEE**

**November 10, 2011
Los Amigos Center, Senior Community Services
1148 Blue Hole Road
Santa Rosa, New Mexico**

Thursday, November 10

- 9:00 a.m. **Call to Order**
- 9:05 a.m. **Overview of Current State Capabilities to Provide Long-Term Veteran Care**
—Timothy Hale, Cabinet Secretary, Veterans' Services Department
—George Marnell, Director, New Mexico Veterans Affairs Medical Center
- 10:00 a.m. **Briefing from the State Veterans Home**
—Brad McGrath, Chief Facilities Officer, Department of Health
- 11:00 a.m. **Senior Community Services, Inc.**
—Daniel J. Stoddard, President, Senior Community Services, Inc.
- 12:00 noon **Lunch**
- 1:00 p.m. **Increasing Access to Veteran Services in Grant County**
—Armando Amador, Vietnam Veterans, Chapter 358
- 1:30 p.m. **Status of Current State Capabilities to Provide Treatment to Veterans for Posttraumatic Stress Disorder**
—Harrison Kinney, Executive Manager, Behavioral Health Services Division, Human Services Department
- 2:00 p.m. **Virtual Reality Therapy for Posttraumatic Stress Disorder**
—Mark Wiederhold, M.D., President, Virtual Reality Medical Center, San Diego, California
- 3:00 p.m. **Adjourn**

Revised: November 16, 2011

**TENTATIVE AGENDA
for the
SIXTH MEETING
of the
MILITARY AND VETERANS' AFFAIRS COMMITTEE**

**November 23, 2011
Room 322, State Capitol
Santa Fe, New Mexico**

Wednesday, November 23

- 9:00 a.m. **Call to Order**
- 9:05 a.m. **Briefing on Low-Altitude Flights out of Cannon Air Force Base**
—Colonel Larry Munz, Vice Commander, 27th Special Operations Wing, Cannon
Air Force Base (CAFB)
—Steve Coffin, 27th Special Operations Wing, CAFB
—Captain Jeff Waddell, 27th Special Operations Wing, CAFB
—2nd Lieutenant Stephanie Schonberger, Public Affairs, 27th Special Operations
Wing, CAFB
- 10:00 a.m. **Strategic Plan of the Veterans' Services Department**
—Timothy L. Hale, Secretary, Veterans' Services Department
- 11:00 a.m. **Veterans Clubs — Nonprofit Gaming Issues**
—David L. Norvell, Chair, Gaming Control Board (GCB)
—Frank A. Baca, Esq., Executive Director, GCB
—Tom Fair, Director, Audit and Compliance Division, GCB
- 12:00 noon **Consideration of Legislation**
- 1:30 p.m. **Adjourn**

Oral public comments will not be taken at this meeting; however, written comments will be accepted prior to, during and after the meeting. If you would like to provide the committee with your written comments, please email, mail or fax them to any of the addresses or the fax number below, or bring your comments to the meeting and give them to committee staff for distribution to the committee members.

email: pam.stokes@nmlegis.gov

mail: Military and Veterans' Affairs Committee

Attn: Pam Stokes

411 State Capitol

Santa Fe, NM 87501

fax: (505) 986-4680

MINUTES

**MINUTES
of the
FIRST MEETING
of the
MILITARY AND VETERANS' AFFAIRS COMMITTEE**

**June 3, 2011
Room 322, State Capitol
Santa Fe**

The first meeting of the Military and Veterans' Affairs Committee for the 2011 interim was called to order by Senator David Ulibarri, co-chair, on Friday, June 3, at 9:07 a.m. in Room 322 of the State Capitol in Santa Fe.

Present

Rep. Thomas A. Garcia, Co-Chair
Sen. David Ulibarri, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Dianne Miller Hamilton
Rep. Bob Wooley

Absent

Sen. Kent L. Cravens
Sen. Richard C. Martinez
Sen. John Pinto

Advisory Members

Rep. Thomas A. Anderson
Sen. William F. Burt
Sen. Carlos R. Cisneros
Sen. Mary Jane M. Garcia
Rep. Rodolpho "Rudy" S. Martinez
Rep. Edward C. Sandoval

Sen. Eric G. Griego
Sen. Clinton D. Harden, Jr.
Sen. Timothy M. Keller
Sen. William H. Payne

Staff

Pam Stokes
Rebecca Griego
Andrew Pierce

Guests and Handouts

The guest list is in the meeting file. Copies of all handouts and written testimony are in the meeting file.

Friday, June 3

Welcome and Introduction

The members of the committee and staff introduced themselves. Damian Lara, staff attorney, Legislative Council Service (LCS), introduced himself and addressed the committee for the last time as interim committee lead staff, to be replaced by Ms. Stokes, staff attorney, LCS. Mr. Lara thanked the committee and expressed his gratitude in being able to serve the committee in all the work that the committee has accomplished in the past.

Committee Protocol

Raúl E. Burciaga, director, LCS, updated the committee on interim committee protocol for the 2011 interim. Mr. Burciaga reminded the committee of what constitutes a quorum and that in order for the committee to be able to vote on official committee actions, a quorum must exist. If there is not a quorum, the committee may still meet as a subcommittee as long as a total of five members are present. Subcommittees may still conduct committee business and hear testimony, but they may not vote on official committee actions. Certain actions can be approved by consensus, e.g., letters requesting information from state agencies; requesting drafts of letters by LCS staff for committee approval; or general requests for information. However, formal actions require a vote by a quorum of the voting members.

Mr. Burciaga explained that the committee can use what is known as a "blocking provision", by which the committee shall take no action if a majority of the total membership from either house on the committee rejects the action. The committee is composed of four senators and four representatives; therefore, regardless of the final vote, if three senators or three representatives oppose any measure, that measure fails.

Due to budget constraints, money-saving strategies concerning interim committees are being implemented, Mr. Burciaga said. All committee travel will be restricted, but the New Mexico Legislative Council understands that committees wish to hold meetings among their constituents. Guest legislators may still attend committee meetings, but that may change in the future. Mr. Burciaga informed the committee that no interim committee meetings will be allowed during the expected special legislative session in September.

The committee discussed the possibility of holding committee meetings in a location more central to the members' districts, other than Santa Fe, in an effort to reduce per diem costs. Committee members asked what procedures are necessary to get approval for committee travel and what will be allowed for committee meetings outside of Santa Fe. Committee members commented that it might be more economical to hold committee meetings outside of Santa Fe and that a study of possible locations should be conducted to find possible meeting places that may reduce costs for committee travel.

Committee members discussed the possibility of visiting and staying at military bases and the wishes of the American Legion to host the committee in Truth or Consequences. Committee members also discussed the concerns of constituent veterans who wish the committee would meet closer to where they live so that they can attend committee meetings.

Committee members commented on the need for the committee to travel for meetings to be closer to, and have receptions for, constituent veterans, such as the Native American Code Talkers and other military personnel around the state.

Mr. Burciaga addressed the committee's concerns and stated that all of these matters will be brought before the legislative council. He stressed that the legislative council will decide all these matters.

2011 Legislation — Summary

Mr. Lara and Mr. Pierce, a law school intern at the LCS, provided a summary of

legislation that was introduced during the 2011 legislative session that was endorsed by the committee or that relates to military and veterans' issues. Included in the summary were items passed and chaptered, memorials that were signed and items in which all action was postponed indefinitely.

The committee recognized the passage of two pieces of legislation: SB 302, which lowered the disability percentage requirements for the issuance of a registration plate for disabled veterans, and SB 92, which provided for an armed forces special registration plate for personal award decals.

Department of Military Affairs — Priorities and Initiatives

Major General Kenny C. Montoya, adjutant general, Department of Military Affairs, provided testimony regarding the priorities and initiatives of the department. Major General Montoya highlighted the New Mexico National Guard's mission statement, which describes the National Guard's mission in the state as providing a fully capable and ready force to provide military support to civil authorities for emergency assistance and disaster relief missions where and when required to protect and safeguard citizens. As directed by the governor or the adjutant general, the National Guard maintains order, preserves the peace, protects life and property and ensures public safety. The National Guard's federal mission is to command and control all New Mexico National Guard units assigned to the state and provide trained, equipped and ready forces capable of mobilizing and deploying when required. Major General Montoya discussed the federal budget of the New Mexico National Guard and gave the committee an itemized memorandum breaking down how those federal funds are used. He discussed direct state benefits and gave the committee an itemized memorandum of how state benefits are used. Major General Montoya expressed his gratitude toward the state for the support it gives to the National Guard and commented on the special relationship the New Mexico National Guard maintains with the state and the high esteem in which the National Guard holds the state.

Major General Montoya discussed existing, new and proposed National Guard facilities in New Mexico, highlighting what those facilities are used for and what benefit is provided to the state in having and maintaining those facilities. New facilities are currently under construction in New Mexico; among these is an army aviation support facility, an addition and alteration to the Farmington National Guard facility, an alteration to the Santa Fe Readiness Center and an addition and alteration to the Alamogordo Readiness Center. Major General Montoya highlighted how these projects are benefiting New Mexico by creating jobs, and he thanked the committee for the funds New Mexico has provided to the National Guard for these projects.

Major General Montoya informed the committee about National Guard deployments and state activity in which the National Guard assists. Currently, 469 New Mexico National Guard soldiers are deployed overseas. Additionally, a total of 82 National Guard soldiers are patrolling the New Mexico/Mexico border to help police and secure the border. The mission of the National Guard in patrolling the border is to provide border security and reduce criminal activity due to the transportation of illicit drugs into the United States from Mexico. The New Mexico National Guard is also involved in state activities that support local communities. It runs a summer camp for New Mexico youth, helping young New Mexicans understand its mission and what the National Guard does for the state and nation. These camps allow children to participate

in team-building exercises and fun physical activities. New Mexico preparatory sports teams participate in these team-building exercises. The New Mexico National Guard is also dedicated to the New Mexico National Guard Youth ChalleNGe Academy. This program intervenes in and assists at-risk youth in reclaiming control of their lives. The goal of the program is to produce graduates with the values, skills, education and self-discipline necessary to succeed as adults. To date, the program has graduated 1,587 students, with 32 set to graduate on June 18, 2011.

Major General Montoya outlined plans for a total integration of the New Mexico Air National Guard. The New Mexico National Guard is committed to supporting the initial agreement with the U.S. Air Force and National Guard Bureau in joint operational missions.

The New Mexico National Guard's capital outlay priorities include the building of facilities, preparedness for state and national operations and the promulgation of the Youth ChalleNGe Academy. The Farmington Readiness Center is currently undergoing renovations that are estimated to cost \$11.6 million. The state share of this total is \$3.1 million. Currently, the Department of Military Affairs has \$1.5 million for this project and needs another \$1.6 million to complete this project. The New Mexico National Guard must also maintain mission readiness. To ensure that it can assist in state and national missions, the New Mexico National Guard currently budgets \$500,000 toward statewide energy needs, maintenance and modernization of existing facilities. The proposed Santa Fe aviation complex is estimated to cost \$49 million, of which New Mexico's share is \$2.5 million. The New Mexico Youth ChalleNGe Academy facilities need repairs as well as the construction of new barracks and administrative buildings. For these repairs and upgrades, the New Mexico National Guard needs to appropriate \$2.2 million. This money will need to be appropriated to the City of Roswell or Eastern New Mexico University.

The committee thanked Major General Montoya for his testimony and thanked the New Mexico National Guard for the support and services it provides to the state.

Committee members asked if the building projects that Major General Montoya highlighted have been started and how much progress has been made toward the completion of those projects. Major General Montoya stated that the Farmington Readiness Center project has been started, but that state funds are needed to complete the project. The Legislative Finance Committee appropriated the funds in the last session but they have not yet been disbursed.

Committee members asked if the New Mexico National Guard is in compliance with personnel requirements and how successful recruiting has been in New Mexico. Major General Montoya said that the New Mexico National Guard has had a full armament for the last six years. Major General Montoya credited the committee and the legislature with the success in recruiting and maintaining soldiers. The level of benefits and support given to military personnel from New Mexico is beneficial to those who join the National Guard and makes joining attractive to new recruits.

Committee members asked who is responsible for setting the number of National Guard soldiers at the New Mexico/Mexico border. Major General Montoya said that the federal Department of Homeland Security recommends the number of personnel to be stationed at the border, and he expressed his wish to maintain a presence on the New Mexico/Mexico border.

The committee discussed the benefits of the Youth ChalleNGe program and asked why repairs and money are needed for the program. Major General Montoya said that the barracks and administration buildings are in need of repair and that having that program in Roswell is invaluable due to the community support. The program has been successful in the past in providing an avenue for troubled youth to develop skills to be successful, productive adults, he said.

Committee members asked about the New Mexico National Guard's visits to schools, its interactions with New Mexico youth and the summer camps it sponsors. Major General Montoya said that the National Guard receives phone calls from school administrators and sets up a time to visit a school and meet the students. Committee members asked whether this program could be expanded. Major General Montoya said it is possible, but funds would need to be appropriated to undertake such an expansion.

Committee members expressed concerns about National Guard soldiers returning from deployment and asked if there is any type of outreach program to help them cope with their experiences. Major General Montoya said that a major concern is that many returning service members will not seek help. Once a returning service member asks for help, there are crisis counselors available, as well as treatment and debriefing. Major General Montoya said that the ability of the National Guard to help these service members is limited only by what it can afford to provide, but he assured the committee that there are programs in place to assist these returning men and women. As it stands now, National Guard soldiers do not receive the same level of counseling or debriefing as active duty personnel, who receive six months of rehabilitation and counseling when returning from deployment. National Guard soldiers only receive about a month of services. Major General Montoya expressed the National Guard's lack of funds to implement a program similar to the U.S. Army's for returning soldiers, but he said that it is his goal and the goal of the National Guard to see that all returning members get the treatment they need. Committee members asked if the risk of losing their careers keeps National Guard soldiers from reporting their injuries. Major General Montoya said that injuries in today's military do not equate to discharge, as they did in previous generations. Many serve with disability ratings.

The committee discussed its concern about the use of depleted uranium (DU) on the battlefield and inquired about protections for returning service members that might have been exposed to DU, whether or not they are being screened for DU contamination and the possibility of spreading DU contamination to family or friends. Major General Montoya reassured the committee that the use of DU is not as prevalent as it once was and that studies focusing on the effect of DU exposure are being conducted nationwide. He expressed his concerns that these programs have been rather stagnant and said he worries that returning veterans are going to be mishandled.

Veterans' Services Department — Priorities and Initiatives

Timothy L. Hale, secretary of veterans' services, provided testimony regarding the priorities and initiatives of the Veterans' Services Department (VSD). The main goal of the VSD is to assist veterans, their surviving spouses and their children with establishing the privileges that they have earned through military service and are therefore legally entitled to receive. Secretary Hale said that the main areas of focus for veterans are business, education and general services. Sub-focus areas include programs for Native American and female veterans. The VSD

maintains that these two sub-groups will always be addressed in every program the VSD undertakes. In New Mexico, the number and age of resident veterans fluctuates. Current studies show that the number of veterans residing in New Mexico between 2000 and 2010 has decreased by between six and 10 percent. In order to reverse this trend, the VSD has proposed that a concerted effort be made to attract veterans to New Mexico and provide incentives for them to remain in the state. Secretary Hale said that veterans' services in New Mexico should be strategically targeted and population-needs based. Currently, New Mexico veterans receive the highest per capita disability benefits of any state. The positive influence of robust programs helping veterans receive the maximum benefits to which they are entitled helps create an influx of veterans to any state, he said, and keeping and attracting veterans to New Mexico will have a positive effect on state revenue and business due to the spending power of veterans receiving disability payments. The VSD would like to play a key role in helping veterans and their families get access to services provided by the federal Department of Veterans Affairs (VA).

Committee members asked what the capacity of veterans' cemeteries is in the state and if the VSD is opposed to veterans' cemeteries funded and maintained by local communities. Secretary Hale said that the current land available for cemeteries has been projected to last until 2025. The Santa Fe National Cemetery serves the northern part of the state. The Fort Bayard National Cemetery serves the southern part of the state and has decreased space available. Also, Fort Stanton has about 10 to 13 acres available that can be used as a veterans' cemetery. The concern about local communities providing and maintaining veterans' cemeteries is that they lack the proper maintenance and burial protocols provided by the national cemeteries.

Committee members asked how many New Mexico veterans return to the state after serving. Secretary Hale said that there is no conclusive documentation of how many New Mexico veterans return to New Mexico after serving, but he said that the VSD is conducting a survey to find out that information. He said that homelessness is an epidemic for veterans and a main area of concern for the VSD. Employment is the main draw for veterans, and to ensure that veterans return to New Mexico after serving, jobs must be available.

Committee members expressed concerns about veterans in the southern part of the state having to travel to Albuquerque or Santa Fe to receive medical help and other services. The committee discussed a program to help get local hospitals and clinics certified to provide veterans with medical services and have the VA cover the costs. The committee also discussed possible transportation solutions for veterans seeking to travel to the northern part of the state to receive benefits, and members expressed concern about the extremes that veterans must currently go through to have access to medical care and other services. Committee members stated that constituents are concerned about being reimbursed for travel to veterans' facilities to receive medical attention. Veterans are reporting that the VA is giving conflicting information about reimbursement. The committee was assured that reimbursement procedures have not changed and that veterans are receiving misinformation. Veterans should be reimbursed in cash, by check or through an electronic deposit. The committee requested that the VSD issue a memorandum reiterating this policy to veteran facilities so that veterans can be reimbursed at the time of their visit.

