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SENATE BILL 204

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

William H. Payne

AN ACT

RELATING TO VETERANS AFFAIRS; TRANSFERRING OVERSIGHT OF THE
NEW MEXICO STATE VETERANS' HOME FROM THE DEPARTMENT OF HEALTH
TO THE VETERANS' SERVICES DEPARTMENT; CREATING THE HEALTH CARE
COORDINATION DIVISION OF THE VETERANS' SERVICES DEPARTMENT;
REPEALING THE VETERANS' SERVICES ADVISORY BOARD.

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

SECTION 1. Section 9-22-3 NMSA 1978 (being Laws 2004,
Chapter 19, Section 3, as amended) is amended to read:

"9-22-3. DEFINITIONS.--As used in the Veterans' Services
Department Act:

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

B. "gold star parent" means a surviving parent of a
member of the armed forces of the United States who is missing

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1 in action or whose death was related to the member's service in
2 the armed forces of the United States;

3 [B-] C. "secretary" means the secretary of
4 veterans' services; and

5 [G-] D. "veteran" means a New Mexico resident who:

6 (1) was regularly enlisted, drafted, inducted
7 or commissioned in the:

8 (a) armed forces of the United States
9 and was accepted for and assigned to active duty in the armed
10 forces of the United States;

11 (b) army reserve, navy reserve, marine
12 corps reserve, air force reserve, coast guard reserve, army
13 national guard or air national guard and was accepted for and
14 assigned to duty for a minimum of six continuous years; or

15 (c) United States public health service
16 commissioned corps or the national oceanic and atmospheric
17 administration commissioned officer corps and served in the
18 capacity of a commissioned officer while on active duty in
19 defense of the United States; and

20 (2) was not separated from such service under
21 circumstances amounting to dishonorable discharge."

22 SECTION 2. Section 9-22-4 NMSA 1978 (being Laws 2004,
23 Chapter 19, Section 4) is amended to read:

24 "9-22-4. DEPARTMENT ESTABLISHED.--The "veterans' services
25 department" is created in the executive branch. The department

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1 is a cabinet department and includes the following divisions:

- 2 A. the administrative services division;
- 3 B. the field services division;
- 4 C. the [~~state approving~~] health care coordination
- 5 division; and
- 6 D. the state benefits division."

7 SECTION 3. Section 9-22-7 NMSA 1978 (being Laws 2004,
8 Chapter 19, Section 7) is amended to read:

9 "9-22-7. DEPARTMENT RESPONSIBILITIES.--The department is
10 responsible for:

11 A. assisting veterans and their surviving spouses,
12 [~~and their~~] children and gold star parents in the preparation,
13 presentation and prosecution of claims against the United
14 States arising by reason of military or naval service;

15 B. assisting veterans and their surviving spouses,
16 [~~and their~~] children and gold star parents in establishing the
17 rights and the procurement of benefits that have accrued or may
18 accrue to them pursuant to state law;

19 C. disseminating information regarding laws
20 beneficial to veterans and their surviving spouses, [~~and their~~]
21 children and gold star parents; and

22 D. cooperating with agencies of the United States
23 that are or may be established for the beneficial interest of
24 veterans, to which end the department may enter into agreements
25 or contracts with the United States for the purpose of

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1 protecting or procuring rights or benefits for veterans."

2 SECTION 4. Section 9-22-11 NMSA 1978 (being Laws 2004,
3 Chapter 19, Section 11) is amended to read:

4 "9-22-11. ADMINISTRATIVE SERVICES DIVISION--DUTIES.--

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

7 (1) keeping all official records of the
8 department;

9 (2) providing clerical services in the areas
10 of personnel and budget preparation;

11 (3) providing clerical, [~~record-keeping~~]
12 recordkeeping and administrative support to agencies
13 administratively attached to the department at their request;

14 (4) coordinating short- and long-term planning
15 of the department; and

16 (5) administering programs and grants that
17 have been assigned to the department by the secretary or
18 governor or by statute, including management of the state
19 approving bureau.

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

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1 dependents."

2 SECTION 5. Section 9-22-13 NMSA 1978 (being Laws 2004,
3 Chapter 19, Section 13) is amended to read:

4 "9-22-13. STATE APPROVING ~~[DIVISION]~~ BUREAU.--

5 A. The state approving ~~[division]~~ bureau is created
6 within the administrative services division of the department
7 and is the state approving agency for the purposes of 38 USCA
8 Section 3671.

9 B. The state approving ~~[division]~~ bureau shall
10 evaluate and approve educational programs and training programs
11 for all persons and veterans eligible for educational
12 assistance pursuant to the provisions of Title 38 of the United
13 States Code. Approval of courses, educational programs and
14 training programs, including training on the job, by the state
15 approving ~~[division]~~ bureau shall be in accordance with the
16 provisions of Title 38 of the United States Code."

