

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

**June 3, 2011  
Room 322, State Capitol  
Santa Fe**

The first meeting of the Military and Veterans' Affairs Committee for the 2011 interim was called to order by Senator David Ulibarri, co-chair, on Friday, June 3, at 9:07 a.m. in Room 322 of the State Capitol in Santa Fe.

**Present**

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

**Absent**

Sen. Kent L. Cravens  
Sen. Richard C. Martinez  
Sen. John Pinto

**Advisory Members**

Rep. Thomas A. Anderson  
Sen. William F. Burt  
Sen. Carlos R. Cisneros  
Sen. Mary Jane M. Garcia  
Rep. Rodolpho "Rudy" S. Martinez  
Rep. Edward C. Sandoval

Sen. Eric G. Griego  
Sen. Clinton D. Harden, Jr.  
Sen. Timothy M. Keller  
Sen. William H. Payne

**Staff**

Pam Stokes  
Rebecca Griego  
Andrew Pierce

**Guests and Handouts**

The guest list is in the meeting file. Copies of all handouts and written testimony are in the meeting file.

**Friday, June 3**

**Welcome and Introduction**

The members of the committee and staff introduced themselves. Damian Lara, staff attorney, Legislative Council Service (LCS), introduced himself and addressed the committee for the last time as interim committee lead staff, to be replaced by Ms. Stokes, staff attorney, LCS. Mr. Lara thanked the committee and expressed his gratitude in being able to serve the committee

in all the work that the committee has accomplished in the past.

### **Committee Protocol**

Raúl E. Burciaga, director, LCS, updated the committee on interim committee protocol for the 2011 interim. Mr. Burciaga reminded the committee of what constitutes a quorum and that in order for the committee to be able to vote on official committee actions, a quorum must exist. If there is not a quorum, the committee may still meet as a subcommittee as long as a total of five members are present. Subcommittees may still conduct committee business and hear testimony, but they may not vote on official committee actions. Certain actions can be approved by consensus, e.g., letters requesting information from state agencies; requesting drafts of letters by LCS staff for committee approval; or general requests for information. However, formal actions require a vote by a quorum of the voting members.

Mr. Burciaga explained that the committee can use what is known as a "blocking provision", by which the committee shall take no action if a majority of the total membership from either house on the committee rejects the action. The committee is composed of four senators and four representatives; therefore, regardless of the final vote, if three senators or three representatives oppose any measure, that measure fails.

Due to budget constraints, money-saving strategies concerning interim committees are being implemented, Mr. Burciaga said. All committee travel will be restricted, but the New Mexico Legislative Council understands that committees wish to hold meetings among their constituents. Guest legislators may still attend committee meetings, but that may change in the future. Mr. Burciaga informed the committee that no interim committee meetings will be allowed during the expected special legislative session in September.

The committee discussed the possibility of holding committee meetings in a location more central to the members' districts, other than Santa Fe, in an effort to reduce per diem costs. Committee members asked what procedures are necessary to get approval for committee travel and what will be allowed for committee meetings outside of Santa Fe. Committee members commented that it might be more economical to hold committee meetings outside of Santa Fe and that a study of possible locations should be conducted to find possible meeting places that may reduce costs for committee travel.

Committee members discussed the possibility of visiting and staying at military bases and the wishes of the American Legion to host the committee in Truth or Consequences. Committee members also discussed the concerns of constituent veterans who wish the committee would meet closer to where they live so that they can attend committee meetings.

Committee members commented on the need for the committee to travel for meetings to be closer to, and have receptions for, constituent veterans, such as the Native American Code Talkers and other military personnel around the state.

Mr. Burciaga addressed the committee's concerns and stated that all of these matters will

be brought before the legislative council. He stressed that the legislative council will decide all these matters.

### **2011 Legislation — Summary**

Mr. Lara and Mr. Pierce, a law school intern at the LCS, provided a summary of legislation that was introduced during the 2011 legislative session that was endorsed by the committee or that relates to military and veterans' issues. Included in the summary were items passed and chaptered, memorials that were signed and items in which all action was postponed indefinitely.

The committee recognized the passage of two pieces of legislation: SB 302, which lowered the disability percentage requirements for the issuance of a registration plate for disabled veterans, and SB 92, which provided for an armed forces special registration plate for personal award decals.