Committee members asked what other states are doing to attract veterans. Secretary Hale said that veteran retirement centers are drawing veterans. He said he will provide the

committee with information regarding those programs.

Committee members asked if there are any specific groups that advocate for female veterans if female veterans are less likely to seek assistance from veterans' services than male veterans and if there are any groups that might testify in front of the committee about female veteran concerns. Secretary Hale stated that, in the past, female veterans were more likely than make veterans not to seek services, but efforts have been expanded to appeal to female veterans. The VSD can provide experts to address the committee on female veterans' issues.

Committee members asked about the proposed veterans' clinic in Roswell. Secretary Hale stated that the VA has plans for a Roswell clinic, but the VA is waiting for the funding to come through before beginning construction.

Office of Military Base Planning and Support — Priorities and Initiatives

Hanson Scott, brigadier general (ret.), director, Office of Military Base Planning and Support, provided testimony regarding New Mexico's military base planning programs. The U.S. secretary of defense has made several announcements that will affect New Mexico military installations, he said, including that the F-22 Program has been curtailed at 187 fighters, the Combat Search and Rescue Program has been cancelled and the Airborne Laser Program has been reduced to research and development only. However, the Joint Strike Fighter Program has been strengthened, an increased emphasis has been put on unmanned aerial vehicle capabilities and an emphasis on foreign internal defense has been added. Brigadier General Scott highlighted the current operations and capabilities at Kirtland Air Force Base and Holloman Air Force Base. A transition at Holloman will occur in the near future and will have an effect on the armament of F-16 fighters housed there. A restructuring of the F-16 wings at Holloman will take place in conjunction with Luke Air Force Base in December. White Sands Missile Range (WSMR) also has a large economic impact in New Mexico, estimated to be \$650 million. Many military and joint force operation are in effect and continue to be proposed at WSMR. Fort Bliss also has a positive economic impact in New Mexico because of the many service members stationed there. In addition, Fort Bliss and Holloman work in tandem to undertake certain joint training and operational missions. Currently, Fort Bliss is rated as the number one military value installation in the U.S. Army. The previous week, the First Armored Division was activated at Fort Bliss, and the commanding general visited Santa Fe during the 2011 legislative session to discuss this matter. A large influx of soldiers and their families will be transferred to Fort Bliss as a result of this activation, increasing the total military population to 34,000 soldiers and 48,300 family members in the El Paso and Las Cruces areas. New infrastructure has been planned and built to accommodate the transferees. The transfer should be completed by 2012.

Current issues at the Office of Military Base Planning and Support include land acquisitions for the expansion of the Melrose Air Force Range that was approved in 2008. The Office of Military Base Planning and Support hopes to have a draft lease document ready by June 30, 2011.

Brigadier General Scott commented on the concerns of the military bases in working with utility companies to ensure the proper and efficient construction and implementation of transmission lines for the proposed SunZia Southwest Transmission Project routes. Other issues affecting military bases and being addressed by the Office of Military Base Planning and

Support include working with surrounding localities around bases to establish working relationships with the communities, to ensure that military installations avoid encroachment and to maintain efficient land-use planning procedures with local counties.

The U.S. Air Force is currently evaluating how to proceed with the 27th Special Operations Wing Low Altitude Tactical Navigation Area and is taking into consideration the concerns of many northern New Mexico communities. Multiple bases have received a request to do a regional joint land use study in a southern New Mexico sustainability effort.

New Mexico continues to play a key role in the organization and development of the Western Regional Partnership to identify regional issues pertinent to protecting military missions while addressing interests of other partners. Currently, five states are members of the Western Regional Partnership — California, Utah, Nevada, Arizona and New Mexico — along with federal and state agencies. The next Western Regional Partnership principals' meeting will be held in September in Salt Lake City. The priorities in 2012 for the Office of Military Base Planning and Support are to support the Holloman transition, to conclude the expansion of Melrose Air Force Range, to support the development of training infrastructure at New Mexico military installations, to continue to support New Mexico military installations in addressing the impact of renewable energy initiatives on military missions, to engage with the Southern New Mexico Sustainability Working Group and to organize the New Mexico Airspace Working Group.

Brigadier General Scott also addressed the committee about the possibility of the Base Realignment and Closure (BRAC) Commission undertaking another round of base closures. He said that base restructuring in New Mexico has been successful in the past in protecting New Mexico military installations from closure. However, Brigadier General Scott warned that it may be more difficult this time to protect bases from the list of possible closure sites and that New Mexico should do all it can as early as it can to keep the New Mexico military installations off of the BRAC list. Procedures for how base closure is undertaken were provided to the committee.

Committee members asked Brigadier General Scott if there is any possibility of conducting a U.S. Department of Defense economic impact report on the military presence in New Mexico. Brigadier General Scott said that there are very modest resources this fiscal year for reports of that nature, and no reports are budgeted for the next fiscal year. Brigadier General Scott said he has asked for an update on the economic impact of the Holloman transition, and he will give the committee his best estimates from that report.

Discussion of Focus Area and Work Plan

Ms. Stokes and Mr. Pierce reviewed the proposed work plan with the committee. Ms. Stokes reminded the committee of the budgetary concerns surrounding the interim committees and asked for the committee's input.

The committee requested the addition of several items, including that the proposed October meeting be shortened from two days to one day and be moved from Albuquerque to Grants in order to meet and honor the Native American Code Talkers. The committee also requested an additional meeting on November 11, 2011 in Silver City in order to celebrate and

honor the recent Medal of Honor recipient Sergeant First Class Leroy Arthur Petry and retired Medal of Honor recipient Staff Sergeant Drew Dennis Dix at the Fort Bayard National Cemetery on Veterans Day.

The committee requested an update on the implementation of legislation that was passed. The committee wants to track HB 93 concerning training for law enforcement officials on interactions with people with mental impairments and for a letter of notification to be sent to state law enforcement offices to ensure compliance. The committee asked for staff members to report back to the committee toward the end of the interim on their findings.

Committee members asked if the Public Education Department has implemented the military compact allowing children of service members who have been reassigned to New Mexico from another state to use that state's history class to satisfy the requirement for a New Mexico history class. The committee asked that a letter be sent to the Public Education Department asking the department to remind schools about this compact.

The committee asked staff to put on the agenda a discussion on the need for an assessment of possible national cemetery sites in the state, including the creation of a national cemetery in Roswell and expanding the Santa Fe National Cemetery.

The committee asked staff to research the history of encroachments as they concern military bases and utility transmission lines.

The committee decided that a tour of the New Mexico Veterans Integration Center in Albuquerque during the Albuquerque meeting might be beneficial.

There being no further business before the committee, the first meeting in 2011 of the Military and Veterans' Affairs Committee adjourned at 1:20 p.m.

**MINUTES
of the
SECOND MEETING
of the
MILITARY AND VETERANS' AFFAIRS COMMITTEE**

**July 5, 2011
New Mexico National Guard Armory
600 Wyoming Blvd. NE
Albuquerque, NM 87123**

The second meeting of the Military and Veterans' Affairs Committee (MVAC) for the 2011 interim was called to order by Senator David Ulibarri, co-chair, on Tuesday, July 5, at 9:35 a.m. at the New Mexico Army National Guard Armory in Albuquerque.

Present

Rep. Thomas A. Garcia, Co-Chair
Sen. David Ulibarri, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Dianne Miller Hamilton
Sen. Richard C. Martinez
Rep. Bob Wooley

Absent

Sen. Kent L. Cravens
Sen. John Pinto

Advisory Members

Rep. Thomas A. Anderson
Sen. Carlos R. Cisneros
Rep. George Dodge, Jr.
Sen. Timothy M. Keller
Rep. Rodolpho "Rudy" S. Martinez
Rep. Edward C. Sandoval

Sen. William F. Burt
Sen. Mary Jane M. Garcia
Sen. Eric G. Griego
Sen. Clinton D. Harden, Jr.
Sen. William H. Payne

Staff

Pam Stokes
Douglas Carver
Rebecca Griego
Andrew Pierce

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts and written testimony are in the meeting file.

Tuesday, July 5

Welcome and Introduction

The members of the committee introduced themselves, and staff members were introduced by Ms. Stokes, staff attorney, Legislative Council Service. Senator Ulibarri thanked the New Mexico Army National Guard for hosting the committee.

New Mexico Veterans Administration (VA) Health Care System — Female Veterans Issues

Carole Donsbach, R.N., M.P.H., manager, Women Veterans Program, New Mexico Veterans Administration Health Care System (NMVAHCS), and Diane T. Castillo, Ph.D., coordinator, Women's Stress Disorder Treatment Team, NMVAHCS, provided testimony concerning health care for female veterans. New Mexico is home to approximately 16,000 female veterans, 25 percent of whom have been identified through the NMVAHCS. The mission of the NMVAHCS is to promote and provide all health care services while developing an optimal continuum of health care services for female veterans. These services include mental, psychological, prenatal, preventative, oncological, diagnostic and rehabilitative health care. To facilitate these services the NMVAHCS provides a comprehensive health care clinic, devoted entirely to female veterans, to provide care in each of the aforementioned areas of health care. The comprehensive care clinic provides gender-specific facilities and care, and allows female veterans access to health care professionals trained and specialized in health care for female veterans. The NMVAHCS contracts with community health care providers to allow access for female veterans located in rural areas of the state and alleviate the burdens of veterans having to travel to receive health care.

Female veterans returning from current theaters of war are provided with comprehensive screening when they enroll into the NMVAHCS. This screening helps to identify and treat returning female veterans who may suffer from stress disorders related to combat or injuries related to sexual assault. The current issues facing New Mexico female veterans are homelessness and outreach. Homeless veterans have access to a walk-in clinic at the New Mexico VA health care center and to housing programs that allow veterans to have a private room and bathroom. Currently, the YWCA and veterans' centers in the state are in cooperation to provide housing assistance for female veterans with children. The NMVAHCS is currently undergoing outreach to promote the comprehensive care clinic available to female veterans and holds seminars to disseminate information to the veterans' community in the state.

The NMVAHCS provides a progressive mental health care system designed to promote social and occupational therapy. Statistically, female veterans returning from theaters of war develop stress-related disorders at higher rates than their male counterparts. Female veterans entering the mental health care system are screened for stress disorders, substance abuse, sexual abuse trauma and other non-military-related mental health diseases and impairments. The NMVAHCS provides female veterans who may need treatment for a mental disorder or stress-related trauma disorder (such as posttraumatic stress disorder (PTSD)) with cognitive and exposure therapies. These therapies have been shown to help female veterans begin to cope with and recover from the symptoms of PTSD and other stress-related disorders in as few 16 weeks, although more severe cases may take a year or longer before a decrease in symptoms can be seen.

Dr. Castillo was asked for information regarding how female veterans are screened for PTSD and what factors make a veteran "at-risk" for being afflicted with PTSD. Dr. Castillo stated that multiple factors are weighed in evaluating someone who may be "at-risk" for PTSD or other traumatic stress disorders, but belonging to certain minority groups seems to make a patient more susceptible to developing traumatic stress disorders. In addition, certain factors of a patient's history will determine if the patient is at higher risk of developing traumatic stress disorders. Unfortunately, screening of individual patients cannot take place until the individual comes into the clinic to receive care. Outreach is a large focus area for NMVAHCS, and solutions for the access to veterans in rural areas continue to be implemented. In order to provide services to veterans living in rural areas, the NMVAHCS is utilizing teleconference video technology for private therapy sessions.

Ms. Donsbach was asked to share any information regarding whether female veterans, who suffer from stress-related disorders at a higher rate than male veterans, have a more difficult time transitioning back to the civilian work force. Ms. Donsbach responded that because female veterans suffer from stress-related disorders at higher rates than male veterans, it follows that those female veterans have a more difficult time transitioning into the civilian work force than do male veterans.

Because only 25 percent of female veterans in New Mexico are utilizing the NMVAHCS, the presenters were asked whether there are any outreach programs that are currently or prospectively planned to bring female veterans into the NMVAHCS. The presenters stated that members of the NMVAHCS travel throughout the state, holding seminars to inform female veterans of the services provided by the NMVAHCS and where to go to receive care. When female veterans do come into the NMVAHCS facilities, they undergo a thorough evaluation process and receive information regarding all services that are available to them and how they may take advantage of those services.

It was asked if there are any long-term care facilities for veterans in the state, and whether or not these facilities cater to female veterans. The presenters answered that there is a long-term care and retirement facility for veterans in Truth or Consequences and that all NMVAHCS staff and care providers receive training in gender-specific health care.

Minutes

The committee approved the minutes from the first meeting of the MVAC with amendments that Representative Dodge should be removed from the roster because he was not a member of the committee at that time and that Senator Cisneros was present at the meeting.

Integration of Veterans

Rose James, program director, New Mexico Veterans' Integration Center (NMVIC), provided testimony concerning the integration of homeless and returning veterans to New Mexico community life. The vision of the NMVIC is to support veterans beyond the battlefield and to respond to the needs of veterans, especially those veterans who are homeless or experiencing a housing crisis. The NMVIC offers quality employment training, housing and supportive services based on a continuum of care to homeless veterans. Currently, the NMVIC is able to house single veterans who are required to comply with specific program guidelines and rules, including having been honorably discharged, abstaining from drug and alcohol use and

having a support plan in place at the VA so that they may receive health care and be able to access other services provided by the VA. Residents at the NMVIC are also required to be willing to look for gainful employment or engage in constructive daily activities and to submit to random drug and alcohol testing. The NMVIC provides residents with counseling, job training and recreational activities during a two-year transitional period in which the ultimate goal is to integrate veterans into independent, communal living. In order to achieve its goals, the NMVIC cooperates with local community partners and private citizens and proprietors in taking donations, gathering food stores and providing quality employment training. The NMVIC is actively seeking to house its facilities in a permanent structure and to develop quality employment training programs for veterans within the community. The NMVIC is seeking to increase the number of beds available to homeless veterans from 50 to 100 and wishes to expand the program to offer emergency shelter to displaced veterans.

Ms. James was asked if there is a national network of veterans' integration centers through which to gain support for and knowledge about establishing and promulgating the NMVIC. Ms. James shared that she has been able to visit veterans' integration centers throughout the nation, specifically in Washington, D.C., Buffalo, New York, and San Antonio, Texas, and she is currently trying to model the NMVIC after the San Antonio veterans' integration center, which is run by GI Forum. Representative Anderson reminded the committee about the upcoming National Conference of State Legislatures legislative summit in San Antonio in August and expressed the desire for any member of the MVAC who attends that legislative summit to make a trip to tour the San Antonio veterans' integration center.

Ms. James was asked about which entities provide the majority of the NMVIC's funding and about the status of the search for a permanent structure. Ms. James stated that the main sources of funding for the NMVIC are per diem grants from the VA, contracts with the Veterans' Services Department (VSD) and donations from the community. The NMVIC is currently applying for more grants but has faced difficulties in raising funds due to the fiscal constraints affecting the nation. Ms. James informed the committee that the NMVIC is currently under lease at the Value Place Hotel in Albuquerque but that the NMVIC is actively searching for permanent facilities as it is trying to expand services to more veterans and would save a considerable amount of money by owning a facility. It was suggested that the NMVIC look into available state-owned lands upon which it may be able to build a new facility.

Veterans Business Incubator Program — Implementation of HM 59

Alan Martinez, deputy secretary, state benefits and legislation affairs, VSD, and Brent Eastwood, division director, Office of International Trade, Economic Development Department, testified as to the development of a veterans business incubator program pursuant to House Memorial 59 (HM 59). HM 59 commissioned the MVAC with studying the feasibility of creating or implementing a veterans business incubator program in New Mexico. The most efficient way to study the feasibility of developing a veterans business incubator program is to study other business incubator programs in the state. In doing the survey, a network of veteran-owned businesses can be formed to inform the public about the possibility of a veterans business incubator program and gauge interest throughout the state before undertaking steps to create an incubator. The survey could be done as part of a larger study, or an independent market analysis could be undertaken. The most sensible approach to implementing HM 59 is to conduct some sort of a pilot study and then report to the committee on the feasibility of implementing such

programs.

The presenters were asked how veteran-owned businesses could find out about the program, if it is put in place. Mr. Martinez stated a network would be created, likely on the VSD web site. It was then asked how veteran-owned businesses will be identified, because the network is not now in place. Mr. Martinez stated that, for now, the best way to identify these businesses is by word-of-mouth.

Representative Anderson stated that the intent of HM 59 was to study whether or not a subset for veteran businesses could be carved out of already existing business incubator programs. It was the intent to study how the current business incubator programs are being used and if veterans can be given specific access to those incubator programs. The goal of the survey is to gauge the most responsible and cost-effective way to integrate a veterans business incubator program. The survey should provide enough information to gauge whether creating an additional separate business incubator program or creating a subset for veteran businesses in existing business incubator programs is the most feasible course of action.

