

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

**October 17, 2017
Santa Rosa Veterans Center
Santa Rosa**

The fifth meeting of the Military and Veterans' Affairs Committee was called to order by Representative Rodolpho "Rudy" S. Martinez, co-chair, on October 17, 2017 at 9:40 a.m. at the Santa Rosa Veterans Center. Representative Martinez asked legislators and staff to introduce themselves and then passed the gavel to Representative George Dodge, Jr. to have him chair the meeting.

Present

Rep. Rodolpho "Rudy" S. Martinez, Co-Chair
Sen. Bill Tallman, Co-Chair
Sen. William F. Burt
Rep. Harry Garcia
Rep. Bob Wooley

Absent

Rep. David E. Adkins
Sen. Craig W. Brandt
Sen. Michael Padilla

Advisory Members

Rep. Eliseo Lee Alcon
Rep. Jim Dines
Rep. George Dodge, Jr.
Sen. Richard C. Martinez
Rep. Jane E. Powdrell-Culbert
Rep. Dennis J. Roch
Rep. Debra M. Sariñana

Rep. Cathrynn N. Brown
Sen. Carlos R. Cisneros
Rep. Randal S. Crowder
Sen. William H. Payne
Sen. John Pinto
Rep. Debbie A. Rodella
Rep. Jim R. Trujillo

Guest Legislator

Rep. Alonzo Baldonado

Staff

Jeret Fleetwood, Researcher, Legislative Council Service (LCS)
Peter Kovnat, Staff Attorney, LCS

Guests

The guest list is in the meeting file.

Handouts

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

Tuesday, October 17

Welcome

Albert E. Campos, Jr., Guadalupe County Commission, welcomed the committee and held a moment of silence for those lost in service to this nation, including three former mayors of Santa Rosa.

Joseph Campos, mayor, Santa Rosa, spoke about the history of Santa Rosa and how the artesian wells have served travelers crossing the nation for centuries. Trains and cars, and now tourists, have all sought out the 61-degree water of the Blue Hole.

Mayor Campos told the committee that after years of hard work and commitment, the Guadalupe County Veterans Memorial and Community Center was built, and no debt is owed on the building or property.

New Mexico National Guard

Major General Ken Nava, adjutant general, New Mexico National Guard, said that the New Mexico National Guard is doing well as far as equipment goes. It possesses 86% of the equipment it needs, and the equipment is mostly modern and well-maintained.

Regarding readiness, General Nava said that the military should never be the first tool the country uses in its interactions with other nations. Rather, diplomacy, economic techniques and other efforts should be employed first, with military might reserved as a last resort. Nevertheless, New Mexico is ready and supports U.S. Secretary of Defense James Mattis, who said that the first military deployment to be sent should be the most prepared and should be ready to go.

Currently, the New Mexico Air National Guard is providing assistance to Puerto Rico, and one battalion is being readied to deploy to Afghanistan.

General Nava highlighted the New Mexico National Guard Youth Challenge Academy in Roswell. He said that the barracks have capacity for 170 participants, but so far, there are only 110 cadets. He said that he will continue to work hard to promote the academy, which has been credited with turning around the lives of many young people in New Mexico.

To be admitted to the New Mexico National Guard Youth Challenge Academy, a person must be 16 to 18 years old, not have any felony convictions and be drug-free at the time of admission. Usually, General Nava said, academy participants are young people who are recent dropouts or at risk of dropping out of high school.

On the topic of training, the New Mexico National Guard is going through a catastrophic-event scenario in Placitas. To better simulate an emergency, the National Guard seeks to allow the New Mexico State Defense Force to fall under the authority of the adjutant general in certain circumstances. Currently, the adjutant general only oversees the New Mexico State Defense

Force when the New Mexico National Guard is 100% at use, which will never happen, according to General Nava.

When asked to explain the difference between the New Mexico National Guard and the New Mexico State Defense Force, General Nava said that the defense force is subordinate to the National Guard and is overseen by a deputy adjutant general who is appointed by the adjutant general. If the New Mexico National Guard is deployed to World War III, for example, the New Mexico State Defense Force, which is all volunteer, would keep the lights on at New Mexico National Guard facilities.

In fact, General Nava said, when the New Mexico National Guard wanted to use New Mexico State Defense Force personnel for a training in Lamy, it realized that those folks would not have insurance coverage for any injury that occurred while training, so they were never used. At this point, General Nava said, the New Mexico National Guard would pay the premium to cover New Mexico State Defense Force workers' compensation insurance, but the defense force is only allowed to train at the New Mexico National Guard facility, where volunteers would at least have a state tort claim.

In response to a question about the mission of the New Mexico Air National Guard, General Nava said that it helps pilots to train for para-rescue missions, but currently it is not operational. He explained that a gap exists between pilots and National Guard-owned aircraft and missions, which he likened to the manner in which people tend to treat rental cars versus their own vehicles.

When a legislator inquired about the use of the New Mexico National Guard to help combat the criminal crisis in Bernalillo County, General Nava said that a declaration or executive order by the governor must come before any coordination between the New Mexico National Guard and state law enforcement. That usually only occurs during an emergency, but now it also happens for certain cyber threats. General Nava did recommend having the New Mexico National Guard Counterdrug Task Force come before the committee to discuss its work.

In response to a question about lost detachment, General Nava said that 50 people are needed in a facility to get federal funding, and that has driven several of the decisions to close facilities. He noted that while he wants to increase the number of guard members in the state, most of the available positions are for drivers, and not everyone the National Guard hopes to recruit wants to be a truck driver.

