



NEW MEXICO LEGISLATURE

INDIAN AFFAIRS COMMITTEE

2023 INTERIM FINAL REPORT

LEGISLATIVE COUNCIL SERVICE
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INTERIM SUMMARY

Indian Affairs Committee 2023 Interim Summary

Since its inception in 1989, the Indian Affairs Committee (IAC) has addressed issues that affect Native Americans residing in New Mexico. In fulfillment of its mission, the IAC held six meetings during the 2023 interim. In addition to meetings held at the State Capitol in Santa Fe, the IAC was welcomed by the Mescalero Apache Tribe, the pueblos of Taos, Santa Clara and Isleta, the Indian Pueblo Cultural Center and University of New Mexico-Gallup. At these meetings, the committee received updates on key issues affecting these and other Native American communities, including economic development and infrastructure projects and challenges; tribal-owned enterprises; Native American film production; environmental cleanup of mine sites; school building needs; health care infrastructure and culturally significant health care options; tribal elections processes and the need for an independent redistricting commission; the Indian Water Rights Settlement Fund; the annual Gallup Intertribal Indian Ceremonial; and the Federal Indian Boarding School Initiative.

The committee heard presentations on plans and programs created in response to the *Yazzie/Martinez v. State of New Mexico* lawsuit. Topics addressed included the Tribal Remedy Framework, the Northwest Teacher Education Program and how state agencies, universities and tribal entities are partnering to embrace best practices for serving diverse student populations, including providing targeted resources for Native American students and families, training teachers, fast-tracking students to bachelor's degree programs, building career pathways and offering job training.

The committee received information on the preservation efforts of indigenous languages and significant natural and cultural resources by the State Land Office, Navajo Code Talkers Museum Corporation, Pueblo of Taos and Octavia Fellin Public Library and received an update from the Department of Transportation on tribal infrastructure projects and maintenance.

Regarding public safety priorities, the committee heard presentations from the Children, Youth and Families Department (CYFD), Indian Affairs Department (IAD), Navajo Nation Council, New Mexico Eviction Prevention and Diversion Program and McKinley County Magistrate Court. The presentations included discussions on the training and policy progress that the CYFD is making in the treatment of Indian foster children; the development of an IAD advisory council to implement the state response plan created by the Missing and Murdered Indigenous Women and Relatives Task Force; the positive impacts and needs of DWI treatment courts; law enforcement on the Navajo Nation and strengthening tribal justice systems; and housing issues on tribal lands. Other issues that received attention are how compulsive gambling is addressed by the Gaming Control Board and state-tribal government cooperation on the taxation of alcohol and tobacco products on tribal lands.

The committee voted to send a letter to the Legislative Finance Committee in support of a budget increase for the Indian Resources Development program at New Mexico State University and funding to build an information technology facility at the Santa Fe Indian School. The committee also endorsed bills that would create a Tribal Education Trust Fund, change distributions from the Indian Education Fund and provide funding for county and tribal health councils across the state.

WORK PLAN AND MEETING SCHEDULE

**2023 APPROVED
WORK PLAN AND MEETING SCHEDULE
for the
INDIAN AFFAIRS COMMITTEE**

Members

Rep. D. Wonda Johnson, Chair
Sen. Shannon D. Pinto, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Anthony Allison
Rep. John Block
Rep. Tara Jaramillo
Rep. Charlotte Little
Sen. Brenda G. McKenna

Sen. Bill B. O'Neill
Sen. Cliff R. Pirtle
Sen. Nancy Rodriguez
Rep. Patricia Roybal Caballero
Sen. Joshua A. Sanchez
Sen. William E. Sharer
Sen. Benny Shendo, Jr.
Rep. Martin R. Zamora

Advisory Members

Rep. Gail Chasey
Rep. Harry Garcia
Sen. Stuart Ingle
Rep. Derrick J. Lente
Sen. Linda M. Lopez

Rep. Patricia A. Lundstrom
Sen. Michael Padilla
Sen. William P. Soules
Rep. Elizabeth "Liz" Thomson

Approved Work Plan

The New Mexico Legislative Council created the Indian Affairs Committee (IAC) on May 1, 2023. The IAC addresses issues and policies that affect Native Americans in New Mexico. IAC meetings are essential to the work of the legislature in addressing the issues affecting this segment of its constituency.

The IAC will address the following topics affecting Native Americans during the 2023 interim, including updates that include or address:

A. State-Tribal Relations:

1. presentations from Native American liaisons or similarly tasked individuals from state executive agencies regarding outreach efforts, challenges and successes;
2. a presentation on the transportation of uranium between various chapter houses on the Navajo Nation;
3. funding for tribal capital projects;
4. an update from the Missing and Murdered Indigenous Women and Relatives Task Force and the Office of the Attorney General's missing indigenous persons specialist;
5. an update on tribal gaming and alcohol on gaming floors;

6. an update from the Veterans' Services Department and tribal veterans' affairs organizations on veterans' affairs in tribal communities;
7. presentations from the Indian Affairs Department, the Department of Environment and the New Mexico Finance Authority on water infrastructure needs on tribal land;
8. a report from the New Mexico Film Office on the Senator John Pinto Memorial Fund;
9. a report from the Department of Transportation, the Navajo Nation Department of Transportation, counties within tribal lands and the federal Bureau of Indian Affairs on tribal roads and construction;
10. an update from the secretary of state and the Native American Voters Alliance on tribal election issues;
11. an update on the federal Indian Boarding School Initiative;
12. an update on the federal decision regarding Chaco Canyon;
13. a discussion of the United States Supreme Court decision on *Haaland v. Brackeen*;
14. an update from the Children, Youth and Families Department on the Indian Family Protection Act;
15. a presentation on the Indian Resources Development Program;
16. a presentation on the liquor excise tax and tobacco tax and potential uses for those funds;
17. updates on substance use issues, suicide prevention, drug trafficking, youth violence and behavioral health in New Mexico;
18. an update on DWI treatment courts;
19. an update on housing, poverty, food insecurity and employment issues for Native Americans;
20. a presentation on domestic violence shelter funding on tribal lands;
21. updates on fire and flooding concerns on tribal lands;