It was asked if veterans wishing to open a business would have to travel to a centralized location or center to receive information about an incubator program or whether the veteran would be able to connect with these programs through other mechanisms. The presenters stated that an alternative goal of the survey would be to study different marketing and outreach programs and different types of public relation tools that may be used in conjunction with a business incubator program.

Representative Garcia expressed his wish to see a single resource that a veteran could access, specifically on the internet, to receive information on all veteran benefits in the state. Mr. Martinez stated that the VSD wants to be able to provide veterans with all information concerning veteran benefits throughout the state. The web site offered by the VSD is to become an "umbrella" covering all veteran-related topics and resources.

Kirtland Air Force Base — Update and Status

Thomas F. Berardinelli, director of staff, 377th Air Base Wing, Kirtland Air Force Base (KAFB), provided testimony relevant to the status, economic impact and current operations underway at KAFB. KAFB has a large physical and economic presence in New Mexico and the greater Albuquerque area. Currently, KAFB covers 52,000 acres, houses many research and development projects that assist in creating and implementing new technologies and has more than 100 mission partners. Missions include nuclear, space, directed energy, operational test and evaluation and special operations that are vital to the success of the U.S. Air Force (USAF) and national security. KAFB has a large economic impact in the greater Albuquerque area and in the entire state, accounting for \$7.8 billion brought into the state by way of employment with the base and contracts with local contractors. According to a recent joint land use study, one in every 14 jobs in the state is attributed to the presence of the base. KAFB also devotes base resources, including equipment for science and technology, to educate students ranging from elementary science students to graduate level interns. It is the goal of KAFB to promote interest in the sciences to develop a pipeline of scientists and engineers for the country.

Currently, KAFB is undertaking assessment and evaluation of energy and environmental

impacts of the base in order to be more conservation friendly in those areas. There is a plan to reduce KAFB's energy needs and better secure the supply of energy by developing renewables that are housed on the base. In addition, KAFB is undertaking major steps to rectify and clean the environmental damage caused by jet fuel leaks. It is the shared goal of KAFB and its stakeholders to remove the fuel and its dissolved constituents from the ground and ground water as quickly, safely and effectively as possible.

An inquiry was made into the fuel plume cleanup efforts, specifically the drilling of wells in order to assess and contain the plume. Mr. Berardinelli stated that almost all of the 113 planned wells have been drilled thus far, and all will be drilled and producing reportable information by February 2012. Once a well is dug, it takes time for the sediment to settle in order to get accurate readings so that the plume may be accurately characterized. It is the policy of the USAF to share with the public all information on the characterization of the plume, as well as information regarding all cleanup efforts.

Mr. Berardinelli was asked about the educational program offered by KAFB and how that program is undertaken, how local schools receive information about the project and what outreach to local schools is done in conjunction with the program. Mr. Berardinelli answered that the educational program is open to any school and any grade level. The program is located in Albuquerque on KAFB; thus, travel somewhat limits students from rural schools. Any teacher seeking information can go to the Air Force Research Laboratory La Luz Academy web site to get information. Knowledge of the program is widespread. The program is in its fifteenth year and currently serves approximately 4,000 primary and secondary students per year.

Public Comments

Timothy Hale, secretary, VSD, addressed the committee about an upcoming female veterans conference in September that will focus on female veterans health issues. Secretary Hale expressed to the committee that the conference will enable the VSD to provide major outreach efforts to female veterans and all the veterans who attend.

Work Plan

Representative Garcia informed the committee members that the committee is still waiting to hear the availability of Mr. Drew Dix, which will determine whether or not the November 11, 2011 Silver City meeting will be held. The next meeting of the MVAC is scheduled to be held in Angel Fire on August 12, 2011.

**MINUTES
of the
THIRD MEETING
of the
MILITARY AND VETERANS' AFFAIRS COMMITTEE**

**August 12, 2011
Angel Fire Resort, Garden Court
Angel Fire, New Mexico**

The third meeting of the Military and Veterans' Affairs Committee (MVAC) for the 2011 interim was called to order by Representative Thomas A. Garcia, co-chair, on Friday, August 12, 2011, at 10:05 a.m. at the Angel Fire Resort in Angel Fire, New Mexico.

Present

Rep. Thomas A. Garcia, Co-Chair
Sen. David Ulibarri, Co-Chair
Rep. Eliseo Lee Alcon
Sen. Richard C. Martinez
Sen. John Pinto
Rep. Bob Wooley

Absent

Sen. Kent L. Cravens
Rep. Dianne Miller Hamilton

Advisory Members

Rep. Thomas A. Anderson
Sen. Carlos R. Cisneros
Rep. George Dodge, Jr.
Sen. Mary Jane M. Garcia

Sen. William F. Burt
Sen. Eric G. Griego
Sen. Clinton D. Harden, Jr.
Sen. Timothy M. Keller
Rep. Rodolpho "Rudy" S. Martinez
Sen. William H. Payne
Rep. Edward C. Sandoval

Guest Legislator

Rep. Ray Begaye

Staff

Pam Stokes, Legislative Council Service (LCS)
Douglas Carver, LCS
Rebecca Griego, LCS
Andrew Pierce, LCS

Guests

The complete guest list is in the meeting file.

Handouts

Copies of all handouts and written testimony are in the meeting file.

Friday, August 12

Welcomes and Introduction

The members of the committee introduced themselves; staff members were introduced by Ms. Stokes. Representative Garcia welcomed Timothy L. Hale, secretary, Veterans' Services Department, and William L. Hodgin, Jr., Legislative Chairman, Disabled American Veterans. Chuck Howe, mayor pro tem of Angel Fire, welcomed the committee to Angel Fire.

The Future of the National Veterans Wellness and Healing Center

Mr. Howe and Candace Green, program director for the National Veterans Wellness and Healing Center, gave a presentation to the committee on the center's programs and successes. Mr. Howe introduced board members from the center who were attending the meeting and read from a prepared statement, updating the committee on the center's activities. He noted that the center was awarded a \$350,000 stimulus grant that allowed for 150 veteran couples to participate in seven-day posttraumatic stress disorder (PTSD) retreats. He noted that the grant was supplemented by fundraising efforts by the center. Past participants in the center's programs have included veterans from every military action since World War II and from a variety of states. He noted that officers from Fort Riley, Kansas, had attended the center's program and are conducting their own retreat near Fort Riley based on the center's methods, a retreat Mr. Howe will attend. He also related the experience of the partner of a Vietnam War veteran who came to understand PTSD thanks to the center's program, using this story to segue to a discussion of the center's holistic approach to treating PTSD, an approach that includes the following complementary alternative modalities: guided imagery, emotional freedom technique, tapas acupressure technique, unwinding frontal occipital hold and neuro-linguistic programming. He also said that the center utilizes the following alternative therapies: acupuncture, massage, reiki, yoga, art therapy, nature therapy, equine therapy, Native American ceremony and traditional talk therapy. Mr. Howe noted that there is a reunion of program participants in Angel Fire four to six weeks after each program ends and that participants are encouraged to organize further reunions on their own; to date, all groups have chosen to do so. He noted the key role of spouses in keeping participants in touch. He indicated that the center wishes to develop provider lists throughout the state so that when a participant goes home and wants to continue a modality, the participant can be referred to someone who understands the veteran's problems. He also noted that Angel Fire Resort is donating land to the center to build a year-round campus to support veterans and their families, staff and researchers. The new facility will include meeting and treatment rooms, an alternative therapies spa, an oxygen bar and various lodging options. The new grounds will also include a stable and corral, a sweat lodge and bonfire area, an outdoor amphitheater, meditation gardens and walking paths. When the campus is completed, the center will offer services for PTSD treatment, have the ability to train trainers for other states, develop programs for first responders and devise specialized programs for female veterans who have been the victims of trauma. Mr. Howe described one ceremony the center uses that is based on a Native American medicine wheel ceremony. He also outlined the economic importance of the center to the Angel Fire community and the center's goals for fundraising.

Members of the committee praised Mr. Howe and Ms. Green for the center's great work. In response to questions, Mr. Howe noted that the center primarily treats individuals with PTSD but also works with those with traumatic brain injury. He also noted that 100 percent of the stimulus money that the center received went into retreats, not into capital development or back

office expenses. Members of the committee expressed support for a capital outlay request that would assist in the building of the new facility. Mr. Howe noted that the center's work with individuals could help them in educational situations, but the University of New Mexico (UNM) has people who are specially addressing those concerns. He indicated that the application process to be accepted into a program at the center is simple, requiring merely that the potential participant fill in an application once the potential participant has received a PTSD diagnosis from the federal Department of Veterans Affairs (VA) or a veteran's center. He also noted that the center is a nonprofit 501(c)(3) organization and that the Village of Angel Fire is the fiscal agent for the center.

Members of the committee asked Mr. Howe whether the Native American medicine people who were used at the center were contractors or volunteers. Mr. Howe replied that all staff was on contract, and that of the 99 couples who had been through the program, 10 were Native Americans from New Mexico, Colorado and Arizona.

Mr. Howe also let members of the committee know that those veterans with all levels of PTSD are able to use the center's programs. Secretary Hale added that the amount of compensation an individual receives for PTSD is handled separately from the care required for that individual. Members of the committee suggested that the center explore the idea of getting federal funding to assist Native American service members in attending the center's programs. Secretary Hale noted that he has asked for a veterans' roundtable to bring in people from the Veterans' Services Department, Indian Affairs Department and other agencies to address sources and means.

Mr. Howe detailed some of the specifics of the budget for individual participants in the center's programs. He also noted that the program does not utilize any medications, but it supports veterans who are already taking medications. Ms. Green gave the members of the committee more detail concerning the alternative modalities that are used by the center and noted that all of the practitioners of these alternative modalities are qualified in their respective practices. She also discussed the length of time it might take for veterans suffering from PTSD to begin to get a handle on their maladies, stating that for some, beginning the process of "unpacking the layers" could take over a year.

There was some discussion between the members of the committee and Secretary Hale over the use of the abandoned Fort Bayard site for this kind of program or for other aspects of veterans' health care. Members of the committee suggested that resources from the state's universities and colleges could help with some of the planning for the new facility. Mr. Howe assured the members of the committee that the center would utilize as many pro bono resources as are available.

Impact of Service Member Deployment on Child Custody

Chief Warrant Officer (CWO) Amanda Pagan, New Mexico Army National Guard judge advocate general, board member of the Family Law Section of the State Bar of New Mexico and attorney at Atkinson & Kelsey, P.A., and Colonel Joe M. Romero, New Mexico Army National Guard state judge advocate, gave a presentation to the committee on HB 108 from the 2011 regular legislative session and the impact of deployment on child custody. Representative Garcia briefly discussed the legislation, which he had carried, noting that it passed the house of

representatives but died on the senate floor. After discussing her military service, CWO Pagan informed the members of the committee that in 1994, the average length of deployment was only 179 days, but now deployments have expanded to a norm of 12 to 18 months. She detailed some of the processes married service members undertake before deployment and some of the protections they have, such as those for their home, but said that there is nothing set up to protect a service member's family. She stated that as a civilian attorney, the first two motions she files when someone receives a notice to deploy are a motion for change in custody and a motion to modify child support. She stated that the legislation had received unanimous support in both committees of the house of representatives to which it had been sent, on the floor of the house of representatives and in the senate committees that addressed it, only to die on the senate floor. A member of the committee noted that the legislation had been caught up in the filibuster at the end of the last legislative session. CWO Pagan detailed support the legislation had from members of the military and legal communities around the state and outlined many provisions of the bill, including two key ones: one allowing reversion of custody orders to pre-deployment status and another addressing problems that arise when a parent is deployed and a stepparent wishes to maintain custody of the deployed parent's children.

Colonel Romero added that, in his experience there is nothing more stressful than when a soldier comes into his office and states that his ex-wife or ex-girlfriend has been granted an order giving her sole custody of his children on the basis that deployment is a change in the soldier's status. He considers this punishment of the soldier for being deployed. HB 108 would help cure this problem. He stated that the federal Department of Defense (DOD) and the American Bar Association (ABA) had contemplated federal legislation to address these matters, but as family law is generally left to the states, there are 50 states and 50 standards. Colonel Romero stated that the legislation would eliminate the variations that occur when different judges address the issue of child custody of a deployed soldier. He stressed the importance of there being no final order changing custody status while a service member is deployed and that any order have a temporary status that is rescinded when the soldier returns. He said that he urges passage of the legislation by the New Mexico Legislature on behalf of the New Mexico National Guard and that the DOD and the ABA are urging states to pass this type of legislation.

Members of the committee expressed strong support for reintroducing the legislation. Senator Ulibarri made a motion, seconded by Representative Wooley, for a letter to be drafted from the committee to the governor to put the legislation on the call for the special session. The motion passed, with all voting members present voting in the affirmative. Senator Ulibarri made a second motion, seconded again by Representative Wooley, for the committee to endorse the legislation again in the upcoming legislative session. The motion passed, with all voting members present voting in the affirmative. Representative Garcia noted that he would be happy to carry the bill again.

Members of the committee had questions for CWO Pagan regarding the discretion of family court judges. Colonel Romero also briefly discussed a study by the United States Army Judge Advocate General School outlining policy reasons for supporting such legislation.

Approval of Minutes

Representative Alcon made a motion, seconded by Senator Ulibarri, for the minutes from the second meeting of the MVAC to be approved. The motion passed, with all voting members

present voting in the affirmative.

Employment Opportunities for Veterans — Veterans Office Solutions, Inc.

Tim Chelpaty, president, Veterans Office Solutions, Inc. (VOS), Otis Ferguson, director of contracts, VOS, and Adolfo Vasquez, director of commodities, VOS, gave a presentation to the committee regarding the business plan of VOS. Mr. Chelpaty discussed the employment crisis among veterans and the related crisis of homeless veterans. He stated how VOS is involved in "remanufacturing" furniture — stripping used furniture down to its component parts and reassembling the furniture to be like new. He indicated that VOS could save the DOD billions of dollars in furniture costs and provide steady employment and training opportunities for veterans. Mr. Ferguson noted that VOS is reinvesting in what the military already has invested and presented a PowerPoint presentation to the committee that gave further details on VOS's business model. Members of the committee had questions about the financial structure underlying the business plan. Mr. Ferguson stressed the need for the VA to have a buy-in on the concept so that VOS could have access to VA funds and said that VOS is looking for state and federal support to get started. When asked by a member of the committee what VOS wants the state to do, Mr. Chelpaty said that he is looking for \$2 million in training funds, is hoping to have Secretary Hale provide an introduction to U.S. Secretary of Veterans Affairs Eric K. Shinseki and is hoping to establish a site where VOS could set up and begin operations. Mr. Ferguson stated that VOS had also spoken with Texas and Colorado about support. Members of the committee expressed the opinion that the state cannot do what VOS is asking.

Members of the committee asked Secretary Hale whether Secretary Jonathan L. Barela of the Economic Development Department knows about VOS. Secretary Hale stated that he does not know but that he would check with him. The committee decided to send a letter to Secretary Hale, Secretary Barela, Secretary Celina C. Bussey of the Workforce Solutions Department and the Office of the Governor to discuss VOS's proposal and report back to the committee during its November meeting. Secretary Hale indicated that he would also mention the proposal at an upcoming meeting of federal officials concerned with veterans' affairs to be held in New Orleans.

Higher Education Opportunities for Veterans — Veterans Resource Center at UNM

Marilyn Melendez Dykman, director, Veterans Resource Center (VRC), and Maria Veronica Yzeta gave a PowerPoint presentation to the committee on the programs the VRC has for student veterans attending UNM. They discussed various aspects of the VRC's mission to provide support for student veterans and their dependents. They noted the VRC's goal to make UNM the premier veteran-friendly institution in the state by increasing veterans' access and admission to higher education and removing barriers to veterans' education. They gave an outline of the VRC's structure and programs and stressed how the VRC meets the needs of veterans that are often not addressed by the DOD upon discharge. They discussed various educational benefits that are available for veterans and discussed the veteran population of UNM, noting that between 2009 and 2010, that population had increased by 40 percent. They also described how college credit can be awarded for military service, listed various accomplishments of the VRC, including training of faculty and staff on issues surrounding PTSD and traumatic brain injury, and detailed various projects of the VRC. These include the Upward Bound Program and the Supportive Education for Returning Veterans Program, which help to integrate veterans back into an educational environment. They concluded by asking members of

the committee to help with the staffing needs of the VRC, noting that its services are being called upon with greater frequency, and, as a result, the VRC is struggling to meet the needs of veterans at UNM.

Members of the committee asked how far back one could get coursework credits. Ms. Yzeta stated that different courses have different time stipulations, generally ranging from three to 10 years, and that it is up to the individual institution to set the guidelines. Members of the committee also wondered how widows are treated. Ms. Dykman noted that the VRC assessed the needs of dependents and stressed that handling such issues made a new office necessary so that dependents could have greater privacy when interviewed. Members of the committee also discussed the Vietnam veterans scholarship and its benefits with Ms. Yzeta and expressed the hope that similar benefits could be extended to veterans of all of the nation's conflicts.

