

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

**July 1, 2013
Daniels Leadership Center, New Mexico Military Institute
Roswell**

The second meeting of the Military and Veterans' Affairs Committee was called to order by Representative Rodolpho "Rudy" S. Martinez, co-chair, on July 1, 2013 at 9:30 a.m. in the Daniels Leadership Center at New Mexico Military Institute (NMMI) in Roswell.

Present

Sen. Richard C. Martinez, Co-Chair
Rep. Rodolpho "Rudy" S. Martinez, Co-Chair
Sen. William F. Burt
Rep. Nathan "Nate" Cote
Rep. Bob Wooley

Absent

Rep. Dianne Miller Hamilton
Sen. Daniel A. Ivey-Soto
Sen. William H. Payne

Advisory Members

Rep. Eliseo Lee Alcon
Rep. Thomas A. Anderson
Sen. Craig W. Brandt
Sen. Carlos R. Cisneros
Rep. Yvette Herrell
Sen. John Pinto
Sen. Cliff R. Pirtle
Rep. Dennis J. Roch

Rep. George Dodge, Jr.
Sen. Timothy M. Keller
Rep. Edward C. Sandoval
Rep. Jeff Steinborn
Sen. Lisa A. Torracco

Staff

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)
Kathleen Dexter, Researcher, LCS
John Butrick, Law School Intern, LCS

Guests

The guest list in the meeting file.

Handouts

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

Monday, July 1

The meeting began with a moment of silence in memory of firefighters who died in a recent Arizona wildfire.

Welcome to NMMI

Major General Jerry W. Grizzle, Ph.D., superintendent of NMMI, welcomed the committee with some history on the institution and a description of its focus. Founded in 1891, NMMI is the nation's only state-supported four-year military school, and because its curriculum spans both upper high school and junior college, students graduate with 15 to 20 hours of college credit. NMMI has a 14-to-1 student-teacher ratio, with 95 percent of faculty members holding a Ph.D. or master's degree. All coursework is developed around the institute's core principles of academic excellence, leadership excellence and physical excellence. In addition to having the nation's largest service-academy preparation program, NMMI also offers the nation's only full-scholarship program for Native Americans, a program that leads to an associate's degree in criminal justice. Though NMMI's annual expenses per student are approximately \$36,000, tuition is \$11,700, with the difference covered by state funding and donations. Donations from a foundation established by former cadet, World War II pilot and businessman Bill Daniels provided funds to build the Daniels Leadership Center and the Godfrey Athletic Center.

On questioning, General Grizzle and committee members addressed the following topics.

General T. Knowles legislative scholarship. The scholarship program was established in 1989 and funded entirely by NMMI until 2006, at which time the legislature began partially funding the program. (NMMI has requested full funding from the legislature.) Initially, the scholarship covered half of a cadet's tuition; in recent years, however, scholarship awards have been based on whatever funds are available. Approximately 200 students are in the scholarship program each year. If a slot remains unfilled by July 1, NMMI assigns a recruit from another area of the state to that slot. Students in the scholarship program are required to send a thank-you note to their legislative sponsors. A legislator cannot get information on a student's grade point average (GPA) but can find out whether the student is maintaining the minimum required GPA.

Coursework. Because NMMI students are placed in classes based on academic capability rather than age, a 15-year-old might be placed in a college-level course.

Native American scholarship. Application for this scholarship is done through the NMMI web site.

Welcome to Roswell

Mayor Del Journey welcomed the committee to Roswell.

Strategic Plan and Federal Funding for Veterans' Cemeteries in New Mexico

Secretary of Veterans' Services Timothy L. Hale gave a presentation on a Veterans' Services Department (VSD) proposal for new veterans' cemeteries. Because veterans can choose where they are buried, the state's veterans' cemeteries are filling up not only with New Mexico veterans but also with out-of-state veterans. The Santa Fe National Cemetery is projected to be full between 2025 and 2035; the Fort Bayard National Cemetery is not projected to be full soon but is far from the major veteran populations in the state. The VSD proposes to build several cemeteries of three acres or less, placed such that the majority of the state's veterans are within 75 miles of a cemetery — a shift from the past practice of building large, centralized veterans' cemeteries such as the one in Santa Fe. Possible locations for the new cemeteries are rated by the VSD based on how many veterans live within 75 miles; local participation, such as donated land; and tribal participation. Representatives from Carlsbad, Gallup, Roswell, Ruidoso and Taos and various Native American groups have expressed interest in establishing veterans' cemeteries.

If a proposed cemetery is approved by the federal Department of Veterans Affairs (VA), the state must provide a 10 percent match in order to receive VA funding for construction and must assume all operations costs, though the VSD is interested in shifting operations responsibility to local governments via memoranda of understanding. If the entire VSD plan for new cemeteries were adopted, the state would need to provide approximately \$1.3 million in matching funding. A previous \$3.5 million VA grant for a cemetery in Fort Stanton was returned unused by the previous administration, and during the 2013 legislative session, a joint executive-legislative request for \$650,000 in state funds to match \$6.5 million in VA funds stalled in committee.