22. an update on the Navajo Code Talkers Museum;
23. an update on public safety and cross-commissioning of law enforcement officers;
24. a presentation from the Department of Health and other health organizations regarding organ donation services;
25. an update from Indigenous Women Rising;
26. a presentation from the Office of the Attorney General on the office's work with tribal communities; and
27. proposed legislation regarding Native American affairs;

B. Economic Development:

1. broadband access on tribal lands; and
2. updates from the Economic Development Department, the Indian Affairs Department and the Workforce Solutions Department on the Energy Transition Act;

C. Education:

1. the *Zuni v. State of New Mexico* lawsuit and the state equalization guarantee distribution, impact aid and funding formula;
2. an update on *Yazzie/Martinez v. State of New Mexico* and the state's action plan;
3. preservation of Native American languages;
4. an update from the New Mexico Athletics Association on students' eligibility to play sports and receive culturally based education;
5. Native American teacher retention and increasing access to Native American teachers; and
6. culturally relevant early learning programs; and

D. Annual Reports from Executive Agencies:

1. reports from the Office of the State Engineer and the Interstate Stream Commission regarding:

- a. *Aamodt* settlement obligations and effects on federal funding;
 - b. the status of proposed Indian water rights settlements requiring state financing;
 - c. the distribution of funds from the Indian Water Rights Settlement Fund to implement approved settlements and the proposed timing of the distributions; and
 - d. recommendations on the level of funding for the Indian Water Rights Settlement Fund necessary to timely implement Indian water rights;
2. a report from the Indian Affairs Department regarding:
 - a. the compiled reports from all state agencies on activities pursuant to the State-Tribal Collaboration Act, including information on policies, plans, contact individuals, training, programs and services from each agency; and
 - b. the department's priorities and initiatives, as well as updates on current issues that tribal communities are facing; and
3. a report from the Tribal Infrastructure Board regarding the total expenditures from the Tribal Infrastructure Project Fund for the previous fiscal year, the purposes for which expenditures were made, an analysis of the progress of the projects funded and proposals for legislative action in the subsequent legislative session.

**Indian Affairs Committee
2023 Approved Meeting Schedule**

<u>Date</u>	<u>Location</u>
June 9	Santa Fe
July 13-14	Mescalero
August 10-11	Gallup
September 12-14	Navajo Preparatory School/Huerfano Chapter House/ Nageezi Chapter House
October 16-18	Pueblo of Taos/Santa Clara/Tesuque
November 28-30	Indian Pueblo Cultural Center/Pueblo of Isleta/Santa Fe

AGENDAS AND MINUTES

**TENTATIVE AGENDA
for the
FIRST MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**June 9, 2023
State Capitol, Room 309
Santa Fe**

Friday, June 9

- 10:00 a.m. **Call to Order and Introductions**
—Representative D. Wonda Johnson, Chair, Indian Affairs Committee
—Senator Shannon D. Pinto, Vice Chair, Indian Affairs Committee
- 10:15 a.m. (1) **Discussion of Focus Areas, Work Plan and Meeting Schedule**
—Lenaya Montoya, Staff Attorney, Legislative Council Service
- 11:15 a.m. **Public Comment**
- 11:30 a.m. **Adjourn**

**MINUTES
of the
FIRST MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**June 9, 2023
State Capitol, Room 309
Santa Fe**

The first meeting of the Indian Affairs Committee was called to order by Representative D. Wonda Johnson, chair, on June 9, 2023 at 10:10 a.m. in Room 309 of the State Capitol in Santa Fe.

Present

Rep. D. Wonda Johnson, Chair
Rep. Eliseo Lee Alcon
Rep. Charlotte Little
Sen. Bill B. O'Neill
Sen. Cliff R. Pirtle
Sen. Nancy Rodriguez
Rep. Patricia Roybal Caballero
Sen. Joshua A. Sanchez
Sen. Benny Shendo, Jr.
Rep. Martin R. Zamora

Absent

Sen. Shannon D. Pinto, Vice Chair
Rep. Anthony Allison
Rep. John Block
Rep. Tara Jaramillo
Sen. Brenda G. McKenna
Sen. William E. Sharer

Advisory Members

Rep. Harry Garcia
Sen. Linda M. Lopez
Sen. William P. Soules

Rep. Gail Chasey
Sen. Stuart Ingle
Rep. Derrick J. Lente
Rep. Patricia A. Lundstrom
Sen. Michael Padilla
Rep. Elizabeth "Liz" Thomson

Staff

Lenaya Montoya, Staff Attorney, Legislative Council Service (LCS)
Nicole Waguespack, Researcher, LCS
Angela Dakan, Staff, LCS
Grace Balderamos, Staff, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Friday, June 9

Welcome and Introductions (10:10 a.m.)

Representative Johnson welcomed everyone, and members of the committee, staff and audience introduced themselves.

Discussion of Focus Areas, Work Plan and Meeting Schedule (10:17 a.m.)

Ms. Montoya presented the proposed work plan and meeting schedule for the 2023 interim and asked committee members for their input and suggestions. The committee discussed the work plan and suggested additional topics for discussion and changes to meeting locations.

Upon a motion made and seconded, the committee voted to approve the 2023 proposed work plan but to keep the meeting schedule tentative and contingent on location availability.

Public Comment (10:51 a.m.)

A list of individuals making public comment is available in the meeting file.

In response to a question from a member of the public, Ms. Montoya explained that, for meetings that are held outside of the State Capitol, the LCS is currently unable to offer online remote-participation services for people who are not able to attend in person but that public comments can be emailed to the LCS prior to the meeting.

Adjournment

There being no further business before the committee, the meeting adjourned at 10:57 a.m.