Lastly, another priority of the New Mexico National Guard is to expand the museum at the Armory for the Arts in Santa Fe.

Department of Game and Fish Update

Alexa Sandoval, director, Department of Game and Fish (DGF), spoke of the various free and reduced-fee hunting and fishing licenses. In recognition of the contribution of military members and veterans, the DGF offers:

- lifetime game hunting and fishing licenses to 100% disabled veterans;
- one-year game hunting and fishing licenses for deployed National Guard members;
- resident pricing for nonresident soldiers stationed at Fort Bliss for hunting within Fort Bliss;
- military-only draw hunts on McGregor Training Complex at Fort Bliss;
- resident Iraq and Afghanistan veteran oryx hunts in April at White Sands Missile Range; and
- military rehabilitation game hunting and fishing licenses.

In response to a committee member's question, Ms. Sandoval explained that the DGF uses the level of disability as assessed by the U.S. Department of Veterans Affairs (VA) and does not do its own assessments.

U.S. Department of Defense (DoD) State Liaison Office

Dale Vande Hey, south central region state liaison, State Liaison Office, DoD, highlighted state legislative priorities of the DoD and discussed what New Mexico has already accomplished and what is still left to be done.

The remaining priorities include expedited teaching licenses for military spouses and certain consumer protections for deployed personnel. There are also some rule changes that executive agencies are urged to adopt to better the lives of military personnel, veterans and their families.

There was also a discussion of whether private employers could legally provide a veteran preference in hiring. Staff will look into the issue.

Bernalillo County Metropolitan Court Community Veterans Court

Sandra Engel, presiding judge, Community Veterans Court, Bernalillo County Metropolitan Court, said the court is trying to give individualized treatment to veterans. Based on her many years of experience as an attorney and as a judge, she said that to best minimize recidivism, it is more successful to provide veterans with treatment that is different from the norm. Judge Engel said that the court provides veterans with schedules, benchmarks and a beginning and a finish line. The court has seen that this structure works well for veterans.

The court accepts the cases of less-than-honorably discharged veterans, Judge Engel said. To be accepted, the case must not include a sex crime or a violent crime by the active-duty member or veteran. The court also has a public defender, and veterans serve as mentors. The

Community Veterans Court, along with a drug recovery court and a Native American healing-to-wellness court, is funded by a \$1.4 million grant.

When asked by a legislator, Judge Engel said that the Community Veterans Court started at the end of 2014, which is not yet enough time to do a three-year recidivism survey. In response to legislators expressing interest in starting a similar program in their areas, Judge Engel said that the grant only covers Bernalillo County, but more grant money is available. If they are interested, she could point them in the direction of someone who could provide grant-writing assistance.

Mid-Region Council of Governments (MRCOG) — Federal Office of Economic Adjustment Energy Compatibility Grant

Dewey Cave, executive director, MRCOG, discussed the management of compatible energy sources using a \$700,000 grant. Mr. Cave introduced Sandy Gaiser, MRCOG, who said that she can bring her land-use expertise to counties to best utilize transmission lines, wind farms and other aspects of a multi-source energy landscape.

Regarding the SunZia Southwest Transmission Project, the good news is that landowners and the military bases are in communication. The grant allows for the creation of a clearinghouse for these issues. Now, Mr. Cave said, all interested parties have maps that were put together by the other parties, so everyone can locate the current and proposed wind farms, the flight paths and the prevailing winds.

Healing America's Heroes (HAH)

Eddie Crain, board member, HAH, said that HAH continues to exist on donations and volunteers. He said that in 2017, HAH received a donation of seven acres, so now the Tierra Amarilla-based organization has a home. However, because of the climate in Tierra Amarilla, HAH wants to have a southern home so that it can offer equine and piscatorial therapy in a location where there is not so much snow and it can operate year-round. Right now, HAH does not offer treatment from November to March.

Mr. Crain said that the program costs \$2,200 per veteran for each five-day program, and to date, it has hosted 26 women and 22 men. There were two classes this year; seven men and eight women attended. The program does follow-ups 30, 60 and 90 days after completion, and 90% of people that complete the program come back to volunteer.

Currently, HAH does not accept veterans who were less-than-honorably discharged or those with criminal convictions.

Veteran Health Issues

Josh Gutierrez, who is a veteran, discussed issues that affect veterans' mental health and contribute to suicide. He said that he often hears about access to guns, inaccessibility of health care and drug and alcohol use. He said that is too much of a simplification. Mr. Gutierrez said

he continues to feel the impact of his deployment to Iraq, and he has not received adequate health care. He has been waiting 18 months for an appointment that was supposed to take three months to get. Part of the problem is that his doctor moved, and there is no one available to take on that doctor's patients.

Alan Martinez, deputy secretary, Veterans' Services Department, assured the committee that he will work with Mr. Gutierrez to remedy the situation. He said that part of the problem is that once a patient gets referred out of the VA system, the patient cannot go back. He said that kind of flow back into the system needs to be allowed by the federal government. If a rural doctor leaves, those patients need to get back into the VA system. Deputy Secretary Martinez said that rural reality is not contemplated by the Washington, D.C., decision-makers. He also said that staffing decisions are governed by funding and the number of veterans seeking service. Services are not available if providers are not there to provide those services.

Minutes

Upon a motion properly made and seconded, and without objection, the minutes from the previous meeting were approved.

In closing, a member announced the November 6 opening of a new state cemetery for veterans in Fort Stanton.

Adjournment

There being no further business before the committee, the meeting adjourned at 3:55 p.m.