On questioning, Secretary Hale and committee members addressed the following topics.

State funding. The required state-match funding would be a one-time appropriation. Though the VSD plan proposes more than 10 new cemeteries, the department would start with only two to four projects. The VA makes its approval decisions in September each year; the state would need to appropriate matching funds from the general fund for any approved cemeteries in the following legislative session. In addition to the state match for building the cemeteries, the VSD needs funding in its budget for one to two full-time employees to administer the cemetery program; further personnel would be provided by local governments.

Santa Fe and Fort Bayard national cemeteries. Because the Santa Fe National Cemetery is landlocked, any noncontiguous land in the area that might become available for a veterans' cemetery would be considered by the VA as a separate cemetery rather than an expansion of the existing one. The upgrade at the Fort Bayard National Cemetery includes 705 new crypts and 350 columbaria. Because of the cemetery's arid location, the VA is responding to the local community's request for xeriscaping rather than the traditional "football field" landscaping.

Burial and reburial benefits. If a veteran is buried in a non-VA cemetery, the family receives a \$300 interment benefit, plus a headstone. If a family wishes to rebury a veteran who was buried elsewhere, the family must bear the cost of disinterment and transport from the

original cemetery. The VA will not charge a burial fee if the original burial was in a non-VA cemetery. The VSD can assist families that have questions on this process.

Out-of-state veterans. The cemeteries most likely to receive burial requests from out-of-state veterans are those located near the state's borders.

Rural cemeteries. The VA introduced the concept of rural cemeteries a few years ago, and New Mexico is the first state to develop a rural cemetery plan. The National Cemetery Administration within the VA reviews state cemetery plans and considers population density when approving those plans; if the plans are approved, federal funding for a cemetery follows within two years. Milan and Roswell have cemetery sites available, though the Roswell community's preference to allow burial of veterans who do not qualify for burial in a VA-certified cemetery would disqualify it from VA approval, funding and periodic maintenance.

Honor guards. The VSD conducts training for honor guards in conjunction with the national guard. Most funeral homes are in contact with the VA and will arrange for an honor guard when burying a veteran in a non-VA cemetery.

Homeless veterans and unclaimed remains. The VSD works with the VA to determine whether homeless veterans and unclaimed remains are eligible for burial in a VA cemetery, and Secretary Hale signs as next of kin if they do.

- ★ Secretary Hale will provide information to Senator Martinez on the number of burials conducted monthly at the Santa Fe National Cemetery, as well as the tribal affiliations of Native Americans buried in the tribal section.

Public Comment

Beverly Allen-Ananins, southeast New Mexico field representative for U.S. Senator Tom Udall, told the committee that Senator Udall serves on the Senate Appropriations Subcommittee on Military Construction, Veterans Affairs, and Related Agencies. The subcommittee has approved funding for Holloman and Cannon air force bases, and Senator Udall is advocating for making broadband internet service available to all veterans so they can more easily access the VA system.

Access to Health Care — Transportation Options in Southeast New Mexico

Magil Duran and Greg Neal, president and vice president, respectively, of the Southeastern New Mexico Veterans Transportation Network (VTN), gave a presentation on the organization's work transporting area veterans to medical appointments. With six vehicles and a dozen volunteer drivers, the VTN provides free transportation for veterans and their necessary attendants to and from VA medical facilities in Albuquerque, Amarillo, Artesia, Big Springs, Clovis, El Paso, Hobbs and Lubbock. Though the VTN is based in Roswell, it has stationed vans in Hobbs, Carlsbad and Artesia as well. The organization's funding comes entirely from donations, and annual expenses total approximately \$60,000. The VTN needs funding not only

to replace the vans, all of which have more than 100,000 miles, but also to address damage and loss, such as the recent theft of four tires and wheels from one of the vans. Capital outlay funds have been used in the past to purchase vans for use by the VTN.

On questioning, the presenters and committee members addressed the following topics.

Nonprofit status. The VTN has applied for 501(c)(3) status. While the application is pending, the VTN operates under the American Legion.

Eligibility. Honorably discharged veterans are eligible for VTN transportation and must show their VA appointment postcard as verification.

Drivers and insurance. The VTN carries a \$1 million liability insurance policy, and drivers may not drive VTN vans unless they are approved by the insurance company. Drivers must also adhere to the VTN's published policies and procedures.

Outreach. Veterans find out about VTN services through word-of-mouth referrals, news articles and radio coverage.