Revised: July 11, 2023

**TENTATIVE AGENDA
for the
SECOND MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**July 13-14, 2023
Inn of the Mountain Gods
287 Carrizo Canyon Road
Mescalero**

Thursday, July 13

- 10:00 a.m. **Call to Order**
—Representative D. Wonda Johnson, Chair, Indian Affairs Committee
- 10:15 a.m. (1) **Welcome and Status Update**
—TBD, Mescalero Apache Tribe
- 11:15 a.m. (2) **Update from the State Land Office**
—Rachael N. Lorenzo, Assistant Commissioner of Cultural Resources,
State Land Office
- 12:15 p.m. **Lunch**
- 1:15 p.m. (3) **Update from the Indian Resources Development Program at New
Mexico State University (NMSU)**
—Dr. Claudia Trueblood, Director, Indian Resources Development, College
of Agricultural, Consumer and Environmental Sciences, NMSU
—Cherylin Atcitty, Senior Program Specialist, Indian Resources
Development, College of Agricultural, Consumer and Environmental
Sciences, NMSU
- 2:15 p.m. (4) **Update from NMSU on Accessibility of Online Courses in Tribal
Communities**
—Dr. Sherry Kollmann, Associate Vice Chancellor, Digital Learning,
NMSU
- 3:15 p.m. **Public Comment**
- 4:00 p.m. **Recess**

Friday, July 14

- 9:00 a.m. (5) **[Presentation on the 150th Anniversary Celebration of the Mescalero Apache Tribe](#)**
—Mescalero Apache Tribe
- 10:00 a.m. **Tour of the Mescalero Apache Reservation**
- 12:00 noon **Adjourn**

**MINUTES
of the
SECOND MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**July 13-14, 2023
Inn of the Mountain Gods
287 Carrizo Canyon Road
Mescalero**

The second meeting of the Indian Affairs Committee was called to order by Senator Shannon D. Pinto, vice chair, on July 13, 2023 at 10:28 a.m. in the Mescalero Ballroom and Exhibit Hall at the Inn of the Mountain Gods in Mescalero.

Present

Rep. D. Wonda Johnson, Chair
Sen. Shannon D. Pinto, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Anthony Allison
Rep. John Block
Rep. Charlotte Little
Sen. Brenda G. McKenna
Sen. Cliff R. Pirtle
Sen. Nancy Rodriguez
Sen. Joshua A. Sanchez

Absent

Rep. Tara Jaramillo
Sen. Bill B. O'Neill
Rep. Patricia Roybal Caballero
Sen. William E. Sharer
Sen. Benny Shendo, Jr.
Rep. Martin R. Zamora

Advisory Members

Sen. Linda M. Lopez (7/13)
Rep. Elizabeth "Liz" Thomson

Rep. Gail Chasey
Rep. Harry Garcia
Sen. Stuart Ingle
Rep. Derrick J. Lente
Rep. Patricia A. Lundstrom
Sen. Michael Padilla
Sen. William P. Soules

Guest Legislator

Sen. Ron Griggs (7/14)

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

Staff

Lenaya Montoya, Staff Attorney, Legislative Council Service (LCS)
Markela Clinton, Committee Coordinator, LCS
Nicole Waguespack, Researcher, LCS
Angela Dakan, Staff, LCS

Guests

The guest list is in the meeting file.

Handouts

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Thursday, July 13

Welcome and Introductions (10:28 a.m.)

Senator Pinto welcomed everyone, and members of the committee, staff and audience introduced themselves.

Welcome and Status Update (10:36 a.m.)

Duane Duffy, secretary, Tribal Council, Mescalero Apache Tribe, presented on the tribal-owned enterprises and economic and infrastructure development in Mescalero, including the Inn of the Mountain Gods, Ski Apache, Mescalero Gas Company and Mescalero Apache Telecom, Inc., and highlighted the tribe's economic contributions to New Mexico and surrounding areas. He described challenges the tribe has encountered, including those that resulted from or were exacerbated by the coronavirus disease 2019 pandemic, and how the tribe is responding through existing member services, community partnerships, quality-of-life projects and future economic development. He also highlighted the tribe's aggressive forest management plan, Historic Preservation Office, health care centers and services, youth programs and housing projects. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20071323%20Item%201%20MAT%20Welcome%20Presentation.pdf>.

Update from the State Land Office (12:08 p.m.)

Rachael N. Lorenzo, assistant commissioner of cultural resources, State Land Office, presented on the office's purpose and its mission to fund public schools, colleges and hospitals, among other state beneficiaries. She stated that the Cultural Resources Office (CRO) hopes to expand so that it can fulfil the goals of protecting cultural properties before irreparable harm is done, holding oil and gas companies accountable for abandoned wells and cultivating relationships with tribes and lessees to mitigate harm to significant cultural resources. She discussed the CRO's core responsibilities, which include collaboration with lessees and the aerospace company Planet to monitor and investigate mineral theft, trespass and oil spills. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20071323%20Item%202%20NMSLO%20presentation.pdf>.

Update from the Indian Resources Development Program (IRD) at New Mexico State University (NMSU) (1:24 p.m.)

Dr. Claudia Trueblood, director, IRD, College of Agricultural, Consumer and Environmental Sciences (ACES), NMSU, and Cherylin Atcitty, senior program specialist, IRD, ACES, NMSU, presented an update on the IRD's mission and its work to connect tribal nations, schools, governments and businesses to build career pathways through economic development programs and experiential learning opportunities such as internships and research experiences. Dr. Trueblood outlined recommendations for improving the IRD, which include hiring a full-time program specialist at the Farmington campus; updating Chapter 21, Article 10 NMSA 1978 to clarify language and add additional members to the program's advisory committee; and creating an endowment fund to help expand the IRD's services. She also encouraged feedback on House Bill 280 (2023) and asked how the IRD could partner with the technical assistance centers established in the bill. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20071323%20Item%203%20NMSU%20IRD%20presentation.pdf>.

On a motion made and seconded, the committee voted to send a letter to the Legislative Finance Committee in support of a budget increase for the IRD. Senator Pinto voiced her hope to have amendments drafted per the IRD's recommendations to Chapter 21, Article 10 NMSA 1978 by the end of the 2023 interim.

Approval of Minutes (2:08 p.m.)

On a motion made and seconded and without opposition, the committee voted to approve the minutes of the June 9, 2023 meeting.

