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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/30/12

SPONSOR Martinez, R. LAST UPDATED \_\_\_\_\_ HB 99

SHORT TITLE Study State Cemetery for National Guard SB \_\_\_\_\_

ANALYST Chabot

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY12	FY13		
	\$50.0	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HM 10

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Cultural Affairs (DCA)  
 Department of Military Affairs (DMA)  
 General Services Department (GSD)  
 Veterans Services Department (VSD)

### SUMMARY

#### Synopsis of Bill

House Bill 99 appropriates \$50.0 thousand from the general fund to VSD for the purpose of studying the need for a state cemetery for members of the United States National Guard and reserves. VSD will collaborate with DMA, CAD and GSD in doing the study.

### FISCAL IMPLICATIONS

The appropriation of \$50.0 thousand contained in this bill is a nonrecurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2013 shall revert to the general fund.

## **SIGNIFICANT ISSUES**

VSD notes U.S. Department of Veterans' Affairs (VA) rules do not allow National Guard or Reserve members to be buried in a National Cemetery unless they are a military retiree, die while hospitalized for injuries incurred while on active duty for training, or die of a service-connected disability.

VSD states there are two national cemeteries in New Mexico, Santa Fe and Fort Bayard, and no state veteran cemetery. It further notes most state cemeteries follow the same burial rules as the VA; however, it does not state whether this is required by the VA. VSD is currently in the application process from the National Cemetery Administration to establish a state cemetery at Fort Stanton.

DCA states there is a real need for this study, supports the efforts, and adds the following:

There currently exists a merchant marine cemetery at Fort Stanton State Monument. The merchant marine cemetery is listed on the National Register of Historic Places. This cemetery consists of 13 ½ fenced acres and contains approximately 1,725 graves. A review of the cemetery in 2001 revealed room for an additional 2,000 grave sites.

A recent study conducted by the Historic Preservation Division (HPD) of the Cultural Affairs Department concluded that new burials would not impact the historic integrity of the Merchant Marine Cemetery section of the burial grounds at Fort Stanton. Recent and other burials not associated with the merchant marine era are located in the northeast corner of the cemetery.

As stated, the existing cemetery will hold an additional 2,000 graves. It is possible to expand the cemetery as State Monuments owns land around the outside of the current fenced cemetery. Expansion of the cemetery to adjoining land would feasibly accommodate an additional 20,000 graves.

Since the federal government deeded the property to the state in 1953, the Fort Stanton cemetery has been under the authority of a number of state agencies, including the Corrections Department, the General Services Department, and the Veterans' Services Department. The cemetery is currently the responsibility of the State Monuments division of the Cultural Affairs Department.

DMA states a person whose only service is active duty for training or inactive duty training in the National Guard or Reserve Component is not eligible for burial in a National Cemetery. The number of National Guard or Reserve Component members in this category is unknown.

## **PERFORMANCE IMPLICATIONS**

GSD assesses due to eight staff vacancies in the Property Control Division, its capacity to process property acquisition requirements is reduced. Additional projects could reduce its performance of "percentage of projects on time and on budget" as management prioritizes workloads on critical needs at current facilities.

**ADMINISTRATIVE IMPLICATIONS**

VSD would have to assign a project officer, developed study guidelines, determine needs, layout timelines and assign responsibilities for the study.

**TECHNICAL ISSUES**

The bill has no reporting requirements. Recommend the following be added in Line 23 following the word “department”: The veterans’ services department shall report the study findings to the governor and the appropriate legislative interim committee not later than November 2013.”

GAC/svb:amm