VA Health Care in Southeast New Mexico

Sonja Brown, chief, VA Voluntary Service and Public Affairs Operations, gave a presentation on VA health care services in southeast New Mexico. In addition to receiving primary and mental health care services at the VA community-based outpatient clinic in Artesia, veterans are eligible to receive "fee care" at non-VA health facilities in certain circumstances, such as when travel to a VA facility could be so deleterious as to negate the benefits of the service provided at the VA facility. Like the VTN, the Disabled American Veterans (DAV) organization provides free transportation for veterans and uses volunteer drivers; unlike the VTN, the DAV only transports veterans to medical facilities within the VA service area, which excludes facilities in Hobbs and Carlsbad and in Texas. Also unlike the VTN, DAV drivers are required to receive training and to pass a physical certification.

The VA also offers case management for frail and homebound veterans, home-based primary care, telehealth services, hospice care, urgent care and emergency care, though veterans experiencing a life-threatening emergency are authorized to seek care at the nearest facility regardless of VA affiliation. Dental and vision care services are available for certain eligible veterans.

On questioning, Ms. Brown and committee members addressed the following topics.

Transportation. The VA provides free transportation to veterans in other rural areas, including Durango, Colorado. The DAV does not have wheelchair-accessible vans; veterans in wheelchairs must provide their own transportation unless another organization, such as the VTN, can transport them.

Reimbursement. A physician must document a medical need in order for a veteran's non-VA health care expenses to be reimbursed by the VA. A veteran may receive health care at any VA facility; however, the VA will only reimburse for travel to a VA facility within the VA district in which the veteran resides.

- ★ Representative Cote requested a presentation at a future committee meeting on VA benefits and billing, including information on recent changes in the system.
- ★ Ms. Brown will provide information regarding whether shingles vaccines can be dispensed at VA community-based outpatient clinics.

Higher Education for Veterans and Active Duty Personnel

Lieutenant Commander Marilyn M. Dykman, M.A., United States Coast Guard (retired), director, University of New Mexico (UNM) Veterans Resource Center (VRC), and Branden Trujillo, director, State Approving Agency, Higher Education Department, gave a presentation on VRCs at post-secondary institutions. The centers provide not only academic and employment counseling for veterans to help them stay in school and graduate, but they also provide referrals for services such as mental health counseling, if necessary. At only \$14.00 per certified veteran student, U.S. Department of Defense (DOD) funding for the centers is not sufficient for some small post-secondary institutions to establish centers and adequately train personnel. The DOD recently made VRC funding contingent on student data tracking; the UNM VRC has relied on unpaid AmeriCorps volunteers for data tracking, but their terms of service will end in October. Commander Dykman's five-year draft budget for a fully staffed VRC averages approximately \$500,000 per year.

Not all post-secondary institutions in the state have VRCs. New Mexico State University (NMSU), which provides veteran housing at its main campus and has 500 military veteran students enrolled, does not have a center. Neither does Central New Mexico Community College (CNM), though CNM has a consortium with UNM and class credits transfer between the institutions. Veterans at Santa Fe Community College are in the process of establishing a center, and San Juan College, with a total student body of only 175, has a center. UNM-Taos does not have a center but has received a \$1 million Veterans Upward Bound grant that it will use to help military veteran students over the next five years. Another program to help veterans — the Veterans Retraining Assistance Program, which covers technical training — is available only to veterans who are enrolled full time and have depleted both their academic and their unemployment benefits.

On questioning, Commander Dykman and committee members addressed the following topics.

GI Bill and other benefits. VRCs advise students on all available benefits, including GI Bill benefits under Chapters 30, 31, 33, 35, 1606 and 1607. The UNM VRC is migrating to an online system to streamline the benefits certification process.

VRC funding. Ideally, a VRC would receive \$25,000 to \$30,000 in start-up funding; however, some centers, such as the one at NMSU-Alamogordo, receive \$5,000 or less and are seriously understaffed.

Student data tracking. VRCs need full-time staff to meet the VA's schedule for tracking and reporting student data. If a VRC does not meet a veteran student certification deadline, the VA will place a debt against that student.

VetSuccess Program. The VetSuccess Program at UNM provides job placement assistance to all veterans, not just student veterans, and works in partnership with the Workforce Solutions Department and the UNM Career Services Office.

In discussion, a legislator expressed concern over the use of the term "sustainable" in the VRC handout and mentioned its use in the United Nations Agenda 21.

Public Comment

Mayor Journey expressed his concerns about VA health care services in rural areas and urged the committee to seriously address the issue.

Approval of Minutes

On a motion by Senator Martinez, seconded by Senator Burt, the minutes from the committee's June 6, 2013 meeting were unanimously approved.

SunZia Transmission Line

Mr. Kovnat presented a draft letter to U.S. Secretary of Defense Chuck Hagel regarding concerns over the U.S. Bureau of Land Management's preferred route for the SunZia transmission line. On a motion by Senator Burt, seconded by Representative Wooley, the letter was unanimously approved, with direction to send copies to the Otero County Commission.

Tour of NMMI

Chief Warrant Officer Three Carl Hansen took committee members on a tour of NMMI facilities.

The committee adjourned at 3:10 p.m.