Changes to the State Approving Agency of the Higher Education Department

Brandon Trujillo, director, New Mexico State Approving Agency (SAA), Higher Education Department, and Nancy Soto, program specialist, gave a presentation to the committee on the impact of changes made in recent federal legislation to the processes that must be followed by SAAs. The particular legislation at issue is Section 203 of the Post-9/11 Veterans Educational Assistance Act of 2010, Public Law 111-377. Working from a handout, Mr. Trujillo gave members of the committee some background on the role and functions of SAAs, noting that New Mexico has one SAA that approves all school and on-the-job training programs so that veterans may receive their GI Bill benefits. New Mexico's SAA reviews, evaluates and approves programs of education and training using state and federal criteria and conducting on-site visits to approved institutions. The SAA also provides technical assistance and outreach to foster usage of the GI Bill. Mr. Trujillo said that Section 203 made the following changes to the SAA process: 1) public and nonprofit accredited degree-granting institutions of higher learning are deemed approved; 2) the secretary of veterans affairs may approve accredited for-profit institutions of higher learning — that authority has been removed from the state; and 3) the secretary of veterans affairs may use state SAAs for compliance surveys. Mr. Trujillo stated that the New Mexico SAA is particularly concerned that the role of the SAA would shift from being an approving body to one that performs compliance surveys at the approved education and training facilities. Currently, the VA education liaison representative and compliance survey specialists perform the compliance surveys at approved facilities. He noted that compliance is an audit involving a review of a veteran's files, and when veterans have been certified in a program that has not been approved, the VA generates an overpayment and a debt is created for the veteran. The current process has front-end approval of programs, which helps prevent veterans from starting a program that will not be covered. Mr. Trujillo also noted that the secretary of veterans affairs now has the authority to approve all accredited for-profit institutions of higher learning, which causes concern with those institutions that might have programs that do not meet federal regulations.

Mr. Trujillo noted that SAAs ensure that the programs veterans use will lead to a vocation and that there are some 105 facilities that are actively training veterans, including institutions of higher learning such as UNM and other state universities, as well as the University of Phoenix, massage therapy schools, carpenters' or plumbers' unions, etc. He stated that the core functions of the New Mexico SAA are: 1) to screen programs, which include the school providing its application, two catalogs and its program list; 2) to conduct supervisory visits,

ensuring that the program adheres to the necessary federal regulations; 3) to provide technical assistance; 4) to act as a liaison with the VA; 5) to provide contract compliance; and 6) to provide outreach. The New Mexico SAA does all of this with a two-person staff.

Mr. Trujillo made the following recommendations to the committee: 1) urge Congress to repeal Section 203; 2) urge the federal government to study the functions of SAAs in conjunction with the SAAs; and 3) improve the training of SAA certifying officials, for when certifying officials are trained properly, fewer overpayments and debts are created against veterans.

Secretary Hale noted that the National Association of State Directors of Veterans Affairs opposes the changes made to SAAs and that the association is acting through the secretary of veterans affairs to communicate its disapproval to Congress. Mr. Trujillo and Ms. Soto gave examples of the kinds of burdensome debts that veterans have incurred because of problems with program accreditation. Mr. Trujillo discussed a letter provided for the committee's review to Secretary Shinseki from a number of members of Congress, including New Mexico Representative Martin Heinrich, expressing concerns about the implementation of Section 203. Mr. Trujillo noted that he is trying to get in touch with other members of New Mexico's congressional delegation to support action on Section 203. Senator Martinez made a motion, seconded by Senator Ulibarri, for the committee to write a letter to New Mexico's congressional delegation supporting the repeal of Section 230 and directing LCS staff to work with Mr. Trujillo on the wording of the letter and determining whether there should be additional recipients. The motion passed, with all voting members present voting in the affirmative.

Concluding Matters

Representative Dodge presented a proposal for housing homeless veterans at the Senior Community Services, Inc., Los Amigos Center in Santa Rosa. It was agreed that the proposal would be put on the agenda of the committee for one of its upcoming meetings. Members of the committee addressed the schedule for the upcoming committee meetings. Senator Ulibarri recommended ensuring that veterans are recognized in every legislative session and reported on his recent participation in the National Conference of State Legislatures Legislative Summit, noting that many states look to New Mexico as a positive example of care for its veterans. He also encouraged participation in a Coca-Cola promotion that could win funds for the Vietnam Veterans Memorial in Angel Fire.

Adjournment

There being no other business before the committee, the committee adjourned at 3:30 p.m.

**MINUTES
of the
FOURTH MEETING
of the
MILITARY AND VETERANS' AFFAIRS COMMITTEE**

**October 27, 2011
Martinez Hall Theater, New Mexico State University-Grants Campus
Grants, New Mexico**

The fourth meeting of the Military and Veterans' Affairs Committee (MVAC) was called to order by Senator David Ulibarri, co-chair, on October 27, 2011 at 9:15 a.m. at New Mexico State University in Grants.

Present

Rep. Thomas A. Garcia, Co-Chair
Sen. David Ulibarri, Co-Chair
Rep. Eliseo Lee Alcon
Sen. Richard C. Martinez
Rep. Bob Wooley

Absent

Rep. Dianne Miller Hamilton
Sen. John Pinto

Advisory Members

Rep. Thomas A. Anderson
Rep. George Dodge, Jr.
Rep. Rodolpho "Rudy" S. Martinez
Rep. Edward C. Sandoval

Sen. William F. Burt
Sen. Carlos R. Cisneros
Sen. Eric G. Griego
Sen. Mary Jane M. Garcia
Sen. Clinton D. Harden, Jr.
Sen. Timothy M. Keller
Sen. William H. Payne

Guest Legislator

Rep. Debbie A. Rodella

Staff

Pam Stokes, Staff Attorney, Legislative Council Service (LCS)
Rebecca Griego, Records Officer, LCS
Leslie Porter, Research Assistant, LCS

Guests

The complete guest list is in the meeting file.

Handouts

Copies of the handouts are in the meeting file or have been posted online.

Thursday, October 27

Welcome and Introduction

The members of the committee introduced themselves.

Native American Veterans' Income Tax Settlement (NAVITS) Fund Update

Demesia Padilla, secretary, Taxation and Revenue Department (TRD), offered a briefing on the NAVITS Fund. Discussing its legislative history, she said the fund is a result of Senate Bill 574 (2008) and Senate Bill 541 (2009). She explained that the legislation appropriated \$900,000 for payments to the veterans and \$50,000 to the Veterans' Services Department (VSD) and to the TRD for expenditures related to the processing of claims. As established in Section 7-2H-4 NMSA 1978, she said the secretaries of the two departments are required to cooperate to conduct a study to determine whether Native American veterans who were domiciled on tribal lands have had New Mexico personal income taxes improperly withheld from their military pay during periods of active duty. She stated that this study was presented to the MVAC on October 1, 2008, and she added that the VSD secretary is required to provide a status report to the MVAC no later than October 1 of each year.

Concerning the implementation of the fund, Secretary Padilla said tribal leadership has been consulted and that information is available on the TRD web site. In addition, she mentioned implemented outreach plans and data-tracking methods. However, because there is money left in the fund, she said the TRD has not been completely successful.

Prior to explaining the refund process, Secretary Padilla clarified that federal law did not permit the withholding of state income taxes from military service personnel until 1976, and New Mexico entered into the agreement in 1977; therefore, no refunds are given for service prior to 1977. She also stated that a veteran normally has only three years to apply for the refund, but in this case, because many Native Americans may not have the necessary W-2 form, additional time may be needed to acquire the correct paperwork. Secretary Padilla said the refund process begins with a completed settlement fund claim form signed by the claimant or personal representative and by the VSD that is sent to the TRD. For the claims falling within the years of 1977 and 1982, the TRD sends the information to the Defense Finance and Accounting Service, where the information is reviewed. For claims falling within the years of 1983 and 2005, the TRD sends the request to the Defense Manpower Data Center, where the information is reviewed. Based upon the data review, the TRD makes a determination to approve or deny, or partially approve or deny, each claim. She said each claimant is then sent a letter communicating the decision. Secretary Padilla informed the committee that 1,176 claims have been made to date, with 666 refunds issued with an average payout of \$1,243. She said there are 16 claims in process, and a fund balance of \$253,232, which includes an additional \$250,000 fiscal year 2012 appropriation.

Alan Martinez, deputy secretary, legislative affairs, VSD, elaborated on the issue, stating that the state personal income tax was established in 1919, and employer withholding of this tax was enacted in 1961. He said that New Mexico entered an agreement with the U.S. Department of Defense (DOD) to withhold this tax in 1977, and no taxes were withheld from military pay prior to this date. He said that there were 15,000 Native American veterans living in New Mexico as of December 2008. Offering a status update on the NAVITS Fund, he said that there have been 1,191 applications received to date with 1,101 of those forwarded to the TRD. He claimed there is a remaining balance of \$172,960.73 for the project. Deputy Secretary Martinez added that despite the outreach efforts of the VSD, there will always be people on Navajo land who are not aware of the fund. He clarified that several Vietnam veterans feel they were inappropriately taxed, and the VSD wants them, and all Native American veterans, to feel they have the option to apply for the refund.

Members of the committee asked for points of clarification, such as the location of domicile upon entering the military and the breakdown of the fund. Deputy Secretary Martinez noted the issue of military personnel continuing to claim New Mexico residency while living across the country, due to the lack of New Mexico state income tax withholding.

Committee members requested information regarding whether any income has been made on investment of the fund. Secretary Padilla said she would gather that information from the Department of Finance and Administration.

Members of the committee asked about additional outreach efforts. Deputy Secretary Martinez stated that in addition to the aforementioned efforts, the information spreads throughout the pueblos via word of mouth.

A member of the public asked the committee to request additional money for the fund because there are many Native American veterans who are seeking financial aid.

SunZia Southwest Transmission Project Update

Tom Wray, project manager, SunZia Southwest Transmission Project, said that the SunZia Southwest Transmission Project reaches from south central and southwestern New Mexico to Phoenix, Arizona. He explained the legend on the many maps illustrating the project. He briefly mentioned the area of discussion and contention for the project, which is the area just north of White Sands Missile Range. He said that within this space, there are two national wildlife refuges, a great deal of land belonging to the U.S. Bureau of Land Management (BLM) and private land. He pointed out the preferred transmission route and the route preferred by the United States Department of Energy. Through maps, Mr. Wray depicted the areas of New Mexico that are most suitable for wind farms and solar energy plants. He further discussed the SunZia project, including a 500-mile proposed route length, its configuration options and the project's five substations, three of which will be in New Mexico. Mr. Wray explained that the project is currently in its draft environmental impact statement stage. He said that this statement will be reviewed by the BLM and the nine cooperating agencies, then it will be subject to a 90-day public review period.

Concerning military operations, Mr. Wray mentioned that participation by the DOD has increased. He offered a list of meetings with military installments since 2009. He highlighted the military areas of New Mexico that will be affected by this project and noted the military activity in those areas throughout the year. He said that the DOD has withdrawn all objections to the right-of-way applications for the SunZia project.

In conclusion, Mr. Wray offered a few of the lessons learned throughout the process and how to avoid conflicts with the military in projects such as these. He said that the project needs to be aware of military operations, air space and test missions prior to application submittal for the project. He said that early discussion needs to be initiated with military installations on mitigation measures that can avoid conflict and that the project managers need to be prepared to make contacts beyond the local military installation. In response to these lessons learned, he said that in addition to meeting with various representatives from the local military installations, meetings were held with the Office of the Secretary of Defense and the secretary of the army. A copy of his handout is not available online, but it can be found in the meeting file.

Committee members inquired about why this project needs to take place. Mr. Wray replied that the determination of what lines are to be used is based upon energy demand, which has increased. He said that there are currently not enough transmission lines for the demand. He said that the SunZia project will be providing jobs in New Mexico with a revenue impact of \$2.7 million in wages and benefits, with \$8 million paid within the first year of operation.

Approval of Minutes

Upon a motion made by Representative Wooley and seconded by Representative Garcia, the minutes of the previous meeting were approved without opposition.

Veterans Clubs — Nonprofit Gaming Issues

Deputy Secretary Martinez discussed the viability of local veterans' posts. Deputy Secretary Martinez stated that these local posts are vital due to the rural nature of the state. There are 19 service officers throughout the state who are unable reach every community. If these posts start to close, the state will lose the main contact source for veterans in those communities. Deputy Secretary Martinez stated that veterans are attracted to the small, quiet atmosphere of rural New Mexico, and these posts are where those veterans go first when seeking help. He said that most veterans do not want to contact larger government offices, and that is why these posts are so important. These veterans need comfort, he said, for they do not seek professional medical help for mental illnesses upon return; they go to their families. He said the local posts are struggling with financing, and through the legislature's efforts, a tax exemption was passed, which helps. Other revenue needs to be generated. He said the local posts are membership based. Membership fees are about \$20.00. He said that fundraising has become so intensely regulated that the posts can no longer function. He emphasized that regulations should be in place, but not to this extent.

Minda McGonagle, lobbyist, Veterans and Fraternal Non-Profit Clubs of New Mexico, Inc., discussed the specifics of the situation. She said the veterans' fraternal orders and nonprofits are allowed to have gaming in the form of bingo and raffles. She stated that last year, the legislature corrected a seemingly simple problem. Prior to the legislation, a pull tab could be purchased in a gaming hall as long it was opened in the hall, not in a bar. If it was opened in a bar, a citation would result. The legislation changed this and allows a pull tab to be opened while sitting down. Ms. McGonagle stated that veterans service organizations are a large part of the state's nonprofit gaming community, which includes American Legion posts, fraternal clubs, the Fraternal Order of Police and Veterans of Foreign Wars posts. She said these clubs are allowed to offer members the opportunity to play video gaming machines and win money. She explained the "giving back" requirement of gaming, stating that the posts must give 16% of the proceeds back to charity, and an additional 10% for taxes. She said that there is a strict limit on the types of organizations the donations can be given to, which include charitable and educational organizations.

Ms. McGonagle emphasized the rigorous regulatory environment. She said that a club may have up to 15 gaming machines regulated by the Gaming Control Board (GCB), and she said there are extensive compliance requirements in addition to the laws and regulations developed to implement and enforce nonprofit gaming. Giving specifics of the process, she said that the minimal internal control standards require a 32-page document establishing conduct related to gaming operations, accounting, staffing and compliance recording. She said policy letters are frequently issued without a public hearing process and are not available on the GCB

web site. She said the charity guidelines are not simple, and the organizations to which a club might wish to donate must be negotiated with the GCB. An additional concern is the number of forms that must be manually completed on a daily, weekly and monthly basis. In sum, she said, this results in financial problems for the clubs because they are required to segregate tax payment and charitable/educational funds into individual "exclusive purpose" accounts. She explained that there are months when operational costs, which are not funded, exceed the amount of available funds, resulting in routine bills not being paid.

Ms. McGonagle offered potential regulatory solutions to these issues, including aligning the goal of "gaming integrity and purpose" with the regulatory structure and the simplification of regulations and charity guidelines. Concerning financial solutions, she suggested developing financial rules that provide clubs with the ability to be financially stable and realigning charity guidelines to allow clubs more flexibility to decide contribution priorities to suit the needs of the local community.

In conclusion, Ms. McGonagle stated that nothing is being asked of the committee through this presentation; rather, the issues simply need to be brought forth.

Roger "Bart" Bartosiewicz, quartermaster and gaming accountant, Veterans of Foreign Wars Post 3280 in Clovis, said that the single mission of the posts is to take care of the veterans. He reiterated the frustration over the amount of regulations imposed on them.

Gary Fresquez, gaming commissioner, Veterans of Foreign Wars, Raton post, said his post has given money to college students and has contributed to other areas of the community. He said that he has lost gaming due to GCB regulations. He expressed that compliance with the regulations and policy letters is overwhelming, and he often feels he is drowning in paperwork.

Committee members inquired about several posts and suggested submitting recommendations to the GCB and see if it is responsive to those recommendations. Members stated that the committee can suggest statutory changes.

Members of the committee asked for clarification about whether the GCB has the ability to change rules without a public approval process, and they asked why the GCB is issuing policy letters in response to regulation inquiries, which is considered to be frequently changing internal interpretations and which creates confusion and is a circumvention of the legislative process. Ms. McGonagle replied that this is an issue related to the definition of "charitable organization". Committee members recommended that instead of a statutory change, a regulation change should be made within the GCB.

National Cemetery Funds for Fort Bayard — HJM 10 (2010)

Deputy Secretary Martinez said that HJM 10 requests the VSD to study extending eligibility to the Fort Bayard National Cemetery to receive funding from the Veterans' National Cemetery Fund. Offering a brief background of Fort Bayard, Deputy Secretary Martinez stated that it was established as a United States Army installation in 1866 to protect miners and other settlers in the area along the Apache Trail. He said the first internment was made in 1866, and the Fort Bayard cemetery was established in 1930, which became part of the National Cemetery System in 1973. He said it is currently under the direction of the Fort Bliss National Cemetery. He added that in the 1990s, the State of New Mexico donated 3.95 acres to the cemetery, and it

was placed on the National Register of Historic Places on July 7, 2002. He said the cemetery has 4,000 graves.

