

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

**June 10, 2010  
State Capitol, Room 322  
Santa Fe**

The first meeting of the Military and Veterans' Affairs Committee for the 2010 interim was called to order by Senator David Ulibarri, co-chair, on Thursday, June 10, 2010, at 9:15 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. Nathan P. Cote  
Sen. Eric G. Griego  
Sen. John Pinto  
Sen. William E. Sharer

**Absent**

Rep. Elias Barela  
Rep. Dianne Miller Hamilton

**Advisory Members**

Sen. Rod Adair  
Rep. Eliseo Lee Alcon  
Rep. Thomas A. Anderson  
Sen. Dianna J. Duran  
Sen. Mary Jane M. Garcia  
Rep. Karen E. Giannini  
Rep. Rodolpho "Rudy" S. Martinez  
Rep. Kathy A. McCoy  
Sen. William H. Payne

Sen. Richard C. Martinez  
Rep. Edward C. Sandoval

**Guest Legislator**

Rep. James P. White

**Staff**

Damian Lara  
Karen Wells

**Guests and Handouts**

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

**Thursday, June 10**

**Welcome and Introductions**

The members of the committee and staff introduced themselves. James E. Smith, who will become a state representative replacing Representative McCoy, was introduced. Mr. Smith had primary opposition but faces no opposition in the general election.

**Government Restructuring Task Force — Update and Request**

Raúl E. Burciaga, director-designate, Legislative Council Service (LCS), informed the committee of directions given by the New Mexico Legislative Council to all interim committees. Committee meetings are to be held in Santa Fe, unless the committee requests otherwise and justifies the request in its work plan for a meeting to be held elsewhere. The number of meeting dates has been limited. All interim committees are asked to examine programs, issues, functions and opportunities for restructuring and greater administrative efficiency for the agencies for which they have oversight responsibility. Input on this topic is requested for the Government Restructuring Task Force. The co-chairs each extended congratulations to Mr. Burciaga on his appointment as director of the LCS.

**2010 Legislation — Summary; Review of Proposed Work Plan**

Mr. Lara, staff attorney, LCS, provided a summary of legislation that was introduced during the 2010 legislative session that was endorsed by the committee or that related to military and veterans' issues. Included in the summary were items that were introduced but did not pass. Committee members commented on several items in the summary. Mr. Lara then reviewed the proposed work plan with the committee and the rationale for the topics identified. He reminded the committee that the Government Restructuring Task Force has asked for input.

Committee members requested the addition of several items, including a hearing regarding educational issues of military personnel being transferred into New Mexico, Reserve Officers' Training Corps (ROTC) faculty being denied in-state tuition for higher education and denial of room and board for ROTC scholarship recipients. A suggestion was made that the University of New Mexico (UNM) provide information about its position on ROTC and veteran students. One committee member described a constituent request regarding the automatic removal of servicemembers from jury duty rolls who were killed or missing in action. The committee also requested a briefing on the new federal Caregivers and Veterans Omnibus Health Services Act in order to better respond to constituent inquiries. The committee members requested the additions of: child custody issues for servicemembers; treatment of veterans with posttraumatic stress disorder (PTSD) who enter the criminal justice system; alternative models to veterans courts, such as pretrial diversion programs; alternative therapies for treatment of PTSD, such as diving; testing active servicemembers for traumatic brain injury following an explosion and whether members are coached on how to answer to avoid a diagnosis of traumatic brain injury; long-term care, especially at the New Mexico State Veterans' Home in Truth or Consequences; cyber-warfare; follow-up on the legacy of Navajo Code Talkers, as requested in SJM 51; and assistance for veterans' organizations in obtaining a waiver of fees for a liquor license upon growth in membership. Kelly O'Donnell, Ph.D., superintendent, Regulation and

Licensing Department (RLD), is apparently willing to review this issue. A suggestion was offered to invite Gary Tomada, director, Alcohol and Gaming Division, RLD, to testify on this, as it is a long-term proposal of his.

A question was asked regarding the status of development of a wellness center in Angel Fire. Representative Garcia reported there are ongoing workshops and continued work toward development of the center.

Representative Garcia announced that Speaker of the House Ben Lujan has approved the appointment of Representative Martinez as a voting member for one day in order to establish a quorum.

The committee discussed the articulation process of New Mexico colleges and universities as it relates to military credit. The Higher Education Department (HED) had previously notified Representative Cote that the committee would be unable to meet the request of HJM 1 due to inadequate resources and staff.

