

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

**November 20, 2012
Room 322, State Capitol
Santa Fe**

D The fifth meeting of the Military and Veterans' Affairs Committee (MVAC) for the 2012 interim was called to order by Representative Thomas A. Garcia and Senator David Ulibarri, co-chairs, on Tuesday, November 20, at 9:05 a.m. in Room 322 of the State Capitol in Santa Fe.

Members

Rep. Thomas A. Garcia, Co-Chair
Sen. David Ulibarri, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Dianne Miller Hamilton
Rep. Bob Wooley

Absent

Sen. Richard C. Martinez
Sen. John Pinto

Advisory Members

Rep. Thomas A. Anderson
Sen. Carlos R. Cisneros
Rep. George Dodge, Jr.
Rep. Edward C. Sandoval

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Sen. William F. Burt
Sen. Mary Jane M. Garcia
Sen. Eric G. Griego
Sen. Clinton D. Harden, Jr.
Sen. Timothy M. Keller
Rep. Rodolpho "Rudy" S. Martinez
Sen. William H. Payne

Guest Legislator

Rep. Anna M. Crook

Staff

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Pam Stokes, Legislative Council Service (LCS)
Douglas Carver, LCS
Rebecca Griego, LCS

Guests and Handouts

The guest file and copies of all handouts and written testimony are in the meeting file.

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Tuesday, November 20

Welcome and Introductions

Representative Garcia and Senator Ulibarri opened the meeting by extending a welcome to the committee, staff and members of the public present. They asked all committee members and staff to introduce themselves.

Statewide Comprehensive Plan on Long-Term Care Options for Veterans

Timothy L. Hale, secretary, Veterans' Services Department (VSD), made a presentation to the committee concerning the department's plan for long-term care of the state's veterans. Using a PowerPoint presentation, he described to the committee the challenges posed by how spread out the 177,566 New Mexico veterans are. He discussed the differing populations of the veteran long-term-care facilities in Albuquerque, Fort Bayard and Truth or Consequences, as well as the Fort Bliss facility in El Paso, which serves some New Mexico veterans. He discussed the large numbers of veterans of the Iraq and Afghanistan conflicts who have been diagnosed with posttraumatic stress disorder (PTSD) and traumatic brain injury (TBI), noting that PTSD and TBI are considered to be precursor injuries to the development of dementia and Alzheimer's disease. Thus, the likelihood is that the coming years will see more veterans in need of long-term care that starts at an earlier age than has been the case in the past. Secretary Hale said that it is estimated that an additional 150 to 200 beds will be needed in medical units that can manage Alzheimer's-type illnesses. He recommended that a task force be convened to study these issues.

In response to questions from members of the committee, Secretary Hale discussed options for families that wish to care for their elderly or disabled veteran family member; how the success of different PTSD treatments varies from person to person; and the problems posed by New Mexico's geographic scale, dispersal of veterans and the distance limitations mandated for community-based outpatient clinics.

Statewide Comprehensive Plan on Cemetery Space

Secretary Hale then gave an update to the committee on the cemeteries available to veterans in the state at Fort Bayard, Fort Bliss, Fort Stanton and Santa Fe. He discussed the eligibility requirements for veterans to be interred in a Department of Veterans Affairs (VA) national cemetery. He gave an overview of the National Cemetery Administration of the VA, and then discussed the VA Rural Initiative Plan, which would build small national veterans burial grounds within existing public or private cemeteries in rural areas where the unserved population is 25,000 or less within a 75-mile radius. These criteria pose a problem for New Mexico because of the existing national cemeteries and the dispersed veteran population. As presently written, New Mexico would not qualify for the Rural Initiative Plan. Secretary Hale is pursuing this matter with the VA.

Members of the committee asked further questions of Secretary Hale concerning the Rural Initiative Plan, including questions concerning burials for tribal members who are veterans.

Motion

Representative Alcon made a motion, seconded by Senator Ulibarri, requesting that the committee adopt the draft of the minutes for the October 2012 MVAC meeting. The motion passed with all members present voting in favor.

Consideration of Legislation

The committee considered and endorsed the following legislation:

1. an appropriation for \$5 million to demolish the old Fort Bayard Medical Center;
2. a bill to create a Military War Veteran Scholarship Fund;
3. a memorial requesting the governor to declare March 29, 2013 as "Vietnam Veterans Day" in the state;
4. a memorial requesting the New Mexico congressional delegation to utilize the New Mexico State Approving Agency and the National Association of State Approving Agencies when considering legislation that could impact VA education benefits;
5. an appropriation for \$50,000 to raise awareness of the state's namesake submarine, the USS *New Mexico*;
6. a bill to exempt military retainer pay from income tax;
7. a bill to enact the Service Member Child Custody Act; and
8. an appropriation for \$750,000 to improve and maintain the cemetery at Fort Stanton State Monument, contingent upon receiving a \$7.5 million grant from the VA.

The committee also endorsed, in concept, a memorial to the state's congressional delegation to expand the VA's definition of what constitutes a rural area for sparsely populated states like New Mexico, and an appropriation for a pilot project to study virtual reality treatment for PTSD.

Status and Impact of the Veterans Treatment Court

Alan Martinez, deputy secretary, VSD; Judge Stan Whitaker, Second Judicial District Court (SJDC); Rachel Saiz, pretrial services director, SJDC; Retta Riley, pretrial services officer, SJDC; and Greg Ireland, SJDC, gave a presentation to the committee on the SJDC Pretrial Services Division's veterans treatment court program, in place for the past year. The veterans treatment court is modeled on the SJDC's drug court program. The program is a collaboration among the SJDC, the Pretrial Services Division, the district attorney's office, the public defender's office, the VA health care system in the state, the VSD and the Human Services Department's Behavioral Health Services Division. The program operates in four phases: 1) veterans who have become involved in the justice system are identified and vetted for supervision and treatment services; 2) eligibility for participation in the program is determined by the veterans court team, which consists of a pretrial services officer, the VA veterans justice outreach coordinator, the public defender's office, the district attorney's office and the veterans court judge; 3) veterans continue to be supervised until they graduate from the program; and 4) after graduation from the program, there are two years of follow-up supervision. The SJDC is requesting \$260,000 in funding for fiscal year 2014 to support the program.

Members of the committee asked the panel follow-up questions concerning whether other counties could take advantage of this program, and how the concept might be expanded statewide. Members of the committee also asked the panel further questions about the screening process and about which veterans are eligible to participate in the program.

Adjournment

There being no further business before the committee, the committee adjourned for the interim at 11:52 a.m.

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