Discussing the Veterans' National Cemetery Fund, Deputy Secretary Martinez stated it was established in 1987 as a state income tax check-off to fund the expansion of the Santa Fe National Cemetery. He said that as of December 31, 2010, the balance of the fund was \$125,578 and the balance, in full, is being transferred to the City of Santa Fe.

Deputy Secretary Martinez brought forth several issues surrounding the fund. He said that HJM 10 was originally created to offset costs incurred by the City of Santa Fe for the expansion of the national cemetery and that amending current statute would have an impact on the payments due to the City of Santa Fe. He added that negotiations would need to be entered into with the City of Santa Fe if the money collected is to be split between the two entities.

Committee members expressed their concern about the lack of maintenance on the entrance to the cemetery and stated the need to address this issue. Deputy Secretary Martinez said this area is under National Cemetery Administration, whose attention must be sought to fix this problem.

Members of the committee asked why Fort Bliss is not funding the Fort Bayard National Cemetery maintenance. In response, Deputy Secretary Martinez said that the Fort Bayard cemetery falls within the El Paso district of the U.S. Department of Veterans Affairs system, not the Fort Bliss district. He said that Fort Bayard is on the National Register of Historic Places, and it needs to be maintained; yet that can only be done if the cemetery is given more money. He added that a letter from the committee to the headquarters in Washington, D.C., would carry some weight in this matter. Deputy Secretary Martinez advised that he would work with Cliff Shields, director of the Santa Fe National Cemetery, for the amount it would cost for maintenance. Upon a motion made by Senator Ulibarri and seconded by Representative Alcon and with none opposed, a letter endorsed by the committee will be sent to the National Cemetery Administration request funding for maintenance of the Fort Bayard National Cemetery.

Native American Veterans' Issues and Concerns — Pueblo of Acoma

Dennis H. Felipe, commander, American Legion Post 116, expressed the legion's concern about not having the proper equipment to conduct burials for Pueblo of Acoma veterans, not having the proper infrastructure at the post and not having adequate transportation for the veterans. He listed the requests of the legion, including a bugle to play taps, rifles for the gun salute, a stand for lowering caskets, electric "post building" signs, additional space at the post site, a backhoe for digging graves, paving the parking area around the legion building and funds to purchase a vehicle to provide veterans with transportation to and from the Veterans Health Administration (VHA) clinics and other appointments.

Members of the committee stated that some of these requests can be taken care of, such as the bugle, which will be provided by the VSD. It was suggested that the New Mexico National Guard should be communicated with to donate old rifles to the legion. Deputy Secretary Martinez explained that the VSD has a line item of \$50,000 to assist honor guard teams around the state. He added that the VSD gives each of them \$50.00 per funeral, but due to the cost of gas, most of this money goes to transportation. He also stated that the Pueblo of Acoma is still working on its paperwork to be eligible for the available funding; once it is

registered with the Department of Finance and Administration, the pueblo can apply for reimbursements for the funerals.

Committee members addressed the request for a vehicle. Deputy Secretary Martinez explained that a driver of this vehicle must be licensed through the U.S. Department of Veterans Affairs, and the local entity must pay for the maintenance of the vehicle. He said that the VSD is currently working with the All Indian Pueblo Council regarding this issue. When asked where the requested vehicle would be hubbed, Mr. Felipe said it would be housed at the American Legion office. He said that logistics still need to be decided and that the vehicle would be used primarily for the veterans and their needs at the Pueblo of Acoma.

A member of the public told the committee that it is necessary to have an understanding of how the system works in the rural areas of the state. He said the van currently available stays at the stop for only three minutes, and it does not go to the village. He said he has requested a pickup at the village, but he was told this is not possible due to restrictions. He also said that he has argued with the pueblo governors about purchasing vehicles for themselves, but this is not possible due to financial restraints.

Native American Veterans' Issues and Concerns — Pueblo of Laguna

Marvin Trujillo, Jr., veterans director, Pueblo of Laguna, said that Native Americans have served in all military engagements that the United States has been involved in, and they have served in all branches of the military. He offered statistics, explaining that there are approximately 14,623 Native American veterans in New Mexico, and five out of 19 pueblos have a veterans service office at their respective locations. Offering a glimpse at past issues, he said that securing veterans' benefits, outreach to tribal veterans and the discrimination and availability of service officers have been on the list.

Mr. Trujillo gave an overview of the U.S. Department of Veterans Affairs, explaining that the Veterans Benefits Administration includes the regional offices in Albuquerque; the VHA is the VA Medical Center on Gibson Boulevard in Albuquerque; and the National Cemetery Administration is in Santa Fe. He gave a brief background on the basic claims package, he offered an illustration of the U.S. Department of Veterans Affairs structure and he stated that the end results of the structure are service connection benefits, pension benefits and health care benefits.

Concerning the Pueblo of Laguna veterans office, Mr. Trujillo said it was established in October 2007 and is located at the Laguna tribal administration building. He said the office is the first of its kind in New Mexico and is tribally operated. While a number of social service organizations exist at the pueblo, none is designed to focus on the specific needs of military veterans. He stated that his office works collaboratively with the VSD, the U.S. Department of Veterans Affairs regional office, the VA Medical Center and other organizations to ensure that access to resources and services is available. He stated that the scope of work includes service-oriented disabilities; improved disability pensions; health care; military medals and records; burial and memorial benefits; appeal of VHA claim decisions; and state and federal veterans benefits. Mr. Trujillo illustrated the future goals of the office, including a Native American

liaison position within the VSD, continuing veteran service officer training, vans for transportation and a Native American veterans memorial.

Senator Ulibarri asked Deputy Secretary Martinez to research using the vans available, and he encouraged Mr. Trujillo to work with the VSD to accomplish this.

Navajo Code Talkers Museum and Veterans Center Update

Keith Little, president, Navajo Code Talkers Foundation, gave a brief background of the Navajo code talkers, stating that during World War II, the Japanese had broken all of the other United States' codes and were up to date on the plans of the United States. He said the Allied Powers were desperate for a safe and reliable form of communication and found it using the Navajo language. The military proceeded to recruit eligible Navajo men. He said that the code was based on English words from enlistee battlefield language that was given a Navajo coded name, not plain Navajo. He said this system evolved into an unbreakable code. He said he is envisioning a museum and veterans' center and is here to solicit funding for it.

Wynette Arviso, Navajo Code Talkers Foundation, discussed the mission of the Navajo Code Talkers Museum and Veterans Center: to preserve and pass on the legacy and language of the Navajo code talkers while educating the public and providing a place of refuge, renewal and healing for all veterans and military personnel and their families. The vision for the museum is one that provides clear and consistent communication of the history and language of the Navajo code talkers; tells the story of the role of the Navajo code talkers in the successful outcome of World War II; and presents the development and deployment of the once-secret Navajo voice code used by the U.S. Marine Corps in the Pacific theater. The veterans center will provide a place for veterans and armed services personnel to meet and visit one another in an inviting and comforting atmosphere; offer a wide range of integrated services and resources for veterans of the armed services and their families; and honor, respect and celebrate their service. Ms. Arviso gave examples of components of the center, including oral history archives, exhibits and collections and support services. She said the project cost is estimated to be \$42.6 million, which includes a \$10 million endowment. She explained that New Mexico is being asked to contribute \$4 million.

Addressing how the legislature can help in other ways, she asked that Senate Bill 511 (2011) be reintroduced. It is an act making an appropriation for a feasibility and market study for a national Navajo code talkers museum and veterans center. The bill appropriates \$175,000 to conduct a feasibility and market study regarding visitors and traffic. In addition, she asked the committee to follow up on Senate Joint Memorial 51 (2010), a joint memorial requesting Congress to support and preserve the Navajo code talkers' legacy and their substantial contribution to the country. She also requested the legislature to support them in bringing a work session to Albuquerque to collaborate with other states so there is not a duplication of services in the establishment of this museum and veterans center. She thanked the committee and asked for its continued support.

Senator Ulibarri asked staff to follow up on whether or not the entities listed in the memorial have acted, and he stated that SB 511 will be considered for endorsement by the committee.

Committee members asked what the military has done to preserve the code talkers' language and requested any information regarding this. Members also inquired about military contributions to the museum. In response, Ms. Arviso stated that the military has not requested that information, but she said that the military has verbally supported their endeavors. She added that the museum might be able to borrow specific items for display, although these discussions still need to take place.

Adjournment

There being no further business before the committee, it adjourned at 4:30 p.m.

**MINUTES
of the
FIFTH MEETING
of the
MILITARY AND VETERANS' AFFAIRS COMMITTEE**

**November 10, 2011
Los Amigos Center, Senior Community Services
Santa Rosa, NM**

The fifth meeting of the Military and Veterans' Affairs Committee (MVAC) for the 2011 interim was called to order by Representative Thomas A. Garcia, co-chair, on Thursday, November 10, at 9:12 a.m. at the Los Amigos Center, Senior Community Services in Santa Rosa.

Present

Rep. Thomas A. Garcia, Co-Chair
Sen. David Ulibarri, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Dianne Miller Hamilton
Sen. Richard C. Martinez
Sen. John Pinto

Absent

Rep. Bob Wooley

Advisory Members

Rep. Thomas A. Anderson
Rep. George Dodge, Jr.
Rep. Rodolpho "Rudy" S. Martinez
Rep. Edward C. Sandoval

Sen. William F. Burt
Sen. Carlos R. Cisneros
Sen. Eric G. Griego
Sen. Mary Jane M. Garcia
Sen. Clinton D. Harden, Jr.
Sen. Timothy M. Keller
Sen. William H. Payne

Staff

Pam Stokes, Legislative Council Service (LCS)
Douglas Carver, LCS
Rebecca Griego, LCS

Guest Legislator

Rep. Richard D. Vigil

Guests

The complete guest list is in the meeting file.

Handouts

Copies of all handouts and written testimony are in the meeting file.

Thursday, November 10

Welcome and Introduction

Senator Ulibarri opened the meeting by extending a welcome to the committee, staff and members of the public who were present. He asked all committee members and staff to

introduce themselves and then invited members of the audience to introduce themselves as well. The introductions were followed by a moment of silence for Gerald Gonzales, veteran, former chief of staff for then-United States Representative Tom Udall and former Santa Fe County manager. Representative Sandoval said a few words of appreciation for Mr. Gonzales. Senator Ulibarri then turned the chair over to Representative Dodge, as the committee was meeting in his district. In the second half of the meeting, Representative Garcia served as chair, as Santa Rosa is also included in his district.

Overview of the Current State Capabilities to Provide Long-Term Veteran Care

Secretary Timothy L. Hale, Veterans' Services Department (VSD), and George Marnell, director, New Mexico VA Health Care System, gave the members of the committee an overview of the situation of long-term care for veterans in the state. Mr. Marnell noted that the goal of long-term care is to keep veterans as independent as possible. He stated that at the Community Living Center (CLC) there are 26 beds with an average daily census of 23 people. He discussed the CLC hospice and palliative care operations, noting the 10-bed hospice palliative care unit. He also discussed home hospice care for veterans and outpatient clinic services, including the geriatric primary care clinic and the outpatient palliative care clinic, as well as the community nursing home program. Mr. Marnell then explained caregiver respite services, which allow relief for veterans' in-home caregivers for up to 30 days a year; the home-based primary care program; and the options for purchased skilled home care, for a homemaker/home health care aide and for contract adult day health care. Mr. Marnell then explained the new program inaugurated under the federal Caregivers and Veterans Omnibus Health Services Act of 2010, which provides additional Veterans Administration (VA) services to seriously injured post-9/11 veterans and their family caregivers. Mr. Marnell concluded by describing the new acute geriatric psychiatry unit, a \$5.6 million design-build project that will be constructed on the sixth level of the main hospital building of the Raymond G. Murphy VA Medical Center in Albuquerque, providing 100,000 square feet of space for acute geriatric psychiatric care, including 10 additional beds and support space for acute inpatient geriatric psychiatric care capabilities.

Members of the committee asked whether the services are available for veterans statewide, regionally or out of state. Mr. Marnell replied that services are available for any eligible veteran. He also noted that all of the money for these programs comes from the federal government. Members of the committee expressed the desire that services that are currently available in Albuquerque be available in the rest of New Mexico. Secretary Hale noted the role of service officers who do outreach throughout the state with the goal of informing veterans and their families of the kinds of services that are available. Mr. Marnell noted the role of the primary care provider assigned to a veteran when he or she first gets into the VA system, who then works with a team to ensure the veteran gets the care and benefits needed. Mr. Marnell also discussed how private insurance relates to veterans' health care and the federal Veterans' Health Care Eligibility Reform Act of 1996. Members of the committee asked for and were given further details regarding the various services that Mr. Marnell had discussed, including the veterans' care facility in Truth or Consequences. Secretary Hale and Mr. Marnell gave further information on the outreach to veterans in rural areas, noting especially the advances in telemetry that enable veterans to utilize VA health services without driving to Albuquerque.

Approval of Minutes

Motion 1

Senator Martinez made a motion, seconded by Representative Alcon, to approve the minutes of the fourth meeting of the MVAC. The motion passed, with all present voting in favor.

Briefing from the New Mexico State Veterans' Home

Brad McGrath, chief facilities officer, Department of Health, and Donna Deason, assistant administrator, New Mexico State Veterans' Home (NMSVH), gave an update to the members of the committee on the NMSVH. Ms. Deason explained that the NMSVH's mission is to provide integrated services in an atmosphere that promotes the physical, social and emotional well-being of every resident. She noted that the NMSVH, located in Truth or Consequences, was established by statute and is the only fully dedicated home for veterans, their spouses and Gold Star parents. She also noted that Fort Bayard has a 40-bed veterans' unit in Silver City. She discussed the NMSVH's services, which include intermediate (nursing home) care; skilled nursing care; domiciliary care, which is similar to assisted living; and specialty care in its secured Alzheimer's unit. She detailed the available beds and the staffing, as well as other services, such as the NMSVH's accredited laboratory, options for physical therapy or aquatic therapy and its inpatient pharmacy. She noted that all services are provided under the direction of an onsite, full-time medical director, as well as a full-time pharmacist and part-time physician assistant. She then discussed the NMSVH's licensing and finances, noting the NMSVH's annual budget of approximately \$13.5 million and funding sources that include Medicaid, VA per diem and private pay. Ms. Deason explained the NMSVH's daily charges, average daily cost of care and reimbursement rates. She concluded by noting the support that the NMSVH receives from local and statewide veterans' groups, such as the Disabled American Veterans and Veterans of Foreign Wars, and the state military bases.

In answer to questions from members of the committee, Ms. Deason related the in-kind donations that the NMSVH receives. Ms. Deason also noted that the majority of patients at NMSVH are in long-term care and are past their ability to work. Those who are still of working age have a social worker to offer help. Members of the committee wondered about staffing levels at the NMSVH. Ms. Deason stated that the NMSVH is working to increase staffing levels, but, as with other entities, the NMSVH is constrained by the state budget freeze.

Senior Community Services, Inc.

Daniel J. Stoddard, president, Senior Community Services, Inc. (SCS), and Suzette Lindemuth, vice president, gave a presentation to the members of the committee on the SCS facility, which hopes to be able to provide veterans' services for the state. Mr. Stoddard discussed the efforts undertaken to reestablish senior community services in the Santa Rosa community. He explained the services and capabilities available through SCS and how veterans would benefit from a location based in Santa Rosa. He noted that SCS is willing to help the state's veterans in any way, including the use office space for the VA. Members of the committee noted that there is a need for these types of services, recommended that Mr. Stoddard and Ms. Lindemuth discuss possibilities with Secretary Hale and provided suggestions for the type of groundwork that SCS would have to build. Senator Ulibarri suggested that at some point in the future the committee could hear a follow-up report on the progress that SCS is making.

Increasing Access to Veteran Services in Grant County

Armando Y. Armador, Vietnam Veterans Chapter 358, gave a presentation to the committee on the needs of Vietnam veterans, as well as veterans of other wars, in Grant County and throughout New Mexico. He was joined by the following fellow members of Vietnam Veterans Chapter 358: David Pratesi, Paul Madrid, Julian Jacquez and Jose A. Ray, Jr. Mr. Armador discussed the history of his and his colleagues' service in the Vietnam War and the challenges — social as well as physical and psychological — that returning veterans faced. He informed the committee about a waiver of benefits many veterans had signed on their DD 214 discharge form. He told the committee of the formation of local Vietnam Veterans Chapter 358 and of the work the chapter has done to create the Forgotten Veterans Memorial at Bataan Memorial Park. Mr. Armador also detailed the work Chapter 358 had done to develop a federal veterans' center in Grant County and discussed the lack of services for veterans in the county. He told the members of the committee about the growth of new chapters and noted that after the formation of these new chapters in the mid-2000s, and on the strength of their advocacy, New Mexico rose from being thirty-sixth in the nation in awarding disability benefits to being first. Mr. Armador also discussed the unsuccessful efforts by local advocates to move the Silver City outpatient VA clinic to the Fort Bayard complex, as well as recent advocacy for a women veterans' posttraumatic stress disorder (PTSD) and counseling facility at Fort Bayard. Mr. Armador concluded by stressing to the members of the committee that there were unmet needs for the local veteran population. He also had a series of recommendations for the committee involving studies of the unmet needs in services for Grant County veterans.