### **Department of Military Affairs — Priorities and Initiatives**

Major General Kenny C. Montoya, adjutant general, Department of Military Affairs, provided testimony regarding the priorities and initiatives of the department. Major General Montoya highlighted the New Mexico National Guard's mission statement, which describes the National Guard's mission in the state as providing a fully capable and ready force to provide military support to civil authorities for emergency assistance and disaster relief missions where and when required to protect and safeguard citizens. As directed by the governor or the adjutant general, the National Guard maintains order, preserves the peace, protects life and property and ensures public safety. The National Guard's federal mission is to command and control all New Mexico National Guard units assigned to the state and provide trained, equipped and ready forces capable of mobilizing and deploying when required. Major General Montoya discussed the federal budget of the New Mexico National Guard and gave the committee an itemized memorandum breaking down how those federal funds are used. He discussed direct state benefits and gave the committee an itemized memorandum of how state benefits are used. Major General Montoya expressed his gratitude toward the state for the support it gives to the National Guard and commented on the special relationship the New Mexico National Guard maintains with the state and the high esteem in which the National Guard holds the state.

Major General Montoya discussed existing, new and proposed National Guard facilities in New Mexico, highlighting what those facilities are used for and what benefit is provided to the state in having and maintaining those facilities. New facilities are currently under construction in New Mexico; among these is an army aviation support facility, an addition and alteration to the Farmington National Guard facility, an alteration to the Santa Fe Readiness Center and an addition and alteration to the Alamogordo Readiness Center. Major General Montoya highlighted how these projects are benefiting New Mexico by creating jobs, and he thanked the committee for the funds New Mexico has provided to the National Guard for these projects.

Major General Montoya informed the committee about National Guard deployments and

state activity in which the National Guard assists. Currently, 469 New Mexico National Guard soldiers are deployed overseas. Additionally, a total of 82 National Guard soldiers are patrolling the New Mexico/Mexico border to help police and secure the border. The mission of the National Guard in patrolling the border is to provide border security and reduce criminal activity due to the transportation of illicit drugs into the United States from Mexico. The New Mexico National Guard is also involved in state activities that support local communities. It runs a summer camp for New Mexico youth, helping young New Mexicans understand its mission and what the National Guard does for the state and nation. These camps allow children to participate in team-building exercises and fun physical activities. New Mexico preparatory sports teams participate in these team-building exercises. The New Mexico National Guard is also dedicated to the New Mexico National Guard Youth ChalleNGe Academy. This program intervenes in and assists at-risk youth in reclaiming control of their lives. The goal of the program is to produce graduates with the values, skills, education and self-discipline necessary to succeed as adults. To date, the program has graduated 1,587 students, with 32 set to graduate on June 18, 2011.

Major General Montoya outlined plans for a total integration of the New Mexico Air National Guard. The New Mexico National Guard is committed to supporting the initial agreement with the U.S. Air Force and National Guard Bureau in joint operational missions.

The New Mexico National Guard's capital outlay priorities include the building of facilities, preparedness for state and national operations and the promulgation of the Youth ChalleNGe Academy. The Farmington Readiness Center is currently undergoing renovations that are estimated to cost \$11.6 million. The state share of this total is \$3.1 million. Currently, the Department of Military Affairs has \$1.5 million for this project and needs another \$1.6 million to complete this project. The New Mexico National Guard must also maintain mission readiness. To ensure that it can assist in state and national missions, the New Mexico National Guard currently budgets \$500,000 toward statewide energy needs, maintenance and modernization of existing facilities. The proposed Santa Fe aviation complex is estimated to cost \$49 million, of which New Mexico's share is \$2.5 million. The New Mexico Youth ChalleNGe Academy facilities need repairs as well as the construction of new barracks and administrative buildings. For these repairs and upgrades, the New Mexico National Guard needs to appropriate \$2.2 million. This money will need to be appropriated to the City of Roswell or Eastern New Mexico University.

The committee thanked Major General Montoya for his testimony and thanked the New Mexico National Guard for the support and services it provides to the state.

Committee members asked if the building projects that Major General Montoya highlighted have been started and how much progress has been made toward the completion of those projects. Major General Montoya stated that the Farmington Readiness Center project has been started, but that state funds are needed to complete the project. The Legislative Finance Committee appropriated the funds in the last session but they have not yet been disbursed.

