

**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. Hodgkin, 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.