Update from NMSU on Accessibility of Online Courses in Tribal Communities (2:11 p.m.)

Dr. Sherry Kollmann, associate vice chancellor, Digital Learning, NMSU, presented on NMSU's Global Campus, which is a program for expanding access to online education and includes the use of virtual devices to tour campuses, take online courses and obtain job training, especially for dangerous occupations. The Global Campus has more than 70 online accredited degree programs and microlearning courses and evaluates students based on their current knowledge, not on standardized test scores. She stated that the Global Campus is being built out to connect all NMSU branch campuses so that students don't have to move or travel to get an advanced degree or further their job skills. She also explained that the current diverse student population is not represented in the faculty and more access to master's and terminal degrees for tribal populations and people of color is needed. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20071323%20Item%204%20NMSU%20Global%20presentation.pdf>.

Public Comment

There was no public comment.

Recess

The committee recessed at 2:47 p.m.

Friday, July 14

Reconvene (9:28 a.m.)

The committee reconvened, and Senator Griggs introduced himself as a guest legislator.

Presentation on the 150th Anniversary Celebration of the Mescalero Apache Tribe (9:30 a.m.)

Mr. Duffy and Jacob Daukei, council member and deputy historic preservation officer, Mescalero Apache Tribe, presented on the history of the tribe, which represents the Mescalero, Lipan and Chiricahua bands of Apache and is well-known for its sustainable forestry management practices and its large cattle ranch operation, big game hunting program, culture- and language-preservation programs and connection to its homelands. The sesquicentennial for the establishment of the Mescalero Apache Indian Reservation took place on May 28-29, 2023 and included a parade, dances, contests and games, traditional fire starting and prayers for the reservation to continue to thrive. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20071323%20Item%205%20MAT%20150th%20Anniversary%20Presentation.pdf>.

Recess

The meeting recessed at 10:15 a.m.

Tour of the Mescalero Apache Reservation (11:25 a.m.)

Members of the Tribal Council led the committee on a tour of the reservation, which included road construction projects, an affordable rent-to-own housing development, the plot of a future 40-unit supportive housing project for homeless single adults, an adult detention center that is now under construction and the reservation's main fire station, which is one of a handful of tribal fire stations in the state and serves nontribal populations as well. On the return journey, Mr. Duffy pointed out the last of the internet fiber lines being placed, which once completed will secure 100 percent broadband access to tribal members.

Adjournment

There being no further business before the committee, the meeting adjourned at 12:55 p.m.

Revised: August 9, 2023

**TENTATIVE AGENDA
for the
THIRD MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**August 10-11, 2023
Student Services and Technology Center, Room 200
University of New Mexico-Gallup
705 Gurley Avenue
Gallup**

Thursday, August 10

- 10:00 a.m. **Call to Order and Introductions**
—Representative D. Wonda Johnson, Chair, Indian Affairs Committee
- 10:05 a.m. (1) **Welcome and Thank You**
—Kyle Tom, President, Gallup Inter-Tribal Indian Ceremonial Association
- 10:15 a.m. (2) **Welcome and Status Update**
—Sabrina Ezzell, Chancellor, University of New Mexico-Gallup
- 11:15 a.m. (3) **Update from the Navajo Nation Office of the President and Vice President**
—Buu Nygren, President, Navajo Nation (invited)
- 12:15 p.m. (4) **Update from the Office of the Speaker of the Navajo Nation Council**
—Crystalyne Curley, Speaker, 25th Navajo Nation Council
—Council Delegates, 25th Navajo Nation Council
- 1:15 p.m. **Lunch**
- 2:15 p.m. (5) **Presentation on Transportation of Uranium Between Chapter Houses**
—Susan Gordon, Multicultural Alliance for a Safe Environment
—Teracita Keyanna, Red Water Pond Road Community
—Jonathan Perry, Eastern Navajo Diné Against Uranium Mining
- 3:15 p.m. (6) **Update on DWI Treatment Courts**
—Shanell K. Franklin, DWI Drug Court Coordinator, DWI Treatment Court-Problem Solving Courts, McKinley County Magistrate Court
- 4:15 p.m. **Public Comment**
- 4:30 p.m. **Recess**

Friday, August 11

- 9:00 a.m. (7) **Presentation on Veterans' Affairs on Tribal Lands**
—John Livingston, Veterans Service Officer, Veterans' Services
Department
- 10:00 a.m. (8) **Update on the Navajo Code Talkers Museum**
—Regan Hawthorne, Navajo Code Talkers Museum Corporation
- 11:00 a.m. (9) **Update from the Reboth McKinley Christian Hospital**
—Robert Whitaker, Chief Executive Officer, Reboth McKinley Christian
Health Care Services
- 11:30 a.m. **Adjourn**

**MINUTES
of the
THIRD MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**August 10-11, 2023
Student Services and Technology Center, Room 200
University of New Mexico-Gallup
705 Gurley Avenue
Gallup**

The third meeting of the Indian Affairs Committee was called to order by Representative D. Wonda Johnson, chair, at 10:11 a.m. on August 10, 2023 in Room 200 of the Student Services and Technology Center at the University of New Mexico (UNM)-Gallup in Gallup.

Present

Rep. D. Wonda Johnson, Chair
Sen. Shannon D. Pinto, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Anthony Allison
Rep. John Block
Rep. Charlotte Little
Sen. Benny Shendo, Jr.
Rep. Martin R. Zamora

Absent

Rep. Tara Jaramillo
Sen. Brenda G. McKenna
Sen. Bill B. O'Neill
Sen. Cliff R. Pirtle
Sen. Nancy Rodriguez
Rep. Patricia Roybal Caballero
Sen. Joshua A. Sanchez
Sen. William E. Sharer

Advisory Members

Sen. Linda M. Lopez (8/10)
Rep. Patricia A. Lundstrom (8/10)

Rep. Gail Chasey
Rep. Harry Garcia
Sen. Stuart Ingle
Rep. Derrick J. Lente
Sen. Michael Padilla
Sen. William P. Soules
Rep. Elizabeth "Liz" Thomson

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

Staff

Lenaya Montoya, Staff Attorney, Legislative Council Service (LCS)
Markela Clinton, Committee Coordinator, LCS
Nicole Waguespack, Researcher, LCS
Angela Dakan, Staff, LCS

Guests

The guest list is in the meeting file.