Committee members asked if the New Mexico National Guard is in compliance with

personnel requirements and how successful recruiting has been in New Mexico. Major General Montoya said that the New Mexico National Guard has had a full armament for the last six years. Major General Montoya credited the committee and the legislature with the success in recruiting and maintaining soldiers. The level of benefits and support given to military personnel from New Mexico is beneficial to those who join the National Guard and makes joining attractive to new recruits.

Committee members asked who is responsible for setting the number of National Guard soldiers at the New Mexico/Mexico border. Major General Montoya said that the federal Department of Homeland Security recommends the number of personnel to be stationed at the border, and he expressed his wish to maintain a presence on the New Mexico/Mexico border.

The committee discussed the benefits of the Youth ChalleNGe program and asked why repairs and money are needed for the program. Major General Montoya said that the barracks and administration buildings are in need of repair and that having that program in Roswell is invaluable due to the community support. The program has been successful in the past in providing an avenue for troubled youth to develop skills to be successful, productive adults, he said.

Committee members asked about the New Mexico National Guard's visits to schools, its interactions with New Mexico youth and the summer camps it sponsors. Major General Montoya said that the National Guard receives phone calls from school administrators and sets up a time to visit a school and meet the students. Committee members asked whether this program could be expanded. Major General Montoya said it is possible, but funds would need to be appropriated to undertake such an expansion.

Committee members expressed concerns about National Guard soldiers returning from deployment and asked if there is any type of outreach program to help them cope with their experiences. Major General Montoya said that a major concern is that many returning service members will not seek help. Once a returning service member asks for help, there are crisis counselors available, as well as treatment and debriefing. Major General Montoya said that the ability of the National Guard to help these service members is limited only by what it can afford to provide, but he assured the committee that there are programs in place to assist these returning men and women. As it stands now, National Guard soldiers do not receive the same level of counseling or debriefing as active duty personnel, who receive six months of rehabilitation and counseling when returning from deployment. National Guard soldiers only receive about a month of services. Major General Montoya expressed the National Guard's lack of funds to implement a program similar to the U.S. Army's for returning soldiers, but he said that it is his goal and the goal of the National Guard to see that all returning members get the treatment they need. Committee members asked if the risk of losing their careers keeps National Guard soldiers from reporting their injuries. Major General Montoya said that injuries in today's military do not equate to discharge, as they did in previous generations. Many serve with disability ratings.

The committee discussed its concern about the use of depleted uranium (DU) on the

battlefield and inquired about protections for returning service members that might have been exposed to DU, whether or not they are being screened for DU contamination and the possibility of spreading DU contamination to family or friends. Major General Montoya reassured the committee that the use of DU is not as prevalent as it once was and that studies focusing on the effect of DU exposure are being conducted nationwide. He expressed his concerns that these programs have been rather stagnant and said he worries that returning veterans are going to be mishandled.

### **Veterans' Services Department — Priorities and Initiatives**

Timothy L. Hale, secretary of veterans' services, provided testimony regarding the priorities and initiatives of the Veterans' Services Department (VSD). The main goal of the VSD is to assist veterans, their surviving spouses and their children with establishing the privileges that they have earned through military service and are therefore legally entitled to receive. Secretary Hale said that the main areas of focus for veterans are business, education and general services. Sub-focus areas include programs for Native American and female veterans. The VSD maintains that these two sub-groups will always be addressed in every program the VSD undertakes. In New Mexico, the number and age of resident veterans fluctuates. Current studies show that the number of veterans residing in New Mexico between 2000 and 2010 has decreased by between six and 10 percent. In order to reverse this trend, the VSD has proposed that a concerted effort be made to attract veterans to New Mexico and provide incentives for them to remain in the state. Secretary Hale said that veterans' services in New Mexico should be strategically targeted and population-needs based. Currently, New Mexico veterans receive the highest per capita disability benefits of any state. The positive influence of robust programs helping veterans receive the maximum benefits to which they are entitled helps create an influx of veterans to any state, he said, and keeping and attracting veterans to New Mexico will have a positive effect on state revenue and business due to the spending power of veterans receiving disability payments. The VSD would like to play a key role in helping veterans and their families get access to services provided by the federal Department of Veterans Affairs (VA).

