

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 285

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

William E. Boykin

AN ACT

RELATING TO VETERANS; AMENDING SECTIONS OF THE NMSA 1978.

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

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

"23-4-1. VETERANS' [~~CENTER~~] HOME CREATED--ADVISORY BOARD. --

A. The "New Mexico state veterans' [~~center~~] home" located near Truth or Consequences, New Mexico is declared to be a state home for veterans of service in the armed forces of the United States.

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

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 the United States.

2 C. There is created the "New Mexico veterans'  
3 advisory board". The advisory board shall consist of seven  
4 members as follows:

5 (1) the chairman of the New Mexico veterans'  
6 service commission or his designee;

7 (2) the director of [~~veteran~~] veterans'  
8 affairs;

9 (3) a veteran of World War II;

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

12 (5) a registered nurse who is employed by a  
13 public or private nursing home;

14 (6) a veteran of the Korean conflict; and

15 (7) a veteran of the Vietnam conflict.

16 D. The governor shall appoint the members  
17 designated in Paragraphs (3), (4), (5), (6) and (7) of  
18 Subsection C of this section, and their terms shall be for  
19 three years each.

20 E. The New Mexico state veterans' [~~center~~] home  
21 shall be under the control of the department of health.

22 F. The New Mexico veterans' advisory board shall  
23 provide advice to the secretary of health and the  
24 administrators of the New Mexico state veterans' [~~center~~] home  
25 and the Fort Bayard medical center regarding veterans'

. 134319. 1

underscored material = new  
[bracketed material] = delete

1 services. "

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

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

5 A. Occupancy in the New Mexico state veterans'  
6 [~~center~~] home and the Fort Bayard medical center veterans'  
7 unit shall be for veterans of service in the armed forces of  
8 the United States who have served on active duty pursuant to  
9 rules [~~and regulations~~] adopted by the secretary of health  
10 consistent with federal guidelines. [~~The following~~  
11 ~~requirements for veterans' admission and continued occupancy~~  
12 ~~shall prevail~~] To be eligible for admission and continued  
13 occupancy, a veteran must be:

14 (1) a citizen of the United States who  
15 enlisted or was drafted, inducted or commissioned in the armed  
16 forces of the United States, who was accepted for and assigned  
17 to active duty in the armed forces and was not separated from  
18 the armed forces under circumstances amounting to a  
19 dishonorable discharge from the armed forces; and

20 (2) a resident of New Mexico at the time of  
21 entering or discharge from the armed forces or, in the  
22 alternative, a resident of New Mexico at the date of  
23 admission.

24 B. Additionally, no more than twenty-five percent  
25 of the occupancy in the New Mexico state veterans' [~~center~~]

. 134319. 1

underscored material = new  
[bracketed material] = delete

1 home shall consist of nonveterans from the following  
2 categories:

- 3 (1) spouses;
- 4 (2) surviving spouses; and
- 5 (3) gold star parents.

6 C. Whenever a law, rule or regulation of the  
7 veterans' administration of the federal government or any  
8 other law permits the state to receive federal funds for the  
9 use and benefit of the New Mexico state veterans' [~~center~~]  
10 home, upon acceptance of a veteran of the armed forces of the  
11 United States not meeting the requirements of Subsection A of  
12 this section, the board of trustees may adopt rules [~~and~~  
13 ~~regulations~~] to authorize such veteran's acceptance. "

14 Section 3. Section 23-4-4.1 NMSA 1978 (being Laws 1983,  
15 Chapter 329, Section 5, as amended) is amended to read:

16 "23-4-4.1. DONATIONS--GIFTS--BEQUESTS. --The New Mexico  
17 state veterans' [~~center~~] home may accept donations, gifts and  
18 bequests of land, money or other things of value for the  
19 purposes of Sections 23-4-1 [~~through 23-4-4~~] and 23-4-3 NMSA  
20 1978. The title to such lands, together with all improvements  
21 thereon, shall vest in the state, and the deeds thereto, all  
22 insurance policies, certificates of water rights and other  
23 evidences of ownership of the land or improvements of the New  
24 Mexico state veterans' [~~center~~] home shall be filed as  
25 provided by law. Except as provided by the conditions of such

. 134319. 1

underscored material = new  
[bracketed material] = delete

1 donations, gifts and bequests, all donations and gifts of  
2 money shall be deposited by law. "

3 Section 4. Section 23-4-7 NMSA 1978 (being Laws 1983,  
4 Chapter 329, Section 7, as amended) is amended to read:

5 "23-4-7. FUTURE TRANSFER OF LANDS--RESTRICTIONS. --

6 A. The secretary of health shall designate not  
7 more than thirty acres of land immediately surrounding the old  
8 Carrie Tingley crippled children's hospital building,  
9 including the support buildings and three adjoining houses,  
10 which may not be designated as surplus property by the  
11 department of finance and administration pursuant to this  
12 section. Subsequent to such a designation, the department of  
13 finance and administration may determine, after the New Mexico  
14 state veterans' [~~center~~] home has been established, that there  
15 exists acreage that is surplus to the needs of the [~~center~~]  
16 New Mexico state veterans' home.

17 B. The department of finance and administration,  
18 with approval of the state board of finance, may transfer a  
19 portion of the designated surplus property not to exceed  
20 twenty-five acres to the Truth or Consequences school board to  
21 be used for a site for construction of a middle school.

22 C. Subsequent to the official decision of the  
23 Truth or Consequences school board to proceed or not to  
24 proceed with the construction of a middle school on property  
25 adjacent to the New Mexico state veterans' [~~center~~] home, the

. 134319. 1

underscored material = new  
[bracketed material] = delete

1 department of finance and administration may transfer, with  
2 approval of the state board of finance, part or all of the  
3 remaining surplus property to the city of Truth or  
4 Consequences for use in future economic development projects.

5 D. All transfers of land provided for in this  
6 section shall be subject to the following conditions:

7 (1) the governor or his designee shall  
8 approve any plans for development of any part of the original  
9 site before commencement of any construction under such plans;

10 (2) if the Truth or Consequences school board  
11 has not developed a master plan for use of any property  
12 transferred to it by January 1, 1987 or has not substantially  
13 initiated this plan by January 1, 1993, the surplus property  
14 transferred to that school board shall revert to the state;

15 (3) if the city of Truth or Consequences has  
16 not developed a master plan for use of any property  
17 transferred to it by January 1, 1987 or has not substantially  
18 initiated this plan by January 1, 1993, the surplus property  
19 transferred to that city shall revert to the state;

20 (4) the department of finance and  
21 administration shall not transfer as surplus property either  
22 the access to any well already existing on the site or any  
23 buildings on the site without the consent of the board of  
24 trustees; and

25 (5) no commitment on any parcel of land at

. 134319. 1

underscored material = new  
[bracketed material] = delete

1 the original site shall be made to the Truth or Consequences  
2 school board or to the city of Truth or Consequences until  
3 after such time as the New Mexico state veterans' [~~center~~]  
4 home is approved by the legislature. "

5 - 7 -  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25