

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

**November 30, 2009
Room 311, State Capitol
Santa Fe**

The fifth meeting of the Military and Veterans' Affairs Committee (MVAC) for the 2009 interim was called to order by Representative Thomas A. Garcia on Monday, November 30, 2009, at 9:10 a.m. in Room 311 of the State Capitol. A quorum was present.

Present

Rep. Thomas A. Garcia, Co-Chair
Sen. David Ulibarri, Co-Chair
Rep. Elias Barela
Rep. Nathan P. Cote
Sen. Eric G. Griego
Rep. Dianne Miller Hamilton

Absent

Sen. John Pinto
Sen. William E. Sharer

Advisory Members

Sen. Rod Adair
Rep. Eliseo Lee Alcon
Rep. Thomas A. Anderson
Sen. Dianna J. Duran
Sen. Mary Jane M. Garcia
Rep. Karen E. Giannini
Rep. Rodolpho "Rudy" S. Martinez
Rep. Edward C. Sandoval

Sen. Richard C. Martinez
Rep. Kathy A. McCoy
Sen. William H. Payne

Guest Legislator

Rep. Andrew J. Barerras

Staff

Damian Lara, Staff Attorney, Legislative Council Service (LCS)
Karen Wells, Researcher, LCS

Guests

The guest list is in the meeting file.

Handouts

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

Monday, November 30

Welcome and Introductions

Members of the committee and staff introduced themselves.

Veterans Exposed to Uranium — Status Update

Heidi Kapfl, bureau chief, Epidemiology and Response Division, Department of Health, provided some background regarding the radioactivity of depleted uranium (DU) and identified both civilian and military uses for DU. Military exposure to DU began in 1991, when the military began to use DU on a widespread basis during the Gulf War. Studies of the health effects of DU on veterans began in 1993. Funding for development of a testing protocol was provided by the legislature in 2007.

Committee members asked questions regarding the primary region of New Mexico from which tested veterans came, and they requested clarification regarding baseline information that might now be available to determine the uranium concentration in drinking water. Questions were asked about special treatment of the Grants Mineral Belt. A history is being taken of individual veterans tested to differentiate between natural uranium exposure, from such sources as drinking water, and military exposure. Clarification was sought regarding standards for DU in drinking water and who monitors that concentration. It was noted that these standards apply to public sources of drinking water, but that private wells may exceed those levels. When unsafe levels of DU are discovered in private wells, recommendations are made to users of those wells to use bottled water for drinking. One member expressed great concern about the number of private wells with unsafe levels of DU. Clarification was sought regarding the order in which testing occurs; volunteers to be tested are identified first, and then the water they use is tested. A question was asked about the part of the state in which DU is most prevalent; exposure is highest in areas where there are pockets of uranium. Concern was expressed regarding DU that is being brought back to the state and the problem of secondary exposure to family members.

Senate Memorial 74: Veterans' Court

Peter Bochert, statewide drug court coordinator, Administrative Office of the Courts, provided an overview of the requirements of Senate Memorial 74, which requested a study of the feasibility of starting a drug court in New Mexico. He acknowledged Senator Griego as the sponsor of the memorial. He noted that veterans' courts are based on the model of drug courts, which are well-researched and well-established in the U.S. and in New Mexico. He described drug courts, their composition and the effectiveness of the model. He identified the special needs of veterans, the projected caseloads and the feasibility for developing veterans' courts in New Mexico.

Delano Garcia, government affairs and legislative liaison, Department of Military Affairs, spoke to the needs of the National Guard. Alan Martinez, deputy secretary, Veterans' Services Department (VSD), also spoke in support of the development of veterans' courts in New Mexico.

Committee members expressed support for the concept. It was noted that the memorial seems to focus on veterans who have experienced combat, but other dangerous situations have been faced by many veterans who might benefit from such a program. An observation was made that veterans might be better served by integration into the behavioral health system and that others besides veterans suffer from post-traumatic stress disorder (PTSD). Mr. Bochert identified differences between drug courts and the proposed veterans' court in addressing mental health issues. Each court seeks to identify the underlying issues that are driving repeat criminal activity. Mr. Garcia clarified that the recommendation is not to establish a separate, new program but to provide education to existing courts regarding the unique needs of military personnel and veterans. It was noted that awareness of PTSD is relatively new. There are many veterans of Vietnam, for example, who are not aware that they suffered from PTSD. This effort is intended to raise awareness so that veterans can get the treatment they need. Mr. Martinez noted that PTSD is not the only problem; brain injury is also on the rise, and treatment of the two conditions is quite different. Clarification was sought about the experience of other states with veterans' courts and whether other models of treatment are, or could be, just as effective. There is significant interest in veterans' courts at the federal level as well as in numerous states. Federal sources of funding were identified. Chris Burmeister, PMS Veterans and Family Support Services, provided a clinical perspective, and he spoke to the importance of early intervention to keep soldiers out of the criminal justice system. Committee members noted that the goal of the memorial was not to single out veterans for favored treatment but rather to recognize and deal with some unique needs. Appreciation was expressed for the report that was provided and the groundwork it lays for the future. A question was asked about the number of repeat deployments to Iraq or Afghanistan and how this differs from previous wars. It is recognized that the National Guard is now the primary source of personnel being deployed. Clarification was sought regarding the incidence of heroin addiction among veterans who were in combat in Afghanistan. Substance abuse is a large problem, but heroin addiction does not appear to be more prominent than abuse of alcohol and other addictive substances. A question was asked about the extent of outreach to jails and prisons. Mr. Martinez stated that this is occurring to ensure that veterans receive services for which they are eligible upon release. It was recommended that this effort be expanded. The chair suggested that the presenters work with the health center in Angel Fire to facilitate coordination between two valuable programs.

James P. White, newly appointed state representative from District 20 in Albuquerque, was recognized from the audience.

House Memorial 21: Isleta All-Purpose Center

Joe Jaramillo, Pueblo of Isleta, described plans for a new center that the pueblo hopes to establish to accommodate Native American veterans.

Ulysses Abeita, Pueblo of Isleta, provided additional detail regarding the desire for a new veterans center at the pueblo, including the condition of the current center, the estimated cost and location of a new center and how the center will be utilized. The goal of the center is to address the needs of Native American veterans in four counties. Land has been donated for this purpose.

Representative Barela spoke as sponsor of the memorial, indicating the need for the VSD

to work together with the Pueblo of Isleta to determine the need for such a center. Mr. Martinez stated that the VSD has met with this group on three occasions. It is very interested in the concept and would like to enhance staffing to ensure access to services at the VA hospital.

Committee members noted that the availability of capital outlay for such a project is extremely limited at this time. Private and pueblo funding may be available; federal funding will also be sought. Clarification was sought regarding the extent of planning that has already been accomplished, opportunities for phasing in such a project and the number of services that could be funded through the VA hospital. It was noted that \$25,000 of capital outlay funding has already been expended. The estimated cost to complete the project is approximately \$3 million. It was noted that the project could serve Native Americans statewide. The critical importance of federal support to fund such a project was identified.

Senator Griego made a motion that the congressional delegation be asked to support this effort financially. The chair asked whether the senator desired a letter or a memorial. John M. Garcia, secretary of veterans' services, noted that other pueblos also want to build veterans centers to serve the 19,000 veterans statewide. He recommended that a memorial or letter be directed through the VSD to look at earmark money or stimulus money to support this effort statewide. Senator Griego suggested that a letter should precede a memorial. It was noted that the center would need to be owned by the pueblo in order to receive any state money. Mr. Abeita stated that the pueblo is working with tribal attorneys to develop a memorandum of understanding regarding ownership of the center. A question was asked about the availability of transportation from the proposed center into Albuquerque to receive services. Representative Garcia recommended that the motion be limited at present to a letter from the committee to the congressional delegation. Senator Griego accepted that suggestion. Representative Barela seconded the motion, which passed unanimously.

A question was asked about the process for voting on proposed legislation later in the afternoon. Representative Garcia said he will recognize all committee members' votes unless there is disagreement, at which time only voting members will be recognized.

House Memorial 39 and Senate Memorial 29: Veterans' Health and Healing Center Near Angel Fire; Senate Memorial 31: Acupuncture for Post-Traumatic Stress Disorder

Chuck Howe, mayor pro tempore, Village of Angel Fire, gave the committee a report on two memorials calling for a feasibility study of a veterans' health and healing center near Angel Fire, New Mexico. The village elected to conduct an actual retreat as a way of demonstrating the effectiveness of, and the need for, health and healing activities for veterans. New Mexico has 89,000 veterans, many of whom are suffering from PTSD. The retreat, which had participation from both the state VSD and the federal Department of Veterans Affairs (DVA) was conducted for 11 couples and was based on a Native American holistic model. The retreat made a profound difference in the lives of all participants. The village has nine more retreats planned.

Secretary Garcia stated that the VSD supports the development of a national health and

healing center, which would be the first of its kind in the nation. The VSD is committed to the project. The governor is behind the project as well. Mr. Howe identified multiple partners with which the village is working to expand this project. Funding will be sought from federal, state and private sources to continue the effort. He hopes to build a permanent building to house the retreats in the future. When completed, the project is anticipated to yield unlimited economic benefits to the state as well as health benefits to the veterans who participate. A privately built hotel will be leased to conduct the retreats.

Questions were asked about the difference in funding needs for the hotel and the health and healing retreats. Some funding streams are currently being explored. Ongoing operational funding is also being identified. A question was asked about the potential for the use of telemedicine and coordination with Project ECHO. Strong support was expressed for going forward with the project. Recognition was given to Angel Fire as the ideal location for the center. Mary Ann Pratt, head of the Angel Fire Economic Development Group, provided clarification regarding the differences between nonprofit organizations and foundations and the reasons for choosing a nonprofit status for this project. Clarification was sought regarding how female veterans with PTSD will be served by this program and by what means counselors are certified to be providers in the program. Legislation may be needed to expand a counselor's scope of practice for this purpose. A request was made for an update on progress toward a "Fischer House". This project requires both the DVA and Kirtland Air Force Base to submit applications to the Fischer Foundation in time for consideration during the 2010 funding cycle. Clarification was sought regarding the total cost to conduct a retreat. The importance of making a clear argument for housing this project in Angel Fire was highlighted. A request was made for the Village of Angel Fire to share with the committee the work it has done to identify New Mexico veterans with photos that have been shared with the director of the national Vietnam memorial. It was noted that the MVAC can only support the wellness center. Representative Garcia made a motion, which was seconded by Senator Garcia, to support the wellness center with a memorial; the motion passed unanimously.