Upon a motion by Senator Ulibarri and seconded by Representative Martinez, the committee voted without objection to write a letter to the Dr. Viola E. Florez, secretary of higher education, to request that the HED address the resolution expressed in HJM 1.

Representative Garcia raised an issue regarding the tedious bureaucratic process required to obtain a death certificate for a soldier killed in Iraq. Alan Martinez, deputy secretary, Veterans' Services Department (VSD), noted that VSD constituent services handles many of these complaints and usually can resolve them easily by providing the courts with a casualty report. He offered to set up a meeting with the Administrative Office of the Courts to explore opportunities to streamline the process. A request was made to ensure that a veteran not be removed from voter registration in cases of infirmity.

Mr. Lara then presented meeting locations and dates for the committee's consideration. Committee members discussed proposed meeting locations and dates.

Upon a motion by Representative Cote and seconded by Senator Griego, the committee voted without objection to request permission to travel to Albuquerque for a two-day meeting in July.

Upon a motion by Representative Martinez and seconded by Representative Cote, the committee voted without objection to accept the proposed work plan with suggested agenda additions.

Mr. Lara noted that the LCS is trying to communicate with committees primarily through email. A member who wishes to receive notifications through the U.S. mail should communicate that desire to the LCS. A request was made to highlight emails as "priority" in the subject line so that they do not get overlooked.

## **VSD — Priorities and Initiatives**

John Garcia, secretary, VSD, and Mr. Martinez provided testimony regarding the priorities of the department, which include the establishment of a PTSD/traumatic brain injury program; continued work to create a New Mexico veterans' wellness center in Angel Fire; creation of a veterans' education outreach office; establishment of a homeless veterans program for women; development of an enterprise fund to permit the VSD to pursue private funding; creation of a veteran lottery ticket; a veteran-owned New Mexico business tax credit, mirroring a federal government contracts award set-aside of 3% for veteran-owned businesses; promoting contracting preference for service disabled veteran-owned businesses; statutory language to clean up a provision to allow Veterans National Cemetery Fund check-off money to be transferred to the City of Santa Fe; and a clarification of veteran property tax exemption rules.

Secretary Garcia informed the committee about the "Call for Photos" program to identify all veterans of the Vietnam conflict. Although many family members are providing photographs, some family members find it too difficult to search through memorabilia and find photographs to share. For this reason, high schools are also being contacted to provide photographs. Many photographs have already been found; however, the effort in the rural areas has not been as successful.

Upon a motion by Senator Griego and seconded by Representative Cote, the committee voted to write a letter to the superintendents of the school districts from which more photographs are needed, requesting that they assist the effort by providing photographs of the identified Vietnam veterans.

Secretary Garcia also informed the committee about the "forgotten heroes" program, which identifies veterans who have died and whose bodies are not claimed by family members. Through this program, the VSD respectfully buries the remains with full military honors. A question was asked about identifying and posthumously honoring homeless veterans whose ashes were previously spread without recognition. Secretary Garcia will look into it. The program does not cost the state any money and may even generate money that the federal government provides for disabled veterans. The committee commended the program.

Secretary Garcia identified measures the department is undertaking to address issues with limited funding. Long-term care for aging veterans is a top priority for the department. Issues of military retirees are important. New Mexico is one of only three states that does not exempt military retirees from state income taxes. The department is seeking federal funding for a veterans' wellness center in Angel Fire and is talking to Fort Bayard as a potential site for a veterans' clinic for women. The department is working with UNM on a student veterans education outreach center. Elise Wheeler, retired Air Force colonel, was introduced and invited to comment. She is the director of the UNM Veterans Resource Center (VRC), which assists students to reintegrate into a school setting.

Secretary Garcia highlighted the second annual Heroes Honoring Heroes veterans job fair to be held on June 22, 2010. He mentioned the Veterans Business Resource Center, which

supports the efforts of veterans who own businesses to hire other veterans. The department is working with Presbyterian Medical Services (PMS) to establish a veterans court program.

The committee sought clarification regarding the number of unclaimed veterans' remains that have been interred and details of how the program works and how it is funded. Representative Anderson indicated that he would like to carry legislation for tax relief for veterans and will continue his efforts on HB 126, which failed to pass the legislature, to conform with federal law. Senator Ulibarri asked to defer legislative endorsements until the November meeting but indicated that concepts may be supported. A request was made for an update on the establishment of a Fisher House at Kirtland Air Force Base. Secretary Garcia indicated that either Kirtland or the Veteran's Administration hospital has to apply; the VSD cannot apply. He hopes an application will be forthcoming in 2010. A suggestion was made to put this topic on the agenda for the September meeting in Albuquerque.

Additional information was requested regarding plans for a homeless center for female veterans. Value Place is a national model for such centers, which are motel-style buildings with kitchenettes. The Young Women's Christian Association (YWCA) has been awarded a contract to develop a center; federal money may become available to fund the project. Questions were asked about the UNM VRC; plans include becoming a complete resource center, not merely focusing on education. Further detail was requested regarding the Heroes Hiring Heroes program, with a recommendation to be sure to contact the aerospace industry. Secretary Garcia agreed, indicating that Avon is being contacted. More detail was provided about the proposed use of the Fort Bayard property for veterans. It was described as a natural healing place, and it has a national cemetery. A request was made for an update on the New Mexico Veterans Integration Center. The center has been changed to a Value Place on Central Avenue in Albuquerque and is currently run by Larry Campos. The center is providing outreach and training to reintegrate homeless veterans into society. Secretary Garcia would like to expand the concept to other locations such as Santa Fe and promote this as a national program.

Clarification was sought regarding a veterans court; PMS has the contract for that as well as a jail diversion program. Coordination with the wellness treatment center is seen as essential. It was noted that Fort Bliss received a federal grant to do a pilot program of a wellness center in El Paso, Texas. A request was made for a list of all current veterans' benefits available in New Mexico. Mr. Martinez will provide such a list to the committee.

Secretary Garcia noted that Senators Payne and Timothy Z.Jennings and he were at the commissioning services for the USS *New Mexico* submarine.

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

Kenny C. Montoya, adjutant general, Department of Military Affairs, identified a request for \$3.6 million for additions to the Army National Guard (the guard) armory in Farmington. That armory includes police as well as military functions. Additionally, the department will request \$500,000 for statewide energy, maintenance and modernization of armories. Finally, the department is promoting partnering with the City of Roswell to sustain the New Mexico Youth Challenge Academy (NMYCG), a program for troubled youth. He updated the committee about members of the guard in combat around the world. The goal is to ensure the health of soldiers so that families are also healthy and happy.

Clarification was sought about what is being done for military families and employers. Counseling is very family-focused; 12 summer camps have been established for children of members of the guard who are deployed. The guard sees a natural turnover of about 12% per year. Although it is hard to keep in touch with members who are deployed, the guard is committed to providing appropriate follow-up for these soldiers. Adjutant General Montoya expressed great pride in members of the guard. When members return from tours in Iraq or Afghanistan and are discharged from the guard, they become veterans and qualify for all veteran programs.

An update was requested regarding the status of the NMYCG. If the Roswell community does not come through, Adjutant General Montoya will look to relocate the program elsewhere. Currently, Roswell has indicated an interest in keeping the program.

Clarification was sought about whether members of the guard are entitled to normal military benefits. The U.S. Department of Defense Appropriation Act, 1984, extended normal military benefits to members of the guard. Depleted uranium mining remains an area of interest. Adjutant General Montoya will provide more information on this issue. Questions were asked about the role of the guard in border control. Adjutant General Montoya indicated that the guard is supporting border agents in what is known as the bootheel area of New Mexico. While much violent activity is ongoing in Mexico, Adjutant General Montoya stated that the violence has not crossed over, and all indications are that the violence will not spill over. It is unknown when or if New Mexico will benefit from President Obama's proposed expansion of members of the guard to the border; however, Adjutant General Montoya indicated that he has soldiers ready to go. He has been working with U.S. Senator Jeff Bingaman to ensure that an adequate number of soldiers are deployed in New Mexico for this purpose. He fears that the deployment of 1,200 additional members of the guard will benefit Texas and Arizona disproportionately. Members of the guard are being well received by local citizens in the area. A question was asked about whether recruitment is sufficient to respond to new deployment at the border. Adjutant General Montoya stated the guard has grown over the last six years. He is using soldiers returning from combat to serve on the border to give them time to recover from combat experience. This is a federal mission, and the federal funding has been sufficient. Challenges continue in trying to operate the youth challenge program. It is currently underfunded, but Adjutant General Montoya is committed to continuing it. Clarification was offered regarding tuition assistance for members of the guard. New Mexico is one of only a few states that has a state-funded program to

supplement federal funding for this purpose.

On April 9, 2011, a ceremony to honor Bataan veterans will be sponsored by the guard, as it does yearly. Adjutant General Montoya considers it a legacy and a very important event to conduct each year. Thanks were expressed to Adjutant General Montoya and his staff.

There being no further business before the committee, the first meeting of the Military and Veterans' Affairs Committee was adjourned at 12:30 p.m.