Handouts

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References to Webcast

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Thursday, August 10

Welcome and Introductions (10:11 a.m.)

Representative Johnson welcomed everyone and asked members of the audience, staff and committee to introduce themselves.

Welcome and Thank You (10:21 a.m.)

Kyle Tom, president, Gallup Inter-Tribal Indian Ceremonial Association, welcomed everyone to Gallup and talked about the annual Gallup Inter-Tribal Indian Ceremonial. The event is in its one-hundred-first year and welcomes tribes and visitors from around the world to trade cultural events such as performance and art showcases, rodeo events, ceremonial pageants and more. He said the unofficial theme of the ceremonial this year has been to honor women, with the event's living treasure honoree, poster artist and grand marshal of the parade — Representative Johnson — all being women. He also discussed the parade route and road closures and highlighted upcoming events for the weekend.

Welcome and Status Update (10:36 a.m.)

Sabrina Ezzell, chancellor, UNM-Gallup, provided an update on the campus's enrollment, which is trending up and could further increase if more students take advantage of the state's opportunity scholarship, and grant priorities that include projects such as a Native American student center, Indigenous knowledge and language conferences and renovation of the campus's fine arts department, which has not been updated since 1985. She also announced that daycare services are now being offered at the campus, which she is hopeful will help to increase the rates of graduation among single mothers. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20081023%20Item%202%20UNM-Gallup%20Welcome%20and%20Status%20Update.pdf>.

Update from the Office of the Speaker of the Navajo Nation Council (11:22 a.m.)

Crystalyne Curley, speaker, 25th Navajo Nation Council, thanked the committee and introduced Seth Damon, delegate, 25th Navajo Nation Council. Speaker Curley discussed the governing body of the Navajo Nation, which celebrated its centennial anniversary this year.

Mr. Damon discussed council priorities and recommendations for state action, including the reauthorization of capital outlay projects; tribal member displacement issues and whether

New Mexico is experiencing the same fraudulent activity identified in Arizona's Operation Rainbow Bridge; infrastructure improvements for individual Navajos who live on state land; and the council's need for updated state district maps.

Amber Kanazbah Crotty, delegate, 25th Navajo Nation Council, discussed priority issues as they relate to missing and murdered Indigenous women and relatives being those of jurisdiction, data-sharing agreements with state law enforcement agencies and services for surviving families, especially children. Ms. Crotty also discussed other public safety priorities, including the need for a detention center and public safety headquarters in Shiprock and a mutual aid agreement with the state for natural disasters and other public health emergencies.

Nathan Notah, delegate, 25th Navajo Nation Council, briefly stated his confidence that community development projects currently on hold will be completed. Speaker Curley provided final comments and took statements and questions from committee members. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=8/10/2023&ItemNumber=4>.

Presentation on Transportation of Uranium Between Chapter Houses (2:11 p.m.)

Susan Gordon, Multicultural Alliance for a Safe Environment; Teracita Keyanna, Red Water Pond Road Community; and Jonathan Perry, Eastern Navajo Diné Against Uranium Mining, discussed the Quivira Mine and options for proposed cleanup and transportation of the mine's waste. Ms. Keyanna talked about the health issues experienced by communities near the mines. Mr. Perry discussed the many chapter houses within the eastern region of the Navajo Nation and said that there are more than 100 abandoned uranium mine sites within the region. Ms. Gordon said that the legislature can support cleanup efforts by funding the agencies that provide oversight of and education about these sites. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=8/10/2023&ItemNumber=5>.

Update on DWI Treatment Courts (3:11 p.m.)

The Honorable Virginia A. Yazzie, magistrate judge, McKinley County; Shanell K. Franklin, DWI drug court coordinator, DWI Treatment Court-Problem Solving Courts, McKinley County Magistrate Court; and Jodie Schwebel, court executive officer, 11th Judicial District, discussed the court's DWI treatment program and progress the program has made, positive impacts of the program and the court's need for community outreach, establishment of judicial centers at chapter houses, development of an after-care program and a dedicated building for problem-solving courts in order to provide more services. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20081023%20Item%206%20Update%20on%20DWI%20Treatment%20Courts.pdf>.

Public Comment (3:59 p.m.)

A list of individuals making public comment is available in the meeting file.

Recess

The meeting recessed at 4:24 p.m.

Friday, August 11**Reconvene**

The meeting reconvened at 10:14 a.m.

Update on the Navajo Code Talkers Museum (10:15 a.m.)

Regan Hawthorne, Navajo Code Talkers Museum Corporation, acknowledged three members of the audience who are descendants of code talkers and talked about challenges the museum board is experiencing, including negotiations related to a contract for land, the lack of current office space and problems raising, matching and tracking funds for the project. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20081023%20Item%208%20Update%20on%20the%20Navajo%20Code%20Talkers%20Museum.pdf>

Update from the Rehoboth McKinley Christian Hospital (RMCH) (10:56 a.m.)

Robert Whitaker, chief executive officer, Rehoboth McKinley Christian Health Care Services, began by thanking individuals for support of the RMCH and announced that the hospital has hit major milestones in getting critical-access designation. He discussed the hospital's need for infrastructure improvements, including funding for labor and delivery, provider recruitment and employee retention. He noted that as part of the change to a critical-access hospital, the RMCH can now offer skilled nursing care and the urgent care clinic has been able to expand its hours. He said that the RMCH plans to develop scholarship and other programs to bring in nontraditional students for training.

Public Comment (11:50 a.m.)

A list of individuals making public comment is available in the meeting file.

Adjournment

There being no further business before the committee, the meeting adjourned at 11:59 a.m.