Consideration of Legislation

A bill clarifying child custody for active duty military personnel was endorsed. At the request of Representative Cote, Representative Barela will sponsor this measure. This bill would ensure that active duty military personnel do not lose parental custody while they are deployed and are unavailable due to military orders. Representative Barela noted the importance of establishing parental responsibilities. Concern was expressed regarding the need to require parenting plans that involve both parents and the need to protect the custody of a service member's children when that service member is in combat. It was noted that this is a primary issue of the U.S. Department of Defense (DOD). The governor likewise supports this measure.

A bill providing for free fishing or small game licenses for military on leave was endorsed. This bill would allow the small game and fish license fees to be waived for resident military personnel on leave. Representative Garcia will sponsor this measure.

The committee endorsed a bill providing a discount on hunting and fishing licenses for resident military personnel stationed in New Mexico. Representative Martinez will sponsor the

measure.

A bill that would provide for military honors at funerals of resident veterans, by reimbursing local veterans organization up to \$100 for the cost, was considered by the committee. There was discussion regarding whether the amount to be reimbursed was sufficient. It was noted that the VSD currently uses all the money appropriated for this purpose. A motion to amend the amount up to \$200 passed. A concern was expressed that the language in the bill was not ideal. A motion to simplify and amend the statute that limits the current amount to \$50.00 also passed. Because the specified statute was not identified, the endorsement was made in concept only.

The Educational Interstate Compact for Military Kids was endorsed. This bill is the educational interstate compact requested by the DOD that went through the house and senate but died on the senate floor as time ran out. Twenty-six states now have this compact. The Legislative Education Study Committee (LESC) will also consider endorsing this measure. The bill would allow a child to have a smoother transition into a new school when the child's military parent is transferred. If the LESC endorses the measure, Representative Cote will carry the bill for that committee, and Senator Garcia will carry the bill for the MVAC.

A bill creating the Veterans' National Cemetery Fund was endorsed. The bill will allow the VSD to capture dollars for that purpose when a tax filer checks off a box dedicating funds for that purpose. Representative Sandoval will carry the measure.

A property tax exemption for veterans' organizations was endorsed. This amendment to the constitution will provide a tax exemption for property of a veterans' organization. Representative Steinborn will carry this measure.

A House Joint Memorial to study military credit and articulation was endorsed. This memorial requests a study of the benefits and feasibility of establishing uniform standards for accepting military college credit and articulation in all colleges and universities in New Mexico. Representative Cote recommended a change to include that the LESC and the Higher Education Department conduct that study. The change was accepted without objection. Representative Cote will carry the measure.

A House Joint Memorial recognizing the commissioning of the USS *New Mexico* was endorsed. This memorial recognizes the commissioning of a Virginia-class submarine. Representative Anderson will carry this measure.

A bill reauthorizing the statutory creation of the MVAC and a house memorial requesting the continuation of the MVAC were endorsed. Representative Garcia will carry the memorial and Senator Ulibarri will carry the bill.

A bill protecting veterans' disability payments from creditors was endorsed. The bill attempts to conform New Mexico law to existing federal law regarding veteran disability payments. The bill would exempt veteran disability payments or benefits awarded for a service-

connected disability from liability claims, levy or seizure. Additionally, veterans' payments for service-connected disabilities will be exempt from garnishment. The committee expressed concerns about conflicts with other portions of the New Mexico statutes and the all-encompassing language in the garnishment sections. The bill was amended to clarify this, and the amendment adopted without objection. Representative Anderson will carry this measure.

The minutes for the fourth MVAC meeting were approved. A letter to U.S. Secretary of Veterans' Affairs Erik K. Shinseki was presented for the committee's approval. The letter was approved as written without objection.

Public Comment

Joe Cannopy and others presented the results of a study regarding the positive economic impact of military bases in New Mexico.

Dave Cooley, a Air Force veteran, brought to the committee's attention some data regarding the economic value that retired military personnel bring to New Mexico. In 2001, military retirees in New Mexico had a combined economic impact of \$1.5 billion because of their retirement pay, second-career incomes, other family income, social security and other revenues.

Many states exempt retirees from taxation of their retirement income. Demographics were presented regarding the nature of retired military personnel. If New Mexico were to exempt retired military income, these retirees would be motivated to move to the state, which would benefit business and create jobs. Mr. Cooley asked the MVAC to look a the data carefully.

Adjournment

There being no further business before the committee, the meeting was adjourned at 4:05 p.m.