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AN ACT

RELATING TO VETERANS AFFAIRS; TRANSFERRING OVERSIGHT OF THE
NEW MEXICO STATE VETERANS' HOME FROM THE DEPARTMENT OF HEALTH
TO THE VETERANS' SERVICES DEPARTMENT; CREATING THE HEALTH
CARE COORDINATION DIVISION OF THE VETERANS' SERVICES
DEPARTMENT; REPEALING THE VETERANS' SERVICES ADVISORY BOARD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 9-22-3 NMSA 1978 (being Laws 2004,
Chapter 19, Section 3, as amended) is amended to read:

"9-22-3. DEFINITIONS.--As used in the Veterans'
Services Department Act:

A. "department" means the veterans' services
department;

B. "gold star parent" means a surviving parent of
a member of the armed forces of the United States who is
missing in action or whose death was related to the member's
service in the armed forces of the United States;

C. "secretary" means the secretary of veterans'
services; and

D. "veteran" means a New Mexico resident who:

(1) was regularly enlisted, drafted,
inducted or commissioned in the:

(a) armed forces of the United States
and was accepted for and assigned to active duty in the armed

1 forces of the United States;

2 (b) army reserve, navy reserve, marine
3 corps reserve, air force reserve, coast guard reserve, army
4 national guard or air national guard and was accepted for and
5 assigned to duty for a minimum of six continuous years; or

6 (c) United States public health service
7 commissioned corps or the national oceanic and atmospheric
8 administration commissioned officer corps and served in the
9 capacity of a commissioned officer while on active duty in
10 defense of the United States; and

11 (2) was not separated from such service
12 under circumstances amounting to dishonorable discharge."

13 SECTION 2. Section 9-22-4 NMSA 1978 (being Laws 2004,
14 Chapter 19, Section 4) is amended to read:

15 "9-22-4. DEPARTMENT ESTABLISHED.--The "veterans '
16 services department" is created in the executive branch. The
17 department is a cabinet department and includes the following
18 divisions:

- 19 A. the administrative services division;
- 20 B. the field services division;
- 21 C. the health care coordination division; and
- 22 D. the state benefits division."

23 SECTION 3. Section 9-22-7 NMSA 1978 (being Laws 2004,
24 Chapter 19, Section 7) is amended to read:

25 "9-22-7. DEPARTMENT RESPONSIBILITIES.--The department

1 is responsible for:

2 A. assisting veterans and their surviving spouses,
3 children and gold star parents in the preparation,
4 presentation and prosecution of claims against the United
5 States arising by reason of military or naval service;

6 B. assisting veterans and their surviving spouses,
7 children and gold star parents in establishing the rights and
8 the procurement of benefits that have accrued or may accrue
9 to them pursuant to state law;

10 C. disseminating information regarding laws
11 beneficial to veterans and their surviving spouses, children
12 and gold star parents; and

13 D. cooperating with agencies of the United States
14 that are or may be established for the beneficial interest of
15 veterans, to which end the department may enter into
16 agreements or contracts with the United States for the
17 purpose of protecting or procuring rights or benefits for
18 veterans."

19 SECTION 4. Section 9-22-11 NMSA 1978 (being Laws 2004,
20 Chapter 19, Section 11) is amended to read:

21 "9-22-11. ADMINISTRATIVE SERVICES DIVISION--DUTIES.--

22 A. The administrative services division shall
23 provide administrative services to the department, including:

24 (1) keeping all official records of the
25 department;

1 (2) providing clerical services in the areas
2 of personnel and budget preparation;

3 (3) providing clerical, recordkeeping and
4 administrative support to agencies administratively attached
5 to the department at their request;

6 (4) coordinating short- and long-term
7 planning of the department; and

8 (5) administering programs and grants that
9 have been assigned to the department by the secretary or
10 governor or by statute, including management of the state
11 approving bureau.

12 B. The administrative services division shall
13 provide fiduciary services, including acting as either
14 court-appointed conservator or representative payee for
15 veterans adjudicated as unable to handle their own financial
16 affairs without assistance. The division shall manage
17 fiduciary funds and safeguard the assets for veterans and
18 their dependents."

19 SECTION 5. Section 9-22-13 NMSA 1978 (being Laws 2004,
20 Chapter 19, Section 13) is amended to read:

21 "9-22-13. STATE APPROVING BUREAU.--

22 A. The state approving bureau is created within
23 the administrative services division of the department and is
24 the state approving agency for the purposes of 38 USCA
25 Section 3671.

1 B. The state approving bureau shall evaluate and
2 approve educational programs and training programs for all
3 persons and veterans eligible for educational assistance
4 pursuant to the provisions of Title 38 of the United States
5 Code. Approval of courses, educational programs and training
6 programs, including training on the job, by the state
7 approving bureau shall be in accordance with the provisions
8 of Title 38 of the United States Code."