Revised: September 22, 2023

**TENTATIVE AGENDA
for the
FOURTH MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**September 25-26, 2023
State Capitol, Room 309
Santa Fe**

Monday, September 25

- 10:00 a.m. **Call to Order**
—Representative D. Wonda Johnson, Chair, Indian Affairs Committee
- 10:15 a.m. (1) **Presentation from Invenergy**
—William Consuegra, Director, Transmission Development, Invenergy
—Mayane Barudin, Senior Manager, Transmission Community Partnerships
- 11:15 a.m. (2) **Update from Indigenous Women Rising**
—Rachael Lorenzo, Executive Director, Indigenous Women Rising
- 12:15 p.m. **Lunch**
- 1:15 p.m. (3) **Update from Gallup Public Library**
—Tammi Moe, Director, Octavia Fellin Public Library, Rex Museum and El Morro Theatre
- 2:15 p.m. (4) **Update on the Gallup Intertribal Indian Ceremonial**
—Kyle Tom, President, Gallup Inter-Tribal Indian Ceremonial Association
- 3:15 p.m. **Public Comment**
- 3:30 p.m. **Recess**

Tuesday, September 26

- 9:00 a.m. **Reconvene**
- 9:15 a.m. (5) **Update on Energy Transition Act**
—James R. Mountain, Secretary Designee, Indian Affairs Department
- 10:15 a.m. (6) **Update from Navajo Preparatory School**
—Shawna Becenti, Head of School, Navajo Preparatory School

- 11:15 a.m. (7) **Presentation on Tribal Roads, Maintenance and Rights of Way**
—Ricky Serna, Secretary, Department of Transportation (DOT)
—Lisa Vega, P.E., District 6 Engineer, DOT
—TBD, Navajo Nation Division of Transportation
- 12:15 p.m. **Lunch**
- 1:15 p.m. (8) **Presentation on Northwest Teacher Education Program Certification**
—Charles Roessel, Ed.D., President, Diné College
- 2:15 p.m. (9) **Presentation on Domestic Violence Shelter Funding on Tribal Lands**
—Trudy Tsosie, Shelter Manager, Northern TREE House Shelter, Navajo
Utah Health System
- 3:15 p.m. (10) **Presentation on the Federal Boarding School Initiative**
—Heidi Todacheene, Senior Advisor to the Secretary, Office of the
Secretary, United States Department of the Interior
- 4:15 p.m. **Public Comment**
- 4:30 p.m. **Adjourn**

MINUTES
of the
FOURTH MEETING
of the
INDIAN AFFAIRS COMMITTEE

September 25-26, 2023
State Capitol, Room 309
Santa Fe

The fourth meeting of the Indian Affairs Committee was called to order by Representative D. Wonda Johnson, chair, at 10:14 a.m. on September 25, 2023 in Room 309 of the State Capitol in Santa Fe.

Present

Rep. D. Wonda Johnson, Chair
Sen. Shannon D. Pinto, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Anthony Allison
Rep. John Block
Rep. Charlotte Little
Sen. Bill B. O'Neill
Sen. Nancy Rodriguez
Sen. Benny Shendo, Jr.
Rep. Martin R. Zamora

Absent

Rep. Tara Jaramillo
Sen. Brenda G. McKenna
Sen. Cliff R. Pirtle
Rep. Patricia Roybal Caballero
Sen. Joshua A. Sanchez
Sen. William E. Sharer

Advisory Members

Rep. Gail Chasey (9/26)
Rep. Harry Garcia
Sen. Linda M. Lopez

Sen. Stuart Ingle
Rep. Derrick J. Lente
Rep. Patricia A. Lundstrom
Sen. Michael Padilla
Sen. William P. Soules
Rep. Elizabeth "Liz" Thomson

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

Staff

Lenaya Montoya, Staff Attorney, Legislative Council Service (LCS)
Markela Clinton, Committee Coordinator, LCS
Nicole Waguespack, Researcher, LCS
Angela Dakan, Staff, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Monday, September 25

Welcome and Introductions (10:14 a.m.)

Representative Johnson welcomed everyone, and members of the committee and staff introduced themselves.

Presentation from Invenergy (10:19 a.m.)

William Consuegra, director, Transmission Development, Invenergy, and Mayane Barudin, senior manager, Transmission Community Partnerships, discussed the proposed New Mexico North Path, an estimated \$2 billion project under a public-private partnership with the New Mexico Renewable Energy Transmission Authority. They explained the project as a 400-mile-long, high-voltage, direct current transmission line that would bring wind and solar energy generated in Union County to utilities servicing San Juan County and the Four Corners region. They discussed the proposed transmission route, converter stations and potential economic impacts of the project and what they are doing to engage local communities in the nine counties through which the transmission line will pass. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20092523%20Item%201%20NM%20North%20Path%20Transmission%20Project%20Overview%20Invenergy.pdf>.

Update from Indigenous Women Rising (IWR) (11:38 a.m.)

Jonnette Paddy, abortion fund director, IWR; Justin Lorenzo, emergence fund director, IWR; and Jennifer Lim, communications and media director, IWR, explained the IWR's structure and its mission to advocate for equitable and culturally significant health options for Indigenous women and families through education, resources and advocacy. They discussed funding sources and how funds are spent within the organization, which has seen an increase in clients served from 58 in 2020 to 600 in 2022. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=9/25/2023&ItemNumber=2>.

Approval of Minutes (12:15 p.m.)

On a motion duly made and seconded and without opposition, the minutes of the July 13-14, 2023 and August 10-11, 2023 meetings were approved.

Update from Gallup Public Library (1:35 p.m.)

Tammi Moe, director, Octavia Fellin Public Library (OFPL), Rex Museum and El Morro Theatre, spoke about her different roles within the City of Gallup and her international perspective on archiving and museums. She discussed the history of the OFPL, which is more than 100 years old, and the economic development and educational and cultural enrichment that it offers. She advocated for the OFPL and its need for a new building that is compliant with the federal Americans with Disabilities Act of 1990, energy efficient and large enough to handle and expand the services it provides. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=9/25/2023&ItemNumber=3>.

Update on the Gallup Intertribal Indian Ceremonial (2:33 p.m.)