17 SECTION 6. Section 9-22-14 NMSA 1978 (being Laws 2004,
18 Chapter 19, Section 14) is amended to read:

19 "9-22-14. STATE BENEFITS DIVISION.--The state benefits
20 division shall:

21 A. provide oversight of veterans' service
22 organizations;

23 B. develop or coordinate veterans' programs and
24 outreach, including ~~[transitional living, housing, health care~~
25 ~~and]~~ economic development; and

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1 C. determine eligibility for, conduct or oversee
2 state-funded veterans' services and benefits, including
3 determining eligibility for veteran property tax exemptions,
4 hunting and fishing licensing and motor vehicle license plate
5 programs; managing the Vietnam and children of deceased
6 veterans scholarship programs; and overseeing the [~~state~~
7 ~~funeral~~] military honors [~~and~~] burial program and state
8 veterans' cemeteries, monuments and museums."

9 SECTION 7. A new section of the Veterans' Services
10 Department Act is enacted to read:

11 "[NEW MATERIAL] HEALTH CARE COORDINATION DIVISION.--The
12 health care coordination division shall:

13 A. develop and coordinate veterans programs and
14 outreach, including transitional living, housing and health
15 care programs;

16 B. provide oversight of the New Mexico state
17 veterans' home; and

18 C. advise and coordinate with the secretary
19 regarding all health care-related issues for veterans and
20 veterans' families."

21 SECTION 8. Section 23-4-1 NMSA 1978 (being Laws 1974
22 (S.S.), Chapter 2, Section 1, as amended) is amended to read:

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

24 A. The "New Mexico state veterans' home" located
25 near Truth or Consequences, New Mexico, is declared to be a

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1 state home for veterans of service in the armed forces of the
2 United States and their qualifying spouses, surviving spouses
3 and gold star parents.

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

9 C. There is created the "New Mexico veterans' home
10 advisory board". The advisory board shall consist of nine
11 members as follows:

12 (1) the secretary of [~~veterans' services~~]
13 health or [~~his~~] the secretary's designee;

14 (2) the director of the [~~state benefits~~]
15 health care coordination division of the veterans' services
16 department;

17 (3) [~~a veteran of World War II~~] the secretary
18 of aging and long-term services or the secretary's designee;

19 (4) the administrator of a private nursing
20 home;

21 (5) a registered [~~nurse~~] health care
22 professional who is employed by a public or private nursing
23 home;

24 (6) [~~a veteran of the Korean conflict~~] the
25 state commander of the department of New Mexico veterans of

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1 foreign wars or the department commander's designee;

2 (7) [~~a veteran of the Vietnam conflict~~] the
3 department commander of the American legion or the department
4 commander's designee;

5 (8) [~~a veteran of the Gulf War~~] the state
6 commander of disabled American veterans or the state
7 commander's designee; and

8 (9) a [~~veteran of the Iraqi Freedom conflict~~]
9 member of any other congressionally recognized veteran's
10 service organization.

11 D. The governor shall appoint the members
12 designated in Paragraphs [~~(3) through~~] (4), (5) and (9) of
13 Subsection C of this section, and their terms shall be for
14 three years each.

15 E. The New Mexico state veterans' home shall be
16 under the control of the veterans' services department [~~of~~
17 ~~health~~].

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

23 SECTION 9. Section 23-4-3 NMSA 1978 (being Laws 1974
24 (S.S.), Chapter 2, Section 4, as amended) is amended to read:

25 "23-4-3. ELIGIBILITY FOR CARE--STANDARDS.--

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1 A. Occupancy in the New Mexico state veterans' home
2 and the Fort Bayard medical center veterans' unit shall be for
3 veterans of service in the armed forces of the United States
4 who have served on active duty pursuant to rules adopted by the
5 secretary of [~~health~~] veterans' services consistent with
6 federal guidelines. To be eligible for admission and continued
7 occupancy, a veteran must be [~~(1)~~] a citizen of the United
8 States who enlisted or was drafted, inducted or commissioned in
9 the armed forces of the United States, who was accepted for and
10 assigned to active duty in the armed forces and was not
11 separated from the armed forces under circumstances amounting
12 to a dishonorable discharge from the armed forces [~~and~~

13 ~~(2) a resident of New Mexico at the time of~~
14 ~~entering or discharge from the armed forces or, in the~~
15 ~~alternative, a resident of New Mexico at the date of~~
16 ~~admission].~~

17 B. Additionally, no more than twenty-five percent
18 of the occupancy in the New Mexico state veterans' home shall
19 consist of nonveterans from the following categories:

20 (1) spouses;

21 (2) surviving spouses; and

22 (3) gold star parents, as defined in the
23 Veterans' Services Department Act.

24 C. Whenever a law, rule or regulation of the
25 [~~veterans' administration of the federal government~~] United

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1 States department of veterans affairs or any other law permits
2 the state to receive federal funds for the use and benefit of
3 the New Mexico state veterans' home, upon acceptance of a
4 veteran of the armed forces of the United States not meeting
5 the requirements of Subsection A of this section, the New
6 Mexico veterans' home advisory board [~~of trustees~~] may adopt
7 rules to authorize such veteran's acceptance."

8 SECTION 10. REPEAL.--Section 9-22-15 NMSA 1978 (being
9 Laws 2004, Chapter 19, Section 15) is repealed.

10 SECTION 11. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2017.