Committee members asked what the capacity of veterans' cemeteries is in the state and if the VSD is opposed to veterans' cemeteries funded and maintained by local communities. Secretary Hale said that the current land available for cemeteries has been projected to last until 2025. The Santa Fe National Cemetery serves the northern part of the state. The Fort Bayard National Cemetery serves the southern part of the state and has decreased space available. Also, Fort Stanton has about 10 to 13 acres available that can be used as a veterans' cemetery. The concern about local communities providing and maintaining veterans' cemeteries is that they lack the proper maintenance and burial protocols provided by the national cemeteries.

Committee members asked how many New Mexico veterans return to the state after serving. Secretary Hale said that there is no conclusive documentation of how many New Mexico veterans return to New Mexico after serving, but he said that the VSD is conducting a survey to find out that information. He said that homelessness is an epidemic for veterans and a main area of concern for the VSD. Employment is the main draw for veterans, and to ensure that veterans return to New Mexico after serving, jobs must be available.

Committee members expressed concerns about veterans in the southern part of the state having to travel to Albuquerque or Santa Fe to receive medical help and other services. The committee discussed a program to help get local hospitals and clinics certified to provide veterans with medical services and have the VA cover the costs. The committee also discussed possible transportation solutions for veterans seeking to travel to the northern part of the state to receive benefits, and members expressed concern about the extremes that veterans must currently go through to have access to medical care and other services. Committee members stated that constituents are concerned about being reimbursed for travel to veterans' facilities to receive medical attention. Veterans are reporting that the VA is giving conflicting information about reimbursement. The committee was assured that reimbursement procedures have not changed and that veterans are receiving misinformation. Veterans should be reimbursed in cash, by check or through an electronic deposit. The committee requested that the VSD issue a memorandum reiterating this policy to veteran facilities so that veterans can be reimbursed at the time of their visit.

Committee members asked what other states are doing to attract veterans. Secretary Hale said that veteran retirement centers are drawing veterans. He said he will provide the committee with information regarding those programs.

Committee members asked if there are any specific groups that advocate for female veterans if female veterans are less likely to seek assistance from veterans' services than male veterans and if there are any groups that might testify in front of the committee about female veteran concerns. Secretary Hale stated that, in the past, female veterans were more likely than male veterans not to seek services, but efforts have been expanded to appeal to female veterans. The VSD can provide experts to address the committee on female veterans' issues.

Committee members asked about the proposed veterans' clinic in Roswell. Secretary Hale stated that the VA has plans for a Roswell clinic, but the VA is waiting for the funding to come through before beginning construction.

### **Office of Military Base Planning and Support — Priorities and Initiatives**

Hanson Scott, brigadier general (ret.), director, Office of Military Base Planning and Support, provided testimony regarding New Mexico's military base planning programs. The U.S. secretary of defense has made several announcements that will affect New Mexico military installations, he said, including that the F-22 Program has been curtailed at 187 fighters, the Combat Search and Rescue Program has been cancelled and the Airborne Laser Program has been reduced to research and development only. However, the Joint Strike Fighter Program has been strengthened, an increased emphasis has been put on unmanned aerial vehicle capabilities and an emphasis on foreign internal defense has been added. Brigadier General Scott highlighted the current operations and capabilities at Kirtland Air Force Base and Holloman Air Force Base. A transition at Holloman will occur in the near future and will have an effect on the armament of F-16 fighters housed there. A restructuring of the F-16 wings at Holloman will take place in conjunction with Luke Air Force Base in December. White Sands Missile Range (WSMR) also has a large economic impact in New Mexico, estimated to be \$650 million. Many

military and joint force operation are in effect and continue to be proposed at WSMR. Fort Bliss also has a positive economic impact in New Mexico because of the many service members stationed there. In addition, Fort Bliss and Holloman work in tandem to undertake certain joint training and operational missions. Currently, Fort Bliss is rated as the number one military value installation in the U.S. Army. The previous week, the First Armored Division was activated at Fort Bliss, and the commanding general visited Santa Fe during the 2011 legislative session to discuss this matter. A large influx of soldiers and their families will be transferred to Fort Bliss as a result of this activation, increasing the total military population to 34,000 soldiers and 48,300 family members in the El Paso and Las Cruces areas. New infrastructure has been planned and built to accommodate the transferees. The transfer should be completed by 2012.

Current issues at the Office of Military Base Planning and Support include land acquisitions for the expansion of the Melrose Air Force Range that was approved in 2008. The Office of Military Base Planning and Support hopes to have a draft lease document ready by June 30, 2011.

Brigadier General Scott commented on the concerns of the military bases in working with utility companies to ensure the proper and efficient construction and implementation of transmission lines for the proposed SunZia Southwest Transmission Project routes. Other issues affecting military bases and being addressed by the Office of Military Base Planning and Support include working with surrounding localities around bases to establish working relationships with the communities, to ensure that military installations avoid encroachment and to maintain efficient land-use planning procedures with local counties.

The U.S. Air Force is currently evaluating how to proceed with the 27th Special Operations Wing Low Altitude Tactical Navigation Area and is taking into consideration the concerns of many northern New Mexico communities. Multiple bases have received a request to do a regional joint land use study in a southern New Mexico sustainability effort.

New Mexico continues to play a key role in the organization and development of the Western Regional Partnership to identify regional issues pertinent to protecting military missions while addressing interests of other partners. Currently, five states are members of the Western Regional Partnership — California, Utah, Nevada, Arizona and New Mexico — along with federal and state agencies. The next Western Regional Partnership principals' meeting will be held in September in Salt Lake City. The priorities in 2012 for the Office of Military Base Planning and Support are to support the Holloman transition, to conclude the expansion of Melrose Air Force Range, to support the development of training infrastructure at New Mexico military installations, to continue to support New Mexico military installations in addressing the impact of renewable energy initiatives on military missions, to engage with the Southern New Mexico Sustainability Working Group and to organize the New Mexico Airspace Working Group.

Brigadier General Scott also addressed the committee about the possibility of the Base Realignment and Closure (BRAC) Commission undertaking another round of base closures. He

said that base restructuring in New Mexico has been successful in the past in protecting New Mexico military installations from closure. However, Brigadier General Scott warned that it may be more difficult this time to protect bases from the list of possible closure sites and that New Mexico should do all it can as early as it can to keep the New Mexico military installations off of the BRAC list. Procedures for how base closure is undertaken were provided to the committee.

Committee members asked Brigadier General Scott if there is any possibility of conducting a U.S. Department of Defense economic impact report on the military presence in New Mexico. Brigadier General Scott said that there are very modest resources this fiscal year for reports of that nature, and no reports are budgeted for the next fiscal year. Brigadier General Scott said he has asked for an update on the economic impact of the Holloman transition, and he will give the committee his best estimates from that report.

### **Discussion of Focus Area and Work Plan**

Ms. Stokes and Mr. Pierce reviewed the proposed work plan with the committee. Ms. Stokes reminded the committee of the budgetary concerns surrounding the interim committees and asked for the committee's input.

The committee requested the addition of several items, including that the proposed October meeting be shortened from two days to one day and be moved from Albuquerque to Grants in order to meet and honor the Native American Code Talkers. The committee also requested an additional meeting on November 11, 2011 in Silver City in order to celebrate and honor the recent Medal of Honor recipient Sergeant First Class Leroy Arthur Petry and retired Medal of Honor recipient Staff Sergeant Drew Dennis Dix at the Fort Bayard National Cemetery on Veterans Day.

The committee requested an update on the implementation of legislation that was passed. The committee wants to track HB 93 concerning training for law enforcement officials on interactions with people with mental impairments and for a letter of notification to be sent to state law enforcement offices to ensure compliance. The committee asked for staff members to report back to the committee toward the end of the interim on their findings.

Committee members asked if the Public Education Department has implemented the military compact allowing children of service members who have been reassigned to New Mexico from another state to use that state's history class to satisfy the requirement for a New Mexico history class. The committee asked that a letter be sent to the Public Education Department asking the department to remind schools about this compact.

The committee asked staff to put on the agenda a discussion on the need for an assessment of possible national cemetery sites in the state, including the creation of a national cemetery in Roswell and expanding the Santa Fe National Cemetery.

The committee asked staff to research the history of encroachments as they concern

military bases and utility transmission lines.

The committee decided that a tour of the New Mexico Veterans Integration Center in Albuquerque during the Albuquerque meeting might be beneficial.

There being no further business before the committee, the first meeting in 2011 of the Military and Veterans' Affairs Committee adjourned at 1:20 p.m.