At the invitation of Representative Garcia, Kathryn Brown, chair, Operation Fort Bayard Task Force, discussed the work of the task force to use Fort Bayard for veterans' services, with a focus on a restorative healing center for veterans suffering from PTSD, a women's therapeutic treatment center, homes for homeless veterans, assisted living, long-term care, a vocational rehabilitation center and a Veterans Green Corps. Ms. Brown stated that a feasibility study had been conducted recently regarding the use of Fort Bayard for veterans' services; however, she did not have a copy of the study to share with the committee. Members of the committee expressed the desire that a facility similar to the one they had visited in Angel Fire be placed in the southern part of the state.

Members of the committee engaged in an extensive discussion with Mr. Armador and his colleagues from Chapter 358 regarding the DD 214 waivers. Mr. Armador said that some outreach had been conducted with the state congressional delegation, but that the interest from the members of the committee is the most substantial engagement obtained to date. Secretary Hale stated that he had sent a letter to the VA inquiring about the issue.

Motion 2

Representative Hamilton made a motion, seconded by Representative Alcon, to draft a letter to the members of New Mexico's congressional delegation, asking them to investigate the issues surrounding the DD 214 waiver. The motion passed, with all present voting in favor.

There was further discussion regarding the possibility of funding for a treatment facility at Fort Bayard. Secretary Hale noted that, in the present budget situation, it is unlikely that any money would be forthcoming, but a path could be prepared for a time when such money may become available.

Motion 3

Representative Hamilton made a motion, seconded by Senator Ulibarri, to draft a letter to the VA, asking it to investigate the possibility of funding a veterans' wellness center at the Fort Bayard complex. The motion passed, with all present voting in favor.

In addition, Representative Garcia noted that, as there was sufficient interest expressed by the members of the committee, staff should prepare the draft of a bill, for the committee's consideration, calling for funding of a wellness center, along the lines of the bill that was passed for the wellness center in Angel Fire.

Status of Current State Capabilities to Provide Treatment to Veterans for PTSD

Harrison Kinney, executive manager, Behavioral Health Services Division (BHSD), Human Services Department; Christopher Burmeister, administrator, Presbyterian Medical Services (PMS), Rio Rancho Family Health Center; and Adrian Apodaca, Access To Recovery (ATR) project director, BHSD, gave a presentation updating the members of the committee on the state capabilities to treat PTSD in veterans, focusing on the work of the Interagency Behavioral Health Purchasing Collaborative (IBHPC). Mr. Kinney discussed the importance of addressing PTSD and stated that the IBHPC foresees a coming health care crisis because of the growing number of veterans from recent conflicts reentering civilian life and the tightening of budgets, both on state and national levels. The collaborative's major initiatives are: 1) coordination of state initiatives to treat PTSD; 2) a pilot program in conjunction with PMS to develop best practices to support veterans and their families; 3) training 1,200 behavioral providers in PTSD treatment; 4) implementing a statewide strategy to promote specialty courts to divert veterans with PTSD from jail into treatment; and 5) initiatives to tailor services to Native American veterans. Mr. Burmeister gave an overview of New Mexico veteran and family support services (VFSS), which started in 2007, detailed the contacts that VFSS has with veterans and discussed the planned statewide expansion of VFSS pilot outcomes. Mr. Apodaca discussed the ATR voucher program.

Mr. Kinney gave members of the committee some background on the statewide expansion of veterans specialty courts, noting that the newest of these courts, within the Second Judicial District, held its first session on November 9, 2011. He then provided the members of the committee with more details on the training of civilian behavioral health and primary care providers through the serving our veterans behavioral health certificate program; the planned development of a trauma-informed fidelity tool, adaptable to a wide range of public service environments; a program to certify veterans who experience PTSD as peer specialists to help in the treatment of fellow veterans; and the training of first responders and members of the military and other initiatives to train public behavioral health providers. Mr. Kinney noted that the next steps include the following: 1) identification of best practice services and their integration into a system of care; 2) development of pay-for-performance practices that lead to best outcomes for the amount of available funding; 3) increasing of service capacity and access to meet anticipated need; 4) development of data systems to track indicators for service need, service capacity and performance outcomes; and 5) increasing linkage, coordination and integration with veteran/PTSD stakeholders to accomplish these tasks.

Virtual Reality Therapy for PTSD

Mark D. Wiederhold, M.D., president, Virtual Reality Medical Center (VRMC), gave a presentation concerning a new technique he and his colleagues have developed that uses virtual reality to treat PTSD. Dr. Wiederhold noted that the system provides a continuum of care pre-

deployment, in the combat theater and post-deployment. He noted that the VRMC systems have been deployed in various locations in the United States as well as in Iraq, Afghanistan, Poland and Croatia. The pilot study that the VRMC conducted showed an overall 80% success rate of significant reduction in PTSD, with 100% reduction in anxiety and depression, thereby allowing those completing treatment to return to active duty or civilian employment. There were higher success rates for civilian patients treated in VRMC clinics. He noted that there are believed to be 400,000 soldiers in need of PTSD treatment, and while the short-term cost of the VRMC system is similar to usual treatments, the success rates and relapse rates are far better than traditional practices. Dr. Wiederhold showed some sample videos demonstrating the virtual reality environment in which patients are ensconced. He then discussed the idea of a pilot program for a VRMC PTSD mobile system in New Mexico and its potential application as a form of telemedicine, outlining costs, staffing needs and necessary physical infrastructure.

Other Business

Motion 4

Senator Ulibarri made a motion, seconded by Representative Alcon, to draft a letter to Secretary Hale making a formal request that his department consider the viability of using the SCS complex for the state's veterans. The motion passed, with all present voting in favor.

Public Comment

Secretary Hale thanked the committee members for the work that they are doing in support of the state's veterans and noted that there are many people and organizations aside from the VSD who are dedicated to the care of veterans.

Adjournment

There being no other business before the committee, the committee adjourned at 3:41 p.m.

**MINUTES
of the
SIXTH MEETING
of the
MILITARY AND VETERANS' AFFAIRS COMMITTEE**

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**November 23, 2011
Room 322, State Capitol
Santa Fe, NM**

The sixth meeting of the Military and Veterans' Affairs Committee (MVAC) for the 2011 interim was called to order by Representative Thomas A. Garcia, co-chair, on Wednesday, November 23, 2011, at 9:10 a.m. in Room 322 of the State Capitol in Santa Fe.

Present

Rep. Thomas A. Garcia, Co-Chair
Sen. David Ulibarri, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Dianne Miller Hamilton
Sen. Richard C. Martinez
Sen. John Pinto
Rep. Bob Wooley

Absent

Advisory Members

Rep. Thomas A. Anderson
Sen. Carlos R. Cisneros
Rep. George Dodge, Jr.
Rep. Rodolpho "Rudy" S. Martinez
Rep. Edward C. Sandoval

Sen. William F. Burt
Sen. Mary Jane M. Garcia
Sen. Eric G. Griego
Sen. Clinton D. Harden, Jr.
Sen. Timothy M. Keller
Sen. William H. Payne

Staff

Pam Stokes, Legislative Council Service (LCS)
Douglas Carver, LCS
Rebecca Griego, LCS

Guests

The complete guest list is in the meeting file.

Handouts

Copies of all handouts and written testimony are in the meeting file.

Minutes Approval

Because the committee will not meet again this year, the minutes of this meeting have not been officially approved by the committee.

Wednesday, November 23

Welcome and Introduction

Representative Garcia opened the meeting by extending a welcome to the committee, staff and members of the public present. He asked all committee members and staff to introduce themselves. Representative Garcia also welcomed Michele Jacquez-Ortiz, field representative, office of Senator Tom Udall; and Jennifer Catechis, district director, office of Congressman Ben Ray Lujan, to the meeting.

Briefing on Low-Altitude Flights out of Cannon Air Force Base

Representative Garcia noted that as there have been prior opportunities for the public to comment on the low-altitude flights issue, the committee would not be taking oral comments from the public at this meeting, but that those in attendance were welcome to submit written comments for review by the members of the committee. He also offered that members of the public who wish to make a comment via email could send those comments to LCS staff.

Colonel Larry Munz, vice commander, 27th Special Operations Wing, Cannon Air Force Base (CAFB), gave the bulk of the presentation on the status of the review of low-altitude flights out of CAFB, walking the members of the committee through a PowerPoint presentation. Steve Coffin, 27th Special Operations Wing, CAFB; Captain Jeff Wadell, 27th Special Operations Wing, CAFB; and Second Lieutenant Stephanie Schonberger, public affairs, 27th Special Operations Wing, CAFB, also participated in the presentation.

Colonel Munz noted that the purpose of the low-altitude flights proposal is to establish an adequate training area for the air crews that meet special operations low-altitude training requirements. The training space needs to be over an adequately sized area, with appropriate types of terrain that lack large population centers yet are close to CAFB. Colonel Munz discussed the tasks that Air Force Special Operations undertake, including the humanitarian missions in places like Haiti and New Orleans following Hurricane Katrina. He noted that the overflights out of CAFB would be conducted by CV-22 Ospreys and multiple variants on the C-130, adding that there would be no unmanned aircraft flown in the proposed area.

Colonel Munz then discussed the federal National Environmental Policy Act of 1969 (NEPA) process that had been undertaken for the low-altitude flights, noting that the NEPA process has significantly influenced the proposal. The public comment period was from September 7, 2011 to November 5, 2011, with a final decision that will be made at the command level of headquarters Air Force Special Operations Command (AFSOC) and not at CAFB.

Colonel Munz then discussed the details of the low-altitude training area, which covers an area in northern New Mexico and southern Colorado. The proposed area includes mountainous terrain for realistic training and enough overall area to replicate actual missions. Colonel Munz said that there would be a maximum of three training missions per night from CAFB, and no location would be overflown more than once a night, with a maximum of 688 flights annually, most of which would occur Monday through Friday after dark. Colonel Munz stated that the no-action alternative would mean that the flights would be spread over a small geographic area, having a more concentrated impact, and that it would be a sterile training environment for the air crews.

Colonel Munz then discussed the public forums held throughout the areas that would be affected by the low-altitude flights and in some communities outside of the overflight areas. The format for these community meetings allowed time both for presentations and for questions from the public to be answered. The public were also invited to submit comment cards by email or regular mail. These meetings had pilots, navigators, NEPA experts and planners in attendance in order to be able to provide detailed answers to the widest range of questions. The 17 public meetings in Colorado and New Mexico had 855 attendees in total and 208 public speakers, with 90 written comments received and approximately 300 total comments (spoken and written). In addition, approximately 1,500 individual comments were sent directly to the 27th Special Operations Wing. There were over 50 agency comments from the city or county level, from federal, state and local agencies and from special interest groups. There were additional comments from tribal entities. Comments and questions covered a variety of topics, including the effect of low-altitude flights on livestock and wildlife, how much increased noise there would be, whether there would be an effect on wind energy, what impact there might be on tribal practices and what effect there might be on the value of ranches and other property. Colonel Munz added that comments submitted during the 2011 public comment period will be considered in order to evaluate the validity of the analysis and the need for supplemental analysis.

Colonel Munz concluded by noting that the final environmental assessment would be a collaborative effort, taking into account the public comments and consultation with the state historic preservation officer, tribal governments and federal agencies. The final environmental assessment can result in a finding of no significant impact, which would allow the proposal to proceed; a no-action alternative; or the preparation of a full environmental impact statement (EIS). He said he expects the final decision to be made early in the coming year.

Members of the committee asked whether it was known which counties approved of the low-level flights, which were opposed and which requested that an EIS be conducted. Lieutenant Schonberger stated that there had been a mix of responses in different communities in the state. Members of the committee noted the strong support throughout the state for the military, but stated that some communities seem to feel that their voices are not being heard. Members of the committee asked Colonel Munz whether he would look at comments that were presented to the committee. He replied that the committee would review the comments, but that it would not be possible to include them in the environmental assessment process as the comment period was closed. Members of the committee discussed with Colonel Munz what impact the committee could have on the review and approval process.

Members of the committee asked for clarification on the difference between an environmental assessment and an EIS. Mr. Coffin stated that with both there are public forums and alternative plans considered, depending on feedback from affected communities, but with an EIS, there are, in addition, public hearings chaired by a neutral judge, as well as government-to-government reviews, including tribal governments and requirements under the National Historic Preservation Act. Members of the committee expressed their wish to have a list of communities that had supported or opposed the low-altitude flights and which communities had provided comment. Lieutenant Schonberger said that she had a list that she had compiled, but she could not guarantee that it was comprehensive as it was dependent upon the communities informing the 27th Special Operations Wing if the communities had taken a vote or formally addressed the matter.

Strategic Plan of the Veterans' Services Department

Secretary Timothy L. Hale of the Veterans' Services Department (VSD) gave an overview of his department's services and plans for the future. He discussed the department's motto, "Serving those who served", and the focus of the department on the approximately 180,000 veterans who live in New Mexico. He noted that the department's focal points are health care, homelessness, education, long-term care and special needs and veteran burial benefits and cemeteries. He discussed New Mexico's military heritage and the large population of veterans in the state, noting that New Mexico's per capita veteran population is among the nation's highest, but that there has been an overall decline in the veteran population since the 2000 census. He also discussed the changing makeup of New Mexico's veteran population, with a near-term declining elderly population, but a small elderly increase pending as veterans from the Reagan-era buildup reach retirement age, as well as an increase in veterans from more recent military actions. Secretary Hale discussed how the large number of veterans from the more recent conflicts will have challenges regarding posttraumatic stress disorder (PTSD), traumatic brain injuries and military sexual trauma and how important it is that veterans get help within the first six months after they leave the service.

Secretary Hale then discussed the guiding principles of the VSD: people centric, results driven and tactically focused but strategically driven. He stated that the VSD has the following strategic goals: 1) to improve awareness and access to benefits for all New Mexico veterans; 2) to improve and build upon community and interagency partnerships to bridge verified gaps in the United States Department of Veterans Affairs (VA) benefits; and 3) to make New Mexico the most veteran-friendly and -accessible state. He discussed the various state and federal agencies, the national service groups and service foundations that make up the VSD's constituents and key partners. He then discussed the locations of the major VA facilities, PTSD treatment facilities and VA community and rural health facilities in and near New Mexico, as well as the New Mexico state veterans home and the availability of veteran cemeteries.

Secretary Hale then reviewed the VSD's specific strategic goals, including making its service officers the best in the nation, jobs for veterans, homes for veterans and developing and refining plans for an aging veteran population. He discussed the importance of cooperative efforts to put veterans to work with the United States Department of Labor (DOL) and the Workforce Solutions Department for jobs and with the Higher Education Department and the DOL for education and on-the-job training. He also discussed the VSD's business development initiatives, including the Veterans Enterprise Training Program and the New Mexico Veterans Business Outreach Center. Secretary Hale elaborated on conferences, workshops and focus groups that the VSD had conducted, which included the Transitional Assistance Program and VSD information, and a focus on entrepreneurs. From FY 2008 through FY 2010, there was \$39,589,000 in contracts awarded to veterans' businesses, businesses that tend to hire more veterans as the businesses grow. He also discussed the VSD's short-term expansion plans, which include expanding into women, Native American, National Guard and college markets for entrepreneurs; expanding the social media presence; and securing additional federal grant funding. Over the next one to two years, the department would like to have additional veteran business advisor support locations, particularly in Las Cruces and Farmington, and to have satellite locations on university and college campuses.

Secretary Hale then gave the members of the committee details of the department's field operations. The mission of the field operations is to provide information and assistance to

veterans and eligible dependents so they might obtain the state and VA benefits and services to which they are entitled. There are 17 veteran service officers in 20 offices, covering 16 of the state's 33 counties. At present, there are unfilled positions in Las Vegas and Las Cruces, and there is a recent vacancy in Clovis. The field operations serve a population of veterans that make up nine percent of the state's total population, versus a national average that is less than one-half percent. The service officers processed over 18,000 claims in FY 2009.

Secretary Hale concluded by reviewing VA expenditures in the state, which totaled over \$1.5 billion. He also noted that the University of New Mexico Veteran's Office had received \$1.3 million in GI Bill tuition benefits, \$2.6 million in housing allowances to veterans or the children of veterans and \$275,000 worth of book stipends.

Members of the committee asked Secretary Hale for further details concerning the distribution of field offices in the state. They also asked Secretary Hale how New Mexico might move up in the rankings of how it cares for veterans compared with other states. Secretary Hale noted that the key areas are social security withholding, veterans' retirement withholding, veterans' programs, veterans' housing tax benefits, veterans' cemeteries, veterans' homes, in-state tuition benefits and scholarships for veterans and tax breaks for veterans' businesses. He added that changes to tax benefits would be one of the fastest ways to move up in the rankings, particularly a retiree tax exemption and business incentives. There was some discussion among the members of the committee concerning state revenues and the difficulty of lowering anyone's tax rates at this point in time given the state's already meager tax returns.

Secretary Hale noted the strong support the military has in the state's academic institutions.

Approval of Minutes

Senator Ulibarri made a motion, seconded by Senator Martinez, to approve the minutes of the fifth meeting of the MVAC, with changes to who had sponsored and seconded motions two and three of that meeting. The motion to approve the minutes with those amendments passed with all present voting in favor.

Veterans' Clubs — Nonprofit Gaming Issues

David L. Norvell, chair, Gaming Control Board (GCB), Frank A. Baca, executive director, GCB, Tom Fair, director, Audit and Compliance Division, GCB, and Steve Millwood, GCB, gave a presentation to the members of the committee concerning issues surrounding the use of slot machines and other gaming machines in meeting halls for veterans' service organizations. Representative Garcia informed the panelists that the members of the committee are interested in hearing why there is so much paperwork involved in having gaming machines in American Legion posts, Veterans of Foreign Wars posts and the like, and why having gaming machines appears to create restrictions on how and where such organizations can donate money.

Minda McGonagle, a lobbyist for veterans' nonprofit organizations, was invited to address the committee. She noted that she is working with the GCB to address structural issues and to see what could be streamlined in the GCB's regulations and guidelines because the degree of complexity is overwhelming many of the clubs. She would like to see more clubs participate in gaming so that there would be more money going into veteran communities and the community at large. She noted that the paperwork required and signatures needed are especially

big obstacles and that she would like to see more flexibility regarding what might be considered a charitable donation made by clubs with gaming machines.

Mr. Norvell indicated that the GCB understood the concerns expressed by Ms. McGonagle and that it is working to streamline the paperwork required for nonprofits. He stated that while there are some forms that could be dispensed with, there are certain requirements that cannot be ignored as they are statutory. The question of donations is particularly tied to what the statutes require.

Mr. Baca then introduced materials that had been provided by Mr. Fair concerning general trends in gaming and statutes and policies regarding charitable contributions, and he discussed more of the issues surrounding paperwork, duplication of effort, errors and charity. He noted that one reason for the increase in paperwork is that tight budgets prohibit GCB staff from making personal visits. With personal visits, a relationship is established and errors or omissions are more expeditiously handled. He said that the issue of paperwork duplicating what is already in the computers connected to the gaming machines is being examined by the GCB information systems staff and the GCB. He noted that the high turnover of personnel in nonprofits with gaming machines leads to more errors as new people have to become familiarized with the necessary recordkeeping. He repeated the point others had made that there is statutory guidance for what is considered a charity.

Mr. Fair presented his figures on gaming trends, noting that the overall trend line for gaming revenue is negative, a pattern that is mirrored in the average revenue per veteran licensee. He discussed the allowable gaming expense (AGE), the amount that can be spent on running a gaming enterprise, noting that the larger the AGE, the smaller the profit being made. He added that 34 percent of institutions with gaming machines did not manage their AGE well. Mr. Fair also gave some specifics regarding the forms required, noting that while there are 31 total forms for nonprofits with gaming machines, not all of these are needed by any one institution. He also noted that there is an agreement in principle to allow clubs to donate to each other, but that it takes time to implement a rule change.

Mr. Baca noted that the GCB provides training for new clubs, and that the GCB is looking into holding regular training sessions in different parts of the state. He added that the GCB encourages organizations to call if they have any questions. Mr. Fair indicated that the GCB is examining the possibility of web-based interactive forms, but that to ensure accountability, there are certain forms that are recommended always to be done by hand.

Members of the committee encouraged the GCB to continue examining ways to streamline its processes and regulations. They also suggested that the GCB look into whether it would be permissible for groups of American Legion posts or Veterans of Foreign Wars posts to band together to obtain volume contracts for vending machines. It was requested that the GCB report back to the committee with an answer. Members of the committee also requested that the GCB schedule a training at its office as soon as feasible, preferably on a Saturday as many veterans involved with veterans' support organizations work during the week. It was also requested that the GCB let committee staff know when the training would be scheduled so that members of the committee could help to spread word of the training.

Consideration of Legislation

Upon a motion by Representative Hamilton, seconded by Representative Garcia, the committee voted without objection to endorse a memorial requesting the VSD to collaborate with various agencies and organizations to study the unmet behavioral health and primary health care needs of veterans in the southwest portion of the state (file no. 187910.3). It was agreed that Representative Martinez would carry the bill and Representative Hamilton would cosponsor it.

Upon a motion by Representative Sandoval, seconded by Representative Wooley, the committee voted without objection to endorse a bill enacting the Service Member Child Custody Act (file no. 187687.1). It was agreed that Representative Garcia would carry the bill.

Upon a motion by Representative Alcon, seconded by numerous members of the committee, the committee voted without objection to endorse a bill making an appropriation for a feasibility and market study for a Navajo code talkers museum and veterans center (file no. 187913.1). It was agreed that Senator Pinto would carry the bill.

Upon a motion by Representative Sandoval, seconded by Representative Hamilton, the committee voted without objection to endorse a \$500,000 capital outlay request to plan, design and renovate the Yucca Lodge at Fort Bayard for use as a veterans' PTSD clinic. It was agreed that Representative Martinez would carry the request.

Upon a motion by Representative Sandoval, seconded by Representative Hamilton, the committee voted without objection to endorse a memorial requesting the VSD to collaborate with various agencies and organizations to study the unmet behavioral health and primary health care needs of veterans in the state (file no. 187911.1). It was agreed that Senator Martinez would carry the bill.

The following two bills were discussed by the committee although the committee had not had time prior to the meeting to review the bills' contents. It was agreed that the committee would take a provisional vote on whether to endorse the legislation, but that if after reviewing the text of the bills, any committee member had objections, they were to inform Ms. Stokes and the bill to which a member had raised objections would not receive the committee's endorsement.

Upon a motion by Representative Martinez, seconded by Representative Sandoval, the committee voted without objection to endorse a bill to make an appropriation for a pilot program to treat veterans with PTSD with a virtual reality device (file no. 187979.1). It was agreed that Representative Hamilton would carry the bill.

After discussion with Secretary Hale, upon a motion by Representative Sandoval, seconded by Representative Hamilton, the committee voted without objection to endorse a bill making an appropriation to study the need for a state cemetery for members of the United States National Guard and Reserves (file no. 187980.1). It was agreed that Representative Martinez would carry the bill.

Other Matters

Members of the committee discussed the possibility of increased funding for veterans in the state's budget. Upon a motion by Representative Wooley, seconded by Representative

Sandoval, the committee voted without objection to endorse members of the committee contacting the Office of the Governor to endorse an increase in funding for the state's veterans.

Members of the committee also discussed a study that had been conducted that showed that every veteran in the state brought \$1 million to the state. It was decided that the committee could discuss that report and possibilities for legislation in the next interim.

Adjournment

There being no other business before the committee, Representative Garcia thanked the members for their service during the interim, and the committee adjourned at 12:52 p.m.

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ENDORSED LEGISLATION

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HOUSE BILL

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

FOR THE MILITARY AND VETERANS' AFFAIRS COMMITTEE

AN ACT

RELATING TO DOMESTIC RELATIONS; ENACTING THE SERVICE MEMBER
CHILD CUSTODY ACT; ESTABLISHING PROCEDURES FOR MODIFYING
EXISTING CUSTODY, TIME-SHARING OR VISITATION ORDERS FOR
CHILDREN OF SERVICE MEMBERS; PROHIBITING ENTRY OF FINAL ORDERS
MODIFYING EXISTING CHILD CUSTODY, TIME-SHARING OR VISITATION
ORDERS WHILE A SERVICE MEMBER IS UNAVAILABLE PURSUANT TO
MILITARY ORDERS; PROHIBITING THE MODIFICATION OF EXISTING CHILD
CUSTODY, TIME-SHARING OR VISITATION ORDERS SOLELY BECAUSE A
SERVICE MEMBER IS ABSENT OR MIGHT BE ABSENT PURSUANT TO
MILITARY ORDERS; PROVIDING FOR A SERVICE MEMBER TO DELEGATE
VISITATION RIGHTS; PROVIDING FOR AN EXPEDITED HEARING WHEN A
SERVICE MEMBER WILL BE UNAVAILABLE PURSUANT TO MILITARY ORDERS;
PROVIDING FOR ELECTRONIC TESTIMONY.

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

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1 SECTION 1. SHORT TITLE.--This act may be cited as the
2 "Service Member Child Custody Act".

3 SECTION 2. DEFINITIONS.--As used in the Service Member
4 Child Custody Act:

5 A. "child" means an individual who has not attained
6 eighteen years of age or is not otherwise legally emancipated;

7 B. "deploying parent" means a military parent who
8 has received written orders to deploy with the United States
9 army, navy, air force, marine corps, coast guard or national
10 guard or a reserve component thereof;

11 C. "deployment" means military service in
12 compliance with military orders received by a service member to
13 report for combat operations, contingency operations,
14 peacekeeping operations, temporary duty, a remote tour of duty
15 or other active service for which a service member is required
16 to report unaccompanied by any family member; and "deployment"
17 includes a period during which a service member remains subject
18 to deployment orders and remains deployed on account of
19 sickness, wounds, leave or other military cause;

20 D. "family member" means a person related by blood,
21 adoption or marriage and includes a spouse, child, sibling,
22 parent or grandparent or other person who may significantly
23 affect a child's best interest;

24 E. "military parent" means a parent who is a
25 service member;

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1 F. "non-deploying parent" means a parent not
2 subject to deployment;

3 G. "parent" includes a biological or adoptive
4 parent of a child or other person who provides care for a child
5 and may significantly affect the child's best interest;

6 H. "period of leave" means an authorized absence
7 from military duty; and

8 I. "service member" means a member of the United
9 States army, navy, air force, marine corps, coast guard or
10 national guard or a member of a reserve component thereof.

11 SECTION 3. FINAL ORDERS.--

12 A. A court shall not enter a final order modifying
13 an existing order concerning custody, time-sharing or
14 visitation to which a deploying parent is a party until ninety
15 days after that deploying parent's deployment ends unless all
16 parties stipulate to the entry of a final order.

17 B. Nothing in this section shall be interpreted to
18 limit the power of a court to conduct a hearing concerning
19 custody, time-sharing or visitation in which a military parent
20 is a party and to issue a temporary order concerning custody,
21 time-sharing or visitation in the best interest of the child
22 until a final order may be issued.

23 SECTION 4. MODIFICATION OF CUSTODY, TIME-SHARING OR
24 VISITATION--DEPLOYMENT NOT SOLE FACTOR.--Deployment or the
25 potential for future deployment is not in itself a substantial

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1 and material change in circumstance affecting the welfare of a
2 child. A court shall not use deployment or the potential for
3 future deployment as the sole factor to modify an existing
4 order concerning custody, time-sharing or visitation.

5 SECTION 5. TEMPORARY MODIFICATION--LEAVE AND OTHER
6 ACCOMMODATIONS.--

7 A. A court may issue a temporary order to modify an
8 existing order concerning custody, time-sharing or visitation
9 to which a deploying parent is a party to make reasonable
10 accommodation for the child because of the deploying parent's
11 deployment.

12 B. A temporary modification order issued pursuant
13 to this section shall provide that:

14 (1) the deploying parent shall have custody of
15 the child or reasonable time-sharing or visitation, whichever
16 is applicable, pursuant to the existing order concerning child
17 custody or visitation, during a period of leave granted to the
18 deploying parent;

19 (2) the non-deploying parent shall facilitate
20 telephonic, electronic mail or other communications and contact
21 between the deploying parent and the child during deployment;
22 and

23 (3) the deploying parent shall provide
24 information regarding the deploying parent's period of leave
25 schedule to the non-deploying parent at least ten days prior to

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1 the commencement of the period of leave or within reasonable
2 time if the deploying parent received less than ten days'
3 notice of a period of leave.

4 C. The non-deploying parent shall make a reasonable
5 effort to afford the deploying parent custody, time-sharing and
6 visitation pursuant to the existing order and parenting plan
7 concerning custody, time-sharing and visitation; provided,
8 however, that the non-deploying parent shall not be obligated
9 to incur a financial burden to facilitate custody, time-sharing
10 and visitation with the deploying parent. A reasonable effort
11 to afford custody, time-sharing and visitation includes
12 facilitation of the transportation of the child within the
13 exterior boundaries of New Mexico and other facilitation for
14 the child to visit with the deploying parent.

15 D. A court modifying an existing order concerning
16 custody, time-sharing or visitation due to deployment shall
17 specify that the deployment is the basis for the modification
18 and shall enter the order as a temporary order. The court
19 shall require the non-deploying parent to provide the court and
20 the deploying parent with thirty days' advance written notice
21 of any change of address and any change of telephone number,
22 unless a domestic violence order requires that the address or
23 contact information of the non-deploying parent be kept
24 confidential pursuant to the Family Violence Protection Act.

25 E. Upon motion of a deploying parent notifying the

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1 court of imminent deployment, the court shall hold an expedited
2 hearing in the custody, time-sharing or visitation proceeding
3 to which that deploying parent is a party.

4 SECTION 6. TERMINATION OF TEMPORARY ORDER ISSUED DURING
5 DEPLOYMENT.--

6 A. Except as provided in Subsection B of this
7 section, a temporary order modifying an existing order
8 concerning custody, time-sharing or visitation during
9 deployment of a military parent shall terminate no later than
10 ten days after the end of the deployment of the military
11 parent. The original terms of the existing order and parenting
12 plan concerning custody, time-sharing or visitation prior to
13 deployment shall be reinstated. The deploying parent shall
14 notify the court and the non-deploying parent, in writing, of
15 the deploying parent's termination of deployment at least
16 fifteen days prior to the termination of deployment. If the
17 address of the non-deploying parent is confidential due to a
18 domestic violence order, the deploying parent shall only notify
19 the court in writing of the deploying parent's termination of
20 deployment.

21 B. The court shall not terminate the temporary
22 order if either the deploying parent or non-deploying parent
23 files an emergency or expedited motion alleging an immediate
24 danger or irreparable harm to the child if the terms of the
25 existing order concerning custody, time-sharing or visitation

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1 is reinstated. The court shall hold a hearing within ten days
2 of the filing of an emergency or expedited motion by either the
3 deploying parent or non-deploying parent alleging an immediate
4 danger of irreparable harm to the child if the terms of the
5 existing order and parenting plan concerning custody, time-
6 sharing and visitation are reinstated.

7 SECTION 7. DELEGATION OF VISITATION RIGHTS.--

8 A. Upon motion of a deploying parent, or upon
9 motion of a family member of the deploying parent with the
10 consent of the deploying parent, the court may issue a
11 temporary order to delegate all or a portion of the deploying
12 parent's visitation rights to a family member with a close and
13 substantial relationship to the child for the duration of the
14 deployment if in the best interest of the child. The person to
15 whom delegated visitation rights are granted shall have full
16 legal standing to enforce that temporary order.

17 B. The delegation of visitation rights or access to
18 the child shall not create an entitlement or standing to assert
19 separate rights to a liberty interest in the care and custody
20 of the child for a person other than a parent. A temporary
21 order delegating the visitation rights of a deploying parent
22 shall terminate by operation of law upon the end of that
23 deploying parent's deployment.

24 C. A delegation of visitation rights shall not
25 exceed the visitation time granted to the deploying parent

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1 under the existing order concerning child custody or
2 visitation, unless the court determines that additional time is
3 required to transport the child.

4 SECTION 8. TESTIMONY.--

5 A. In addition to other procedures available to a
6 party, a party to a custody, time-sharing or visitation
7 proceeding involving the child of a service member may offer
8 testimony of witnesses who are located in another state or
9 country, including testimony of the parties and the child, by
10 deposition or other means allowable in this state for testimony
11 taken in another state or country. The court on its own motion
12 may order that the testimony of a person be taken in another
13 state or country and may prescribe the manner in which and the
14 terms upon which the testimony is taken.

15 B. A court of this state may permit an individual
16 residing in another state or country to be deposed or to
17 testify by telephone, audiovisual means or other electronic
18 means before a designated court or at another location in that
19 state or country. A court of this state shall cooperate with
20 courts of other states or military facilities and courts in
21 other countries in designating an appropriate location for the
22 deposition or testimony.

23 SECTION 9. NO EXISTING ORDER.--

24 A. If a military parent has not been issued an
25 order concerning the terms of custody, time-sharing or

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1 visitation and it appears that deployment is imminent, upon the
2 filing of initial pleadings and a motion by either the
3 deploying parent or the non-deploying parent notifying the
4 court in the title of the pleading that deployment of a
5 military parent is imminent, the court shall expedite a hearing
6 to establish temporary custody, time-sharing or visitation to
7 ensure that the military parent has access to the child during
8 deployment, to ensure disclosure of information, to grant other
9 rights and duties pursuant to the Service Member Child Custody
10 Act and to provide other appropriate relief.

11 B. An initial pleading filed to establish custody,
12 time-sharing or visitation for a child of a deploying parent
13 shall be identified at the time of filing by stating in the
14 title of the pleading that the matter concerns a deploying
15 parent, and the pleading shall state the specific facts related
16 to the deployment.

17 **SECTION 10. DUTY TO COOPERATE AND DISCLOSE INFORMATION.--**

18 A deploying parent shall provide a copy of the deployment
19 orders to the non-deploying parent promptly and without delay
20 before deployment. Notification shall be made within ten days
21 of the receipt of the deployment orders or notification of a
22 period of leave. If less than ten days' notification is
23 received by the deploying parent, then notification to the non-
24 deploying parent shall be given immediately upon receipt of the
25 deployment orders. If all or part of the orders are classified

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1 or restricted as to release, the deploying parent shall provide
2 all nonclassified or nonrestricted information to the non-
3 deploying parent.

4 SECTION 11. FAILURE TO EXERCISE TIME-SHARING OR
5 VISITATION RIGHTS.--In determining whether a parent has failed
6 to exercise time-sharing or visitation rights, the court shall
7 not count any time periods during which the military parent did
8 not exercise time-sharing or visitation due to the material
9 effect of that military parent's military duties on time-
10 sharing or visitation time.

11 SECTION 12. REMOVAL FROM THE STATE.--Once an order for
12 child custody involving the child of a military parent has been
13 entered in this state, any absence of a child from this state
14 during the military parent's deployment shall be designated a
15 "temporary absence" for the purposes of the application of the
16 Uniform Child-Custody Jurisdiction and Enforcement Act. For
17 the duration of the military parent's deployment, this state
18 shall retain exclusive continuing jurisdiction under that act
19 and the non-deploying parent shall not use the non-deploying
20 parent's relocation to another state as a basis to assert
21 inconvenience of the forum under that act.

22 SECTION 13. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2012.

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HOUSE JOINT MEMORIAL

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

FOR THE MILITARY AND VETERANS' AFFAIRS COMMITTEE

A JOINT MEMORIAL

REQUESTING THE VETERANS' SERVICES DEPARTMENT TO WORK WITH THE INTERAGENCY BEHAVIORAL HEALTH PURCHASING COLLABORATIVE, THE NEW MEXICO VETERANS AFFAIRS HEALTH CARE SYSTEM, THE LAS CRUCES VET CENTER, THE SILVER CITY COMMUNITY BASED OUTPATIENT CLINIC, VIETNAM VETERANS OF AMERICA CHAPTER 358 AND OTHER NECESSARY ORGANIZATIONS TO STUDY THE UNMET BEHAVIORAL HEALTH AND PRIMARY HEALTH CARE NEEDS OF VETERANS IN SOUTHWESTERN NEW MEXICO.

WHEREAS, veterans have fought to defend the country and deserve to be treated with the best health care possible; and

WHEREAS, state and federal governments have not provided sufficient services to provide the necessary behavioral health and primary care needs of veterans; and

WHEREAS, in the 1980s, local veterans, realizing that they were suffering from posttraumatic stress disorder symptoms and

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1 finding local veterans' services scarce, formed a group to
2 support one another; and

3 WHEREAS, the number of veterans wanting to participate
4 outgrew the capacity and capability of the group; and

5 WHEREAS, in the 1990s, Vietnam veterans from Grant county
6 created their own chapter of the Vietnam veterans of America,
7 Chapter 358, to provide support for local veterans; and

8 WHEREAS, Vietnam veterans of America Chapter 358 has been
9 working tirelessly, day after day, to provide support and
10 assistance to the local veterans in Grant county; and

11 WHEREAS, Vietnam veterans of America Chapter 358 worked
12 with the local community to develop a federal veterans' center
13 in Grant county; however, the center was placed in Las Cruces;
14 and

15 WHEREAS, a social worker from the Las Cruces vet center
16 serves the Grant county area once per week, serving
17 approximately seventy veterans in three different groups; and

18 WHEREAS, primary health care funds from the United States
19 department of veterans affairs are depleted within the first
20 quarter of each year; and

21 WHEREAS, there is a gap in comprehensive, reliable,
22 consistent data for planning the support that is necessary for
23 veterans in the Grant county area;

24 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
25 STATE OF NEW MEXICO that the veterans' services department be

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1 requested to collaborate with the interagency behavioral health
2 purchasing collaborative, the New Mexico veterans affairs
3 health care system, the Las Cruces vet center, the Silver City
4 community based outpatient clinic, Vietnam veterans of America
5 Chapter 358 and other necessary organizations to study the
6 unmet behavioral health and primary health care needs of
7 veterans in southwestern New Mexico; and

8 BE IT FURTHER RESOLVED that findings of the study be
9 reported to the legislative military and veterans' affairs
10 committee on or before November 1, 2012; and

11 BE IT FURTHER RESOLVED that an action plan be developed,
12 following the report to the military and veterans' affairs
13 committee, that will promote an increase in veterans' services
14 in the Grant county area; and

15 BE IT FURTHER RESOLVED that a copy of this memorial be
16 transmitted to the secretary of veterans' services.

1 SENATE JOINT MEMORIAL

2 50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

3 INTRODUCED BY

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8 FOR THE MILITARY AND VETERANS' AFFAIRS COMMITTEE

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10 A JOINT MEMORIAL

11 REQUESTING THE VETERANS' SERVICES DEPARTMENT TO WORK WITH THE
12 INTERAGENCY BEHAVIORAL HEALTH PURCHASING COLLABORATIVE, THE NEW
13 MEXICO VETERANS HEALTH ADMINISTRATION, VIETNAM VETERANS OF
14 AMERICA CHAPTER 358 AND OTHER NECESSARY ORGANIZATIONS TO STUDY
15 THE UNMET BEHAVIORAL HEALTH AND PRIMARY HEALTH CARE NEEDS OF
16 VETERANS IN NEW MEXICO.

17
18 WHEREAS, veterans have fought to defend the country, and
19 they deserve to be treated with the best health care possible;
20 and

21 WHEREAS, state and federal governments have not supplied
22 sufficient services to provide for the necessary behavioral
23 health and primary health care needs of veterans; and

24 WHEREAS, comprehensive, reliable, consistent data is
25 essential to planning the support that is needed to provide for

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1 the necessary behavioral health and primary health care needs
2 of veterans in the state; and

3 WHEREAS, the withdrawal of military forces from Iraq by
4 the end of 2011, and from Afghanistan by 2014, will
5 significantly increase the number of veterans needing
6 behavioral health and primary health care services; and

7 WHEREAS, it is important to identify the gaps in
8 behavioral health and primary health care services for veterans
9 currently living in the state, and for veterans that are soon
10 to be coming home;

11 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
12 STATE OF NEW MEXICO that the veterans' services department be
13 requested to collaborate with the interagency behavioral health
14 purchasing collaborative, the New Mexico veterans health
15 administration, Vietnam veterans of America Chapter 358 and
16 other necessary organizations to study the unmet behavioral
17 health and primary health care needs of veterans in the state;
18 and

19 BE IT FURTHER RESOLVED that the findings of the study be
20 reported to the military and veterans' affairs committee on or
21 before November 1, 2012; and

22 BE IT FURTHER RESOLVED that a copy of this memorial be
23 transmitted to the secretary of veterans' services.

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SENATE BILL

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

FOR THE MILITARY AND VETERANS' AFFAIRS COMMITTEE

AN ACT

MAKING AN APPROPRIATION FOR A FEASIBILITY AND MARKET STUDY FOR
A NATIONAL NAVAJO CODE TALKERS MUSEUM AND VETERANS CENTER.

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

SECTION 1. APPROPRIATION.--One hundred seventy-five
thousand dollars (\$175,000) is appropriated from the general
fund to the Indian affairs department for expenditure in fiscal
year 2013 to conduct a feasibility and market study regarding
visitors and traffic at a national Navajo code talkers museum
and veterans center located in McKinley county. Any unexpended
or unencumbered balance remaining at the end of fiscal year
2013 shall revert to the general fund.

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SENATE BILL

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PUBLIC SCHOOLS; REMOVING THE RESTRICTION AGAINST THE USE OF STATE MONEY FOR OUTREACH ACTIVITIES AND ROOM AND BOARD EXPENSES FOR STUDENTS AT THE NEW MEXICO SCHOOL FOR THE ARTS.

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

SECTION 1. Section 22-15F-8 NMSA 1978 (being Laws 2008, Chapter 15, Section 8) is amended to read:

"22-15F-8. ROOM AND BOARD COSTS--OUTREACH ACTIVITIES--PRIVATE FUNDING REQUIRED.--The school shall, either through a foundation or other private funding sources, obtain gifts, grants and donations to ensure that the school has adequate revenue to pay for all expenses associated with outreach activities provided for in Section ~~[6 of the New Mexico School for the Arts Act]~~ 22-15F-6 NMSA 1978 and for room and board

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1 costs for those students who are not able to pay the full cost
2 of room and board as provided in Section [~~7 of that act~~]
3 22-15F-7 NMSA 1978. The school shall separately account for
4 the costs of outreach activities and room and board and for the
5 revenue received from private sources to pay those costs. [~~The~~
6 ~~school shall not use money received from the state for these~~
7 ~~purposes. Failure of the school to secure adequate funding for~~
8 ~~these purposes shall be grounds for denial or revocation of a~~
9 ~~charter.]"~~

10 SECTION 2. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2012.

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HOUSE BILL

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

AN ACT

MAKING AN APPROPRIATION TO THE VETERANS' SERVICES DEPARTMENT
FOR A PILOT PROGRAM TO TREAT VETERANS WITH POSTTRAUMATIC STRESS
DISORDER WITH A VIRTUAL REALITY TREATMENT DEVICE.

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

SECTION 1. APPROPRIATION.--Two hundred fifty thousand
dollars (\$250,000) is appropriated from the general fund to the
veterans' services department for expenditure in fiscal year
2013 for a pilot program to treat veterans with posttraumatic
stress disorder with a virtual reality device designed to treat
posttraumatic stress disorder. Any unexpended or unencumbered
balance remaining at the end of fiscal year 2013 shall revert
to the general fund.

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**LEGISLATIVE COUNCIL SERVICE
50TH LEGISLATURE-SECOND SESSION-2012
CAPITAL OUTLAY REQUEST FORM**

This is the printed version of the legislative council service's capital outlay request form. You may also access and download this form online by going to the legislature's web site (www.nmlegis.gov). The form is available in PDF format or as an editable MS-Word document.

This capital outlay request form is designed to assist you in describing the project for which you are seeking funding. Completing this form is necessary to provide accurate information to the legislative council service for drafting purposes and for legislators to make informed decisions about funding projects. This form must be submitted to the legislative council service capital outlay office **by 5 p.m. on January 29, 2012. ALL CAPITAL OUTLAY REQUESTS MUST BE SIGNED BY THE SPONSORING LEGISLATOR.** If you intend to seek the support of more than one legislator in the funding of a project, a separate, signed form is required for each legislator sponsoring the project. If funding is requested from multiple legislators for the same project, please provide an identical project description for each legislator to sign. The sponsoring legislator must be provided with a copy of this completed form and supporting documentation, so **be sure to keep a copy** for this purpose. Also, be prepared to provide a copy of this form to other legislators and committees.

The legislature intends to fund projects that are well planned and budgeted and that have been deemed important to communities. Additionally, the legislature is trying to fund projects in phases. The legislature has developed a list of criteria for funding needed projects. The criteria list is available at the legislature's web site (www.nmlegis.gov).

Additional Requirements for Nonprofit Entity, Economic Development and Non-ICIP Projects

1. If the capital asset is to be used by a **nonprofit entity**, the requester needs to submit with this form a written commitment from the state or a political subdivision of the state that the state or the political subdivision:
 - A. is or will be the owner of the asset and the fiscal agent for the nonprofit entity;
 - B. will lease the asset to the nonprofit entity at fair market value; and
 - C. will ensure the nonprofit entity maintains the asset.
2. If the project is an **economic development project** that represents a public-private partnership under the Local Economic Development Act, the requester needs to submit with this form the local government's approval of the project, in accordance with its ordinance adopted pursuant to that act, that validates the local government's receipt of state funding for the project.
3. If the project is intended to be for a state agency or a political subdivision of the state, but is **not part of that agency's or subdivision's ICIP**, the state agency or political subdivision must agree, prior to funding, to own, operate and maintain the asset.

**PLEASE REMOVE THIS TOP PAGE BEFORE SUBMITTING THE FOLLOWING COMPLETED
AND SIGNED FORM TO THE CAPITAL OUTLAY OFFICE. BE SURE TO GIVE A COPY
OF THE SIGNED AND COMPLETED FORM TO THE REQUESTING LEGISLATOR.**

**LEGISLATIVE COUNCIL SERVICE
50TH LEGISLATURE-SECOND SESSION-2012
CAPITAL OUTLAY REQUEST FORM**

Legislative Sponsor: Representative Rudolpho "Rudy" S. Martinez

Sponsor's Signature: _____

Project Contact Name: _____ Phone Number: _____

Contact Email: _____

If brought in by legislative staff, please provide:

Secretary's Name: _____ Office Phone Number: _____

PROJECT SPECIFICS NEEDED FOR DRAFTING

1. What is the total amount being requested from the legislature for this project or for this phase of the project?
\$500,000

(The final funded amounts from individual legislators will be determined during the bill production phase.)

2. Brief **project description** (please include action words, such as "to plan and design" or "to design and construct" as well as what the project is, such as "a multipurpose center". Do not include justification for the project, only specifics on what is requested for the project):

To plan, design and renovate the Yucca Lodge at Fort Bayard for use as a veterans' posttraumatic stress disorder clinic.

3. Enter the **city, town, village, school district, chapter or pueblo** in which this project will be located. (If the project is not located in one of these, please leave blank.)

Fort Bayard

4. Enter the **county** in which the project will be located: Grant

5. **What entity is requesting funding** for this project?

Municipality: _____ County: _____

School District: _____ Indian Government: _____

Higher Ed. Institution: _____ Land Grant: _____

Water Association or District: _____ Acequia: _____

Other: Military and Veterans' Affairs Committee

(only political subdivisions of the state are eligible for funding)

6. **What entity will own the project** upon completion?

PROJECT DETAILS TO AID LEGISLATORS IN PRIORITIZING PROJECTS FOR FUNDING

Please answer the following questions related to project cost:

- A. What is the amount needed to complete the project? \$500,000
- B. What is the total estimated cost of the project? \$500,000
- C. To your knowledge, will there be more than one legislative sponsor
on this project? Yes No

If so, who are the project's sponsors? _____

Please provide a breakdown of the total estimated cost of the project, using the most accurate estimate to date, and indicate if that portion of the project has been completed:

	Completed	Not Completed
Planning: <u>\$50,000</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Design: <u>\$50,000</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction: <u>\$400,000</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Zoning Approval: _____	<input type="checkbox"/>	<input type="checkbox"/>
Land Purchase: _____	<input type="checkbox"/>	<input type="checkbox"/>
ROW, Easements, Arch. Clearances _____	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Impact Statement _____	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify): _____	<input type="checkbox"/>	<input type="checkbox"/>
Total: _____	<input type="checkbox"/>	<input type="checkbox"/>

Criteria Questionnaire

Need-Based Criteria

- Is project on governmental entity's ICIP? Yes No
- Is project necessary to eliminate potential or actual health or safety hazards or other liability issues? Yes No
- Is project required by federal, state or judicial mandate? Yes No
- Will project prevent deterioration of asset or correct infrastructure problems of asset? Yes No
- Is project necessary to address population or client growth, and if so, will it provide direct services to that population or clientele? Yes No

Planning Criteria

1. Has project been thoroughly planned?

Yes No

2. Is project ready to begin?

Yes No

If not, when can it begin? _____

3. Has project received prior funding?

Yes No

List prior funding sources, dates and amounts: _____

4. Can project be completed with this legislative appropriation?

Yes No

5. Have matching funds or a local share been secured for the project?

Yes No

List other funding sources and amounts: _____

6. Have operational costs for completed project been identified and planned for?

Yes No

7. Has the project had public input and buy-in?

Yes No

8. Has the project been designed to be energy efficient in its operation?

Yes No

9. Can construction of the project be successfully phased, so that each phase will be operational?

Yes No

10. Has the **land** for the project been acquired?

Yes No

What entity will be or is the owner of the land? _____

11. Is the project for a state government agency or state building?

Yes No

A. If yes, is it in one of the following metropolitan areas?

Santa Fe
 Albuquerque, including Los Lunas
 Las Cruces

B. If yes and the project is in one of those metropolitan areas, is it in compliance with the state master plan for those areas? http://www.nmlegis.gov/lcs/cbpc_cbmp_binder_contents62011.aspx Yes No

(Click here for Master Plan Document)

12. Is the project to be constructed on state-owned property, including property having a long-term lease from the state?

Yes No

13. If this project benefits a **nonprofit entity**, please check each question below and attach a written commitment from the state or a political subdivision of the state that the state or political subdivision:

A. is or will be the owner of the asset and the fiscal agent for the nonprofit entity;

Yes No

B. will lease the asset to the nonprofit entity at fair market value;

Yes No

C. will ensure the nonprofit entity maintains the asset.

Yes No

14. If this project is an **economic development project**, have you submitted the local government's approval of the project, in accordance with its ordinance adopted pursuant to the Local Economic Development Act? If you answer "Yes", please attach supporting documentation in the form of a copy of the local government ordinance that approves the project.

Yes No