

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

November 12, 2010
Santa Fe

The fourth meeting of the Military and Veterans' Affairs Committee (MVAC) for the 2010 interim was called to order by Senator David Ulibarri, co-chair, on Friday, November 12, 2010, at 9:35 a.m. in Room 311 of the State Capitol.

Present

Sen. David Ulibarri, Co-Chair
Rep. Thomas A. Garcia, Co-Chair
Rep. Nathan P. Cote
Rep. Dianne Miller Hamilton

Absent

Rep. Elias Barela
Sen. Eric G. Griego
Sen. John Pinto
Sen. William E. Sharer

Advisory Members

Rep. Eliseo Lee Alcon
Rep. Thomas A. Anderson
Rep. Karen E. Gianinni
Rep. Rodolpho "Rudy" S. Martinez
Sen. William H. Payne
Rep. Edward C. Sandoval

Sen. Rod Adair
Sen. Dianna J. Duran
Sen. Mary Jane M. Garcia
Rep. Sandra D. Jeff
Sen. Richard C. Martinez
Rep. Kathy A. McCoy

Guest Legislator

Rep. Gloria C. Vaughn

Staff

Damian Lara
Rebecca Griego
Jennifer Rabinowitz

Guests

The guest list is in the meeting file.

Handouts

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

Friday, November 12

Welcome and Introductions

Members of the committee and staff introduced themselves.

Minutes

Upon a motion by Senator Ulibarri, seconded by Representative Sandoval, the committee approved without objection the minutes from the meeting of the MVAC held on September 10, 2010.

Funding for National Veterans Cemeteries — HJM 10

Alan Martinez, deputy secretary of veterans' services, discussed the need to expand veterans national cemeteries in New Mexico and discussed funding mechanisms to achieve that objective. At present, there is \$100,000 in the Veterans' National Cemetery Fund. The fund is derived from voluntary donations elected in a "check-off" box on New Mexico tax returns. Last session, Representative Sandoval sponsored a bill that would allow money in the fund to be transferred to the City of Santa Fe, which donated 5.7 acres adjacent to the veterans national cemetery in Santa Fe. However, Representative Sandoval's bill did not get through the senate. The federal Department of Veterans Affairs, therefore, is looking at new ways to increase funding for veterans national cemeteries, where an average of 10 burials a day take place. Fort Bayard is finishing a study for that purpose and hopes to tap into some of the money in the fund. At present, the \$100,000 in the fund is has been earmarked for Santa Fe.

Committee members inquired about the funding mechanism for the Veterans' National Cemetery Fund. Deputy Secretary Martinez stated that after the fund receives \$1.7 million, the money is directed into other funds. However, after eight years in existence, the fund has taken in only \$100,000. Under current law, there is no formal mechanism for the transfer of the money. Deputy Secretary Martinez suggested that the statute's language be amended. Representative Sandoval agreed to introduce the bill. Committee members considered the MVAC to be the distributor of the Veterans' National Cemetery Fund and asked which agency would oversee Fort Bayard. It is likely that oversight of Fort Bayard would fall to the county, but that will be part of negotiations when the bill is redrafted. Committee members asked about obtaining federal funding for the cemeteries. The deputy secretary is unfamiliar with any specific grants for that purpose, but he said that the Department of Veterans Affairs will not buy land for that purpose. The land has to be donated.

Service Member Child Custody Act

Mr. Lara and Twila B. Larkin, New Mexico family law attorney, described a draft bill to identify child custody protocols for deployed members of the military. The bill was drafted by the Domestic Relations Task Force, which was appointed by the New Mexico Supreme Court. The task force consists of judges, lawyers and justice system stakeholders. The draft bill has been widely vetted among New Mexico family law practitioners and is considered an improvement over the previous version of the bill draft, which intended to protect veterans but in practice caused much confusion. The current bill offers, among other things, expedited hearings

for determining temporary child custody and addresses rules of evidence and rules of civil procedure. The main objective of the bill is to ensure that a custody arrangement reflects the best interests of the child, which is delegated by the deployed parent to be a temporary caretaker.

Committee members described the Military Child Custody Act as promoting a better quality of life for New Mexico families. It asked whether the bill would be a new statutory section of the federal Service Members Civil Relief Act. The bill, if passed, would be standalone legislation. It establishes procedures and clarifies what can and cannot be done in determining temporary custody while a military service member is deployed. Approximately 23 other states have adopted specific statutes to address this issue.

Kenneth Ellis III Act

Mr. Lara, Jonelle Ellis, sister of Kenneth Ellis, and Alan Martinez, deputy secretary of veterans' services, discussed the need to train New Mexico police in recognizing and responding to people suffering from mental illness. Ms. Ellis described her brother, Kenneth Ellis, an Iraq veteran who suffered from severe posttraumatic stress disorder (PTSD). Mr. Ellis was shot and killed by Albuquerque police in January 2010. The family said the police force needed training to better handle people suffering from mental illness, particularly the many veterans returning from Iraq and Afghanistan. Ms. Ellis described her brother as a jokester and a giving person who, upon his return from Iraq, stopped talking, eating and sleeping. Ms. Ellis said that people with mental health issues can be difficult to understand and treat; so she urged that the police, who protect and serve the public, should have crisis intervention training. Ms. Ellis concluded by observing that crisis intervention training might have prevented the death of Mr. Ellis. Deputy Secretary Martinez described crisis intervention training as a very positive thing for law enforcement, particularly when making split-second decisions. Legislation requiring crisis intervention training will help the police and veterans stay safe.

Committee members asked about anticipated roadblocks to crisis training for police. Deputy Secretary Martinez said that a crisis training program would not have a major fiscal impact to the state but would be incorporated into the overall police training budget. The deputy secretary has been in touch with Albuquerque police leaders, who agree with the intent of the legislation but have some issues with wording. Committee members asked who would do the crisis intervention training. Deputy Secretary Martinez stated that the training would take place at the police academy and through continuing education training. Presbyterian Medical Services is working on a training curriculum. Committee members asked staff to research existing crisis intervention programs and training modules already developed. The panel said that police currently receive only 20 hours of training. The focus of the training would be in de-escalation, including body language, managing fear and other tools. The training would be required of all police officers. Committee members commented that while the training is a good idea, there are difficulties for small police departments in affording the training. Committee members asked for greater specificity in how the program would be paid for and what the training would entail. However, they said, the training is needed and will save lives. The committee suggested looking into funding from the Department of Veterans Affairs. The committee thought a program would

not be ready by next year, but that the legislature should revisit the issue of creating a new curriculum, including whether anything in the existing curriculum can be cut out. It considered whether crisis intervention training should be made part of the 40-hour academy training curriculum or part of the recertification process for firearms. The committee asked staff to study Texas' crisis training model in PTSD.

Legislative Endorsements

Upon a motion by Senator Ulibarri, seconded by Representative Garcia, the committee voted without objection to endorse draft bill A (File No. 182922.3) of the 2010 Proposed Legislative Endorsements and have Representative Garcia sponsor the legislation.

Upon a motion by Representative Sandoval, seconded by Senator Ulibarri, the committee voted without objection to endorse draft bill B (File No. 182806.1) of the 2010 Proposed Legislative Endorsements and have Representative Sandoval sponsor the legislation.

Upon a motion by Representative Garcia, seconded by Representative Alcon, the committee voted without objection to endorse draft bill C (File No. 183109.1) of the 2010 Proposed Legislative Endorsements and have Representative Garcia sponsor the legislation.

Upon a motion by Representative Sandoval, seconded by Senator Ulibarri, the committee voted without objection to endorse draft bill D (File No. 183184.1) of the 2010 Proposed Legislative Endorsements and have Representative Alcon sponsor the legislation.

Upon a motion by Senator Ulibarri, seconded by Representative Sandoval, the committee voted without objection to endorse draft bill E (File No. 182691.2) of the 2010 Proposed Legislative Endorsements and have Representative Alcon sponsor the legislation.

Upon a motion by Representative Sandoval, seconded by Representative Hamilton, the committee voted without objection to endorse draft bill F (File No. 183093.2) of the 2010 Proposed Legislative Endorsements and have Senator Ulibarri sponsor the legislation.

Upon a motion by Representative Cote, seconded by Senator Ulibarri, the committee voted without objection to endorse draft bill G (File No. 183233.1) of the 2010 Proposed Legislative Endorsements and have Representative Hamilton sponsor the legislation.

Upon a motion by Representative Cote, seconded by Senator Ulibarri, the committee voted without objection to endorse draft bill H (File No. 183095.1) of the 2010 Proposed Legislative Endorsements and have Representative Sandoval sponsor the legislation.

Upon a motion by Representative Cote, seconded by Representative Sandoval, the committee voted without objection to endorse draft bill I (File No. 182827.2SA) of the 2010 Proposed Legislative Endorsements and have Representative Anderson sponsor the legislation.

Upon a motion by Representative Cote, seconded by Representative Sandoval, the

committee voted without objection to endorse draft bill J (File No. 183094.1SA) of the 2010 Proposed Legislative Endorsements and have Representative Garcia sponsor the legislation.

The committee determined that draft bill K of the 2010 Proposed Legislative Endorsements had not been thoroughly vetted and did not define hiring conditions adequately. It expects the film tax credit to be looked at extensively in the upcoming session. The MVAC recommended not to endorse the bill at this time and that it be revisited at a later time.

The MVAC directed staff to send a letter to Secretary Garcia and Governor-Elect Susana Martinez recommending that Alan Martinez and Secretary Garcia remain with the Veterans' Services Department. The MVAC expressed its thanks to Governor Bill Richardson for his investment in New Mexico's veterans. The committee also thanked Mr. Lara for his drafting services.

There being no further business before the committee, the fourth meeting of the MVAC was adjourned at 3:00 p.m.