9 SECTION 6. Section 9-22-14 NMSA 1978 (being Laws 2004,
10 Chapter 19, Section 14) is amended to read:

11 "9-22-14. STATE BENEFITS DIVISION.--The state benefits
12 division shall:

13 A. provide oversight of veterans' service
14 organizations;

15 B. develop or coordinate veterans' programs and
16 outreach, including economic development; and

17 C. determine eligibility for, conduct or oversee
18 state-funded veterans' services and benefits, including
19 determining eligibility for veteran property tax exemptions,
20 hunting and fishing licensing and motor vehicle license plate
21 programs; managing the Vietnam and children of deceased
22 veterans scholarship programs; and overseeing the military
23 honors burial program and state veterans' cemeteries,
24 monuments and museums."

25 SECTION 7. A new section of the Veterans' Services

1 Department Act is enacted to read:

2 "HEALTH CARE COORDINATION DIVISION.--The health care
3 coordination division shall:

4 A. develop and coordinate veterans programs and
5 outreach, including transitional living, housing and health
6 care programs;

7 B. provide oversight of the New Mexico state
8 veterans' home; and

9 C. advise and coordinate with the secretary
10 regarding all health care-related issues for veterans and
11 veterans' families."

12 SECTION 8. Section 23-4-1 NMSA 1978 (being Laws 1974
13 (S.S.), Chapter 2, Section 1, as amended) is amended to read:

14 "23-4-1. VETERANS' HOME CREATED--ADVISORY BOARD.--

15 A. The "New Mexico state veterans' home" located
16 near Truth or Consequences, New Mexico, is declared to be a
17 state home for veterans of service in the armed forces of the
18 United States and their qualifying spouses, surviving spouses
19 and gold star parents.

20 B. The "Fort Bayard medical center veterans'
21 unit", a separate and distinct unit of the Fort Bayard
22 medical center, located near Silver City, New Mexico, is
23 declared to be a state home for veterans of service in the
24 armed forces of the United States.

25 C. There is created the "New Mexico veterans' home" SB 204
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1 advisory board". The advisory board shall consist of nine
2 members as follows:

3 (1) the secretary of health or the
4 secretary's designee;

5 (2) the director of the health care
6 coordination division of the veterans' services department;

7 (3) the secretary of aging and long-term
8 services or the secretary's designee;

9 (4) the administrator of a private nursing
10 home;

11 (5) a registered health care professional
12 who is employed by a public or private nursing home;

13 (6) the state commander of the department of
14 New Mexico veterans of foreign wars or the department
15 commander's designee;

16 (7) the department commander of the American
17 legion or the department commander's designee;

18 (8) the state commander of disabled American
19 veterans or the state commander's designee; and

20 (9) a member of any other congressionally
21 recognized veteran service organization.

22 D. The governor shall appoint the members
23 designated in Paragraphs (4), (5) and (9) of Subsection C of
24 this section, and their terms shall be for three years each.

25 E. The New Mexico state veterans' home shall be

1 under the control of the veterans' services department.

2 F. The New Mexico veterans' home advisory board
3 shall provide advice to the secretaries of veterans' services
4 and health and the administrators of the New Mexico state
5 veterans' home and the Fort Bayard medical center regarding
6 veterans' services."

7 SECTION 9. Section 23-4-3 NMSA 1978 (being Laws 1974
8 (S.S.), Chapter 2, Section 4, as amended) is amended to read:

9 "23-4-3. ELIGIBILITY FOR CARE--STANDARDS.--

10 A. Occupancy in the New Mexico state veterans'
11 home and the Fort Bayard medical center veterans' unit shall
12 be for veterans of service in the armed forces of the
13 United States who have served on active duty pursuant to
14 rules adopted by the secretary of veterans' services
15 consistent with federal guidelines. To be eligible for
16 admission and continued occupancy, a veteran must be a
17 citizen of the United States who enlisted or was drafted,
18 inducted or commissioned in the armed forces of the
19 United States, who was accepted for and assigned to active
20 duty in the armed forces and was not separated from the armed
21 forces under circumstances amounting to a dishonorable
22 discharge from the armed forces.

23 B. Additionally, no more than twenty-five percent
24 of the occupancy in the New Mexico state veterans' home shall
25 consist of nonveterans from the following categories:

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- (1) spouses;
- (2) surviving spouses; and
- (3) gold star parents, as defined in the Veterans' Services Department Act.

C. Whenever a law, rule or regulation of the United States department of veterans affairs or any other law permits the state to receive federal funds for the use and benefit of the New Mexico state veterans' home, upon acceptance of a veteran of the armed forces of the United States not meeting the requirements of Subsection A of this section, the New Mexico veterans' home advisory board may adopt rules to authorize such veteran's acceptance."

SECTION 10. REPEAL.--Section 9-22-15 NMSA 1978 (being Laws 2004, Chapter 19, Section 15) is repealed.

SECTION 11. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2017.