

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

**November 1-2, 2016  
Room 307, State Capitol  
Santa Fe**

The fifth meeting of the Military and Veterans' Affairs Committee was called to order by Senator Richard C. Martinez, co-chair, on November 1, 2016 at 9:00 a.m. in Room 307 of the State Capitol in Santa Fe.

**Present**

Sen. Richard C. Martinez, Co-Chair  
Rep. Bob Wooley, Co-Chair  
Rep. Eliseo Lee Alcon  
Sen. Craig W. Brandt  
Sen. William F. Burt  
Rep. Randal S. Crowder  
Rep. George Dodge, Jr. (11/1)

**Absent**

Sen. Daniel A. Ivey-Soto

**Advisory Members**

Sen. Carlos R. Cisneros  
Rep. Harry Garcia  
Sen. Michael Padilla  
Sen. John Pinto  
Rep. Jim R. Trujillo (11/2)

Rep. David E. Adkins  
Rep. Cathrynn N. Brown  
Rep. Jim Dines  
Rep. Rick Little  
Sen. William H. Payne  
Sen. William E. Sharer  
Rep. John L. Zimmerman

**Guest Legislators**

Sen. Nancy Rodriguez  
Rep. Debbie A. Rodella

(Attendance dates are noted for those members who were not present for the entire meeting.)

**Minutes Approval**

Because the committee will not meet again this year, the minutes for this meeting have not been officially approved by the committee.

**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, November 1**

### **Welcome and Introductions**

Senator Martinez called the meeting to order at 9:00 a.m. and asked committee members and staff to introduce themselves.

### **Update on SunZia Southwest Transmission Project**

Tom Wray, project manager, SunZia Southwest Transmission Project, gave the committee an overview of the project. He provided a summary of the 515-mile-long electric transmission project that extends from New Mexico into Arizona. Current projections include a construction start date in early 2018 with commercial operation set to begin by the end of 2020.

Mr. Wray and Aubrey Dunn, commissioner of public lands, discussed the location approval process for the project and the various types of land ownership, each of which presents certain hurdles that must be overcome in order to get SunZia up and running.

Mr. Wray discussed the interconnections needed to transfer various types of power to make the project work. Those interconnections are located primarily in Arizona, he said. Mr. Wray said that Wyoming has set up a similar multistate wind power transmission project to get wind power from Wyoming to California.

Commissioner Dunn said that he had agreed that the state would charge \$165 per acre of right-of-way land used over state land, with a discount if the right of way is alongside existing high-voltage power lines or highways. Commissioner Dunn said that the final right of way should be approved in mid-November 2016, and he noted that transmission lines cannot be closer than one mile from a residence on state trust land unless the owner of the residence approves it.

In response to a question from a committee member, Mr. Wray said that the required permit would have to be issued by the Public Regulation Commission and that there will be an opportunity for public comment regarding the project.

Another legislator asked about restoration of affected lands to the pre-construction conditions. Mr. Wray said that land restoration is required by the lease with the federal Bureau of Land Management, and the lease with the state is expected to include a similar requirement. In addition, Commissioner Dunn said that the State Land Office will ask that any land with a lot of pinon and juniper on it be masticated and not bulldozed to preserve it as best possible.

A committee member asked if private landowners along the power lines will be able to tap into the lines. Mr. Wray said that it depends on the disposition of the power owners. The reason the project is so useful in California, Mr. Wray explained, is that the wind provides power just at the time when air conditioners are blasting in California. Instead of burning gas or coal, he explained, wind is the source of the power used by the air conditioners.

Amid some concerns about land use for wind farms, Mr. Wray said that the footprint for an individual windmill tower is 300 by 300 feet. A legislator asked if Lincoln County or the Corona Public School District will benefit from the 330 construction jobs that are estimated to be created over three years. Mr. Wray said that New Mexico State University has studied the economic benefits of the SunZia project, and the results are broken down by county.

### **Veterans' Services Department Update**

Jack R. Fox, secretary of veterans' services, introduced Tom Wagner, manager, State Cemetery Program, Veterans' Services Department (VSD), who said that the federal Department of Veterans Affairs (VA) has approved state veteran cemeteries in Fort Stanton, Gallup, Angel Fire and Carlsbad. Construction has started in Fort Stanton, and the plan is to have an opening on Veterans Day of 2017.

In Gallup, the land is state-owned, which is a requirement for VA involvement, and the VA is working to approve the current plan. The hope is that by the summer of 2017, all planning will be done, and the groundbreaking can occur toward the end of 2017. The same process will be followed in Carlsbad and Angel Fire.

Despite the fiscal crisis, the VSD is committed to the maintenance and upkeep of the state veteran cemeteries and the gravesites. Secretary Fox said that the department is determined to fix up the cemeteries to respect those who are interred there.

In response to a question, Mr. Wagner said that it will cost about \$70,000 for the first year to bring the Fort Stanton cemetery to where it needs to be and that the money will come out of the VSD's operating budget. Secretary Fox said that the cemeteries are reimbursed by the VA at \$730 per burial, but that money has to come up-front from the VSD, and that will figure into the VSD request to the Legislative Finance Committee.

Further discussion revealed that the rule still exists whereby veterans have the option of being buried in a veteran cemetery within 75 miles of where they resided immediately prior to death. Mr. Wagner said that the goal is to keep expanding the number of state veteran cemeteries, but currently, there are only four new state veteran cemeteries approved. The hope is that those four will be operating by 2025, he said, and as they fill up, the planning process will begin for more cemeteries as needed.

Sergeant Major Melanie Suazo, retired, coordinator, Women Veteran Program, VSD, said that the female veteran population will increase by 18% over the next 10 years. The VSD is currently doing outreach and creating a network for women veterans across the state. This

effort, and the sharing of data that it will enable, is critical to providing important services to this often overlooked community, she said. In addition, the VA Office of Rural Health is dedicating \$10 million in grants to support veterans and their families residing in rural and/or underserved areas of the country. That effort will assist in the identification of female veterans nationwide.

Secretary Fox said that he is more concerned with non-registered female veterans than their male counterparts, in part because of stereotyping problems, but also because female veterans often do not consider themselves to be veterans. Sergeant Major Suazo said that there may be about 2,000 unregistered female veterans in New Mexico. She clarified that this is an estimate based on the information she has. A committee member asked about state efforts at rural outreach. Secretary Fox said that the VSD can deliver services when veterans are identified, but that work requires funding, which has been scarce.

Regarding the impact of posttraumatic stress disorder on female veterans, Sergeant Major Suazo said that the data are not accurate because people are not self-reporting. Sergeant Major Suazo informed the committee that she is working with the Albuquerque Veterans Integration Center (VIC) and the YWCA Henderson House in Albuquerque to prevent homelessness for female veterans. A big hurdle for homeless veterans is finding their records to assess whether they qualify for benefits. This became clear at the 2016 VIC Albuquerque Stand Down event.

A member raised the issue of suicide in veterans and said that family members who are left behind should be entitled to benefits, and outreach to those family members needs to be a priority.

Secretary Fox said that the most common complaint that the VSD fields is a lack of transportation for veterans. A legislator posited that the Blue Bus of the North Central Regional Transit District may solve some of the transportation hurdles, noting that the buses travel great distances and often have empty seats.

Joseph C. Long, director of the Veterans Business Outreach Center (VBOC), said that the center is funded by a federal grant through the United States Small Business Administration (SBA). Mr. Long, who is retiring, has been instrumental in helping veterans gain skills and transition into the business world. In fact, the SBA gave the New Mexico VBOC the award for being the nation's best VBOC. As evidence of its success, the VBOC aided 15 new businesses in starting up in the state in 2015, and is on track to help 21 new businesses start in 2016.

### **Kirtland Air Force Base Update**

Colonel Eric H. Froehlich, 377th Air Base Wing and installation commander, Kirtland Air Force Base, told the committee that he oversees the 2,100 personnel at the base. Colonel Froehlich said that Kirtland Air Force Base has a \$7.6 billion-a-year economic impact, and that about half of that money stays in New Mexico. Kirtland Air Force Base, he said, accounts for 10% of Albuquerque's economic activity.

In 2016, Kirtland Air Force Base celebrated its seventy-fifth anniversary and part of that celebration was a well-attended air show and activities sponsored by its community engagement program. Colonel Froehlich said that the base has a memorandum of understanding with Albuquerque to ensure communication between the base and the city. Colonel Froehlich said that open lines of communication are critical to the base's operation, so the more that process is codified, the better. He said that one of the main challenges is encroachment, which works both ways, and that he is committed to working on solutions. Other issues include alerting developers before Kirtland Air Force Base spends money on projects; water usage on the base, which is heavy, and much of which is provided by the base's own wells; and fuel spill remediation, which is under way and is improving.

Regarding the fuel spill, the remediation project is on track with additional monitoring wells going in, which will provide a more complete picture of the location of several different chemicals. Colonel Froehlich said that Kirtland Air Force Base is committed to fully funding the remediation and that there is also an ongoing community engagement effort.

### **Base Realignment and Closure Update**

Colonel Eric Kivi, retired, director, Office of Military Base Planning and Support, said that while Congress has not passed its military budget bill for the upcoming year, it is expected to provide \$38.9 million in construction money for New Mexico. Colonel Kivi said that no base realignment and closure are currently planned for 2017.

Colonel Kivi said that two squadrons are being moved from Utah's Hill Air Force Base, and one of the potential destinations is Holloman Air Force Base. The move should happen quickly, and New Mexico's congressional delegation is actively promoting the move to Holloman Air Force Base.

For its part, Cannon Air Force Base's highest priority is the purchase of restrictive easements near the Melrose Test Range so that testing is not hindered. The U.S. Army is looking at consolidating White Sands Missile Range and Fort Bliss, but New Mexico's congressional delegation is opposed to that, he said.

The ensuing discussion included issues regarding the Valle de Oro National Wildlife Refuge and the SunZia Southwest Transmission Project and covered the perspective of groups, including local residents, state and local officials and the federal Department of Defense (DOD) and Department of the Interior. Committee members agreed that federal investment in the state is important and that the legislature should work to protect and maintain that investment.

Upon a motion made and seconded and without opposition, the Military and Veterans' Affairs Committee endorsed sending a letter of support to get the two squadrons being moved from Hill Air Force Base to be relocated at Holloman Air Force Base.

## **U.S. Department of Defense State Liaison Office**

Dale Vande Hey, south central region state liaison, State Liaison Office, DOD, gave an update on the DOD's carryover issues from last year and new issues for this year.

Those issues include:

1. a state policy to support identification and reporting of child abuse and neglect;
2. National Guard employment protections during state-sponsored activation;
3. allowing private sector employers to offer a hiring preference to veterans;
4. allowing service members to retain their earned priority for receiving Medicaid home- and community-care waivers;
5. facilitating service members receiving academic credit for military education, training and experience;
6. pro-bono legal representation for military families;
7. licensing compacts that recognize separating service members and military spouses;
8. facilitating military spouse teacher certification;
9. increasing protection under the federal Servicemembers Civil Relief Act; and
10. facilitating military representation on certain state boards and councils.

Regarding the first item, Mr. Vande Hey said that he is coordinating with the Children, Youth and Families Department (CYFD). He said that if there is an alleged child abuse incident on base, the CYFD goes on the base to investigate, but the opposite is not true — the military does not investigate off-base abuse in military families.

A committee member asked about the investigation process, beginning from when allegations of child abuse arise. While the law requires a report of incidences of child abuse, the legislator asked what constitutes an incident. The concern the member raised was that false allegations can happen in contested custody cases, which can destroy a person's military career. The legislator said that there needs to be a threshold for a substantiated claim before the base commander is informed.

When asked about the third item, Mr. Vande Hey said that it is up to the state to pass laws to protect employers from violating federal law by establishing a hiring preference for veterans.

## **Fort Bayard National Cemetery**

Richard Bauch, mayor, Village of Santa Clara, said that the Fort Bayard National Cemetery has thousands of visitors each year. Despite that, the cemetery is currently a construction site where the work has stopped. Mayor Bauch said that it is sad that people see it in that condition and that a deceased veteran's final mile is full of construction materials and orange tape. He said that efforts are being made to get the property transferred to the Village of Santa Clara.

The mayor detailed the challenges faced in making improvements to restore the Fort Bayard National Cemetery to the extent that it merits as a historic landmark. Mayor Bauch showed the committee the construction plans, which, he said, can only be commenced once the land is transferred to the village.

Committee members agreed with the mayor that efforts should be made to "make veterans' last mile as they deserve".

### **Healing America's Heroes Program**

Edward Crain, founder and board member, Healing America's Heroes, discussed the program for veterans that he started in northern New Mexico. The program welcomes 10 veterans at a time and, at no cost to the veteran, provides a therapeutic environment where veterans spend a week fishing, horseback riding and in group therapy sessions.

Mr. Crain said he would like to expand the program, both by offering it year round and by treating first responders in addition to veterans. Mr. Crain recently got certified by the Professional Association of Therapeutic Horsemanship, which allows the program to be offered as a service available to the VA.

The cost of the program falls on the program itself, and while donations have kept it afloat to this point, more funding and volunteers always help. Legislators offered their support in helping Mr. Crain put together a presentation to appear before the Legislative Finance Committee.

### **Recess**

The committee recessed for the day.

### **Wednesday, November 2**

The second day of the fifth meeting of the Military and Veterans' Affairs Committee was reconvened by Senator Martinez, on November 2, 2016 at 9:00 a.m. in Room 307 of the State Capitol in Santa Fe. Senator Martinez asked committee members and staff to introduce themselves.

### **National Guard of New Mexico Update**

Andrew E. Salas, adjutant general, National Guard of New Mexico, began by discussing recent developments regarding the State of California seeking repayment of re-enlistment bonuses paid to some members. He said that the New Mexico National Guard will fight to protect its guard members from having to face the same situation. He noted that California is performing an audit to find out what happened.

General Salas talked about the two squadrons of F-16s being divested from Hill Air Force Base in Utah and how the squadron's relocation to Holloman Air Force base would be good for the people and the economy of Alamogordo.

The general said that there is an effort to gather all available resources so that veterans can better understand what resources exist in order to better access them. He said, "happier guardsmember and family, better New Mexico". General Salas said that New Mexico is a pilot state in this initiative. Susie Galea, former mayor of Alamogordo, is coordinating this effort for the National Guard of New Mexico.

The committee thanked General Salas and Secretary Fox and their staffs for all of the work they do.

### **Report on Senate Bill 153 (2016): College Credit for Military Training**

Harrison Rommel, Ph.D., financial aid director, Higher Education Department (HED), said that the challenge of articulation consistency is a 60-year-old issue. He said that the states that have consistent articulation have centralized organization and leadership in higher education. States like New Mexico, where the institutions of higher education have 32 governing boards, make a consistent articulation agreement difficult.

Dr. Rommel said that New Mexico is doing its best to roll out its articulation agreement in a manner that is done well, quickly and inexpensively. He said that the old classification of course requirements is outdated, and a steering committee has been created to identify a new classification system to create a system of meta-majors. The HED is on schedule to have all of the articulation and transfer work done by August 1, 2017.

A committee member clarified that the proposed agreement will apply to all campuses, including satellite campuses. Dr. Rommel said that the University of New Mexico is progressing quickly through the process and that New Mexico State University is working toward the same goal, but it is not as far along in the process.

Upon a motion made and seconded and without objection, the Military and Veterans' Committee approved the minutes of the September 19, 2016 meeting.

### **Consideration of Legislation for Committee Endorsement**

The committee considered a bill appropriating \$400,000 to the Native American Veterans' Income Tax Settlement Fund and removing the time limit for filing an application for a settlement claim. After some discussion of the appropriate amount of money to place in the fund, a motion was made, seconded and without opposition passed to endorse the bill. Representative Alcon, the sponsor of the bill, will introduce and carry the bill in the 2017 session.

Next, upon a motion made and seconded and without objection, the committee endorsed a bill requested the previous day that would provide employment protection to out-of-state national guard members in the same manner enjoyed by in-state national guard members.

### **Adjournment**



There being no further business before the committee, the committee adjourned at 12:10  
p.m.