Kyle Tom, president, Gallup Inter-Tribal Indian Ceremonial Association, gave an overview of how the ceremonial went this year. He gave statistics on the association's advertising campaigns and said that the ceremonial is gaining in popularity, as evidenced by a growth in the number of participants in and attendees of all of the events, as well as traffic to the association's website and social media pages. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20092523%20Item%204%20Gallup%20Inter-Tribal%20Indian%20Ceremonial%202023%20Report.pdf>.

Public Comment

There was no public comment.

Recess

The meeting recessed at 3:14 p.m.

Tuesday, September 26

Reconvene

The meeting reconvened at 9:20 a.m.

Update on Energy Transition Act (9:23 a.m.)

James R. Mountain, secretary designee, Indian Affairs Department (IAD); Josett Monette, deputy secretary and general counsel, IAD; and Carnely Gauna, tribal consultation specialist, IAD, gave a presentation on the IAD's 2024 initiatives and priorities, which include reviewing compliance with its procurement policy and addressing behavioral health and suicide prevention, and how consultation with the state's Indian nations, tribes and pueblos will improve now that it has a dedicated, funded staff position for that. Mr. Mountain said that the department has scheduled a meeting with the Office of the Attorney General and Department of Public Safety to discuss development of a dedicated bureau to implement the Missing and Murdered

Indigenous Women and Relatives Task Force's recommendations, and he asked for funding to begin that process. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20092523%20Item%205%20Update%20on%20Energy%20Transition%20Act.pdf>.

Update from Navajo Preparatory School (10:25 a.m.)

Shawna Becenti, head of school, Navajo Preparatory School, gave an overview of the school's history and mission and talked about the school's current needs, which include updates and additions to student housing and other infrastructure improvements. She stated that the per-pupil funding for the school is less than that for other New Mexico students and the state funding formula should also include federal Bureau of Indian Education-funded schools. Sherrick Roanhorse, vice president, Board of Trustees, Navajo Preparatory School, said that he is happy with the vision and team the school has in place to encourage Native American students to succeed and give back to their communities. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20092523%20Item%206%20Update%20from%20Navajo%20Preparatory%20School.pdf>.

Presentation on Tribal Roads, Maintenance and Rights of Way (11:23 a.m.)

Ricky Serna, secretary, Department of Transportation (DOT); Lisa Vega, P.E., district 6 engineer, DOT; and Paul Brasher, P.E., district 5 engineer, DOT, discussed the department's funding sources, collaboration with tribal governments and funding for maintenance of tribal infrastructure and gave updates on the ongoing and planned construction projects on or near tribal lands. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20092523%20Item%207%20Tribal%20Roads,%20Maintenance%20and%20Rights%20of%20Way.pdf>.

Presentation on Northwest Teacher Education Program Certification (1:27 p.m.)

Charles Roessel, Ed.D., president, Diné College, gave a brief overview of Diné College, including data points, statistics and degrees offered. He said that the main focus of the college is research, and its Northwest Teacher Education Program, with its emphasis on multicultural and linguistically relevant education, was created in response to the *Yazzie/Martinez* lawsuit. Kimberly Dominguez, director, Northwest Teacher Education Program, Diné College, discussed the program, which focuses on training current and future teachers and teacher aides, partnering with high schools for dual-credit classes and fast-tracking students to bachelor of arts programs. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20092523%20Item%208%20Presentation%20on%20Northwest%20Teacher%20Education%20Program%20Certification.pdf>.

Adjournment

There being no further business before the committee, the meeting adjourned at 2:54 p.m.

Revised: October 13, 2023

**TENTATIVE AGENDA
for the
FIFTH MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**October 18, 2023
Pueblo of Taos
Taos Pueblo Heritage Center
501 Paseo del Pueblo Norte
Taos**

**October 19-20, 2023
Pueblo of Santa Clara
Santa Claran Casino Resort
406 North Riverside Drive
Espanola**

Wednesday, October 18 — Pueblo of Taos

- 10:00 a.m. **Call to Order**
—Representative D. Wonda Johnson, Chair, Indian Affairs Committee
- 10:15 a.m. (1) **Welcome and Status Update**
—Gary Lujan, Governor, Pueblo of Taos
- 11:15 a.m. (2) **Update on *Yazzie/Martinez v. State of New Mexico* and State Action Plan**
—Candice Castillo, Ed.D., Deputy Secretary, Identity, Equity, and Transformation, Public Education Department
—KatieAnn Juanico, Assistant Secretary, Indian Education, Public Education Department
—Melissa Candelaria, Education Director and Attorney, New Mexico Center on Law and Poverty
—Alisa Diehl, Senior Education Attorney, New Mexico Center on Law and Poverty
—Regis Pecos, Chair, Tribal Education Alliance
—Anja Rudiger, Ph.D., Senior Education and Policy Researcher, Tribal Education Alliance
- 1:15 p.m. **Lunch**
- 2:15 p.m. (3) **Update on the Indian Family Protection Act**
—Teresa Casados, Acting Secretary, Children, Youth and Families Department

3:15 p.m. (4) **Presentation on the *Haaland v. Brackeen* Decision**
—Teresa Casados, Acting Secretary, Children, Youth and Families
Department

4:15 p.m. **Public Comment**

4:30 p.m. **Recess**

Thursday, October 19 — Pueblo of Santa Clara

10:00 a.m. **Reconvene**

10:15 a.m. (5) **Welcome and Status Update**
—J. Michael Chavarria, Governor, Pueblo of Santa Clara

11:15 a.m. (6) **Presentation on the Eight Northern Indian Pueblos Council**
—Gil Vigil, Executive Director, Eight Northern Indian Pueblos Council

12:15 p.m. (7) **Presentation on the Cross-Commissioning of Law Enforcement Officers**
—James R. Mountain, Secretary Designee, Indian Affairs Department
—Seth Damon, Council Delegate, 25th Navajo Nation Council
—Eugenia Charles-Newton, Council Delegate, 25th Navajo Nation Council
—TBD, All Pueblo Council of Governors

1:15 p.m. **Lunch**

2:15 p.m. (8) **Report on Indian Water Rights Settlement Fund**
—Mike Hamman, State Engineer, Office of the State Engineer
—Hannah Riseley-White, Director, Interstate Stream Commission (invited)

3:15 p.m. (9) **Presentation on Tribal Gaming**
—Van J. Billops, Acting State Gaming Representative, Gaming Control
Board (GCB)
—Natalia Manzanares, Tribal Auditor, GCB
—Titrisa Nez, Senior Gaming Auditor, GCB
—Rainier Kamplain, Audit Manager, GCB
—Scott A. Riley, Tribal Compliance Officer, GCB

4:15 p.m. **Public Comment**

4:30 p.m. **Recess**

Friday, October 20 — Pueblo of Santa Clara

10:00 a.m. **Reconvene**

10:15 a.m. (10) **Presentation on Tribal Election Processes and Updates**

—Ahtza Dawn Chavez, Executive Director, Naeva

11:15 a.m. (11) **Presentation on the Liquor Excise Tax and Tobacco Products Tax**

—Mark Chaiken, Director, Tax Policy, Taxation and Revenue Department

12:15 p.m. **Public Comment**

12:30 p.m. **Adjourn**

**MINUTES
of the
FIFTH MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**October 18, 2023
Pueblo of Taos
Taos Pueblo Heritage Center
501 Paseo del Pueblo Norte
Taos**

**October 19-20, 2023
Pueblo of Santa Clara
Santa Claran Casino Resort
406 North Riverside Drive
Española**

The fifth meeting of the Indian Affairs Committee was called to order by Senator Shannon D. Pinto, vice chair, at 10:19 a.m. on Wednesday, October 18, 2023, at the Taos Pueblo Heritage Center in Taos.

Present

Sen. Shannon D. Pinto, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Anthony Allison
Rep. John Block
Rep. Charlotte Little
Sen. Nancy Rodriguez
Rep. Martin R. Zamora

Absent

Rep. D. Wonda Johnson, Chair
Rep. Tara Jaramillo
Sen. Brenda G. McKenna
Sen. Bill B. O'Neill
Sen. Cliff R. Pirtle
Rep. Patricia Roybal Caballero
Sen. Joshua A. Sanchez
Sen. William E. Sharer
Sen. Benny Shendo, Jr.

Advisory Members

Sen. Linda M. Lopez (10/19, 10/20)
Rep. Patricia A. Lundstrom (10/19, 10/20)
Sen. William P. Soules (10/18, 10/19)

Rep. Gail Chasey
Rep. Harry Garcia
Sen. Stuart Ingle
Rep. Derrick J. Lente
Sen. Michael Padilla
Rep. Elizabeth "Liz" Thomson

Guest Legislator

Sen. Roberto "Bobby" J. Gonzales (10/18)

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

Staff

Lenaya Montoya, Staff Attorney, Legislative Council Service (LCS)
Sara Wiedmaier, Researcher, LCS
Markela Clinton, Committee Coordinator, LCS
Nicole Waguespack, Researcher, LCS
Angela Dakan, Staff, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Wednesday, October 18 — Pueblo of Taos

Welcome and Introductions (10:19 a.m.)

Senator Pinto welcomed everyone, and members of the committee, staff and audience introduced themselves.

Welcome and Status Update (10:27 a.m.)

Gary Lujan, governor, Pueblo of Taos, welcomed the committee and discussed the pueblo's key issues, concerns, projects and initiatives, which include government-to-government discussions regarding compliance with court-mandated education and foster care reform, economic development plans and legislative priorities focused on tribal lands, water rights, public safety and education.

Anthony Duran, preservation director, Pueblo of Taos, discussed the Taos Pueblo Preservation Program and its mission to train and employ members of the pueblo on traditional and modern methods of preserving the physical integrity of ancient structures on the pueblo.

Ilona Spruce, tourism director, Pueblo of Taos, described the Taos Pueblo Heritage Center as a trade hub, an educational space and an entrance focal point to help with education, boundaries and awareness for tourists prior to visiting the historical village. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/18/2023&ItemNumber=1>.

Update on *Yazzie/Martinez v. State of New Mexico* and State Action Plan (11:31 a.m.)

Candice Castillo, Ed.D., deputy secretary, Identity, Equity, and Transformation, Public Education Department (PED), and KatieAnn Juanico, assistant secretary, Indian Education, PED, discussed the PED's approach to creating the right conditions for a sustained educator workforce that adapts to and embraces best practices for serving a diverse student population and providing targeted resources for Native American students and families seeking support while moving through the educational system.

Melissa Candelaria, education director and attorney, New Mexico Center on Law and Poverty, and Alisa Diehl, senior education attorney, New Mexico Center on Law and Poverty, presented on the *Yazzie/Martinez* lawsuit, including a time line of the case and key takeaways, including the need to more closely scrutinize how funding is spent and PED leadership accountability in implementing reforms.

Regis Pecos, chair, Tribal Education Alliance, and Anja Rudiger, Ph.D., senior education and policy researcher, Tribal Education Alliance, presented on the Tribal Remedy Framework that was developed in response to the *Yazzie/Martinez* ruling. The framework recommends targeted funding for and improved collaboration with K-12 public schools to assess and meet the needs of Native American students; investments in community-based programs, brick-and-mortar infrastructure and tribal-led programs in higher education institutions; and increased tribal control over the schooling of Native American students, with the goal of helping schools develop and deliver a balanced education that is culturally and linguistically relevant. They discussed problems that arise from delayed funding and the lack of relevant curricula, materials and trained personnel. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/18/2023&ItemNumber=2>.

Update on the Indian Family Protection Act and Presentation on the *Haaland v. Brackeen* Decision (3:01 p.m.)

Teresa Casados, acting secretary, Children, Youth and Families Department (CYFD); Donalyn Sarracino, director, Office of Tribal Affairs, CYFD; and Julie Sakura, general counsel, CYFD, discussed the progress and changes that the CYFD and Office of Tribal Affairs are making in ensuring compliance with the Indian Family Protection Act and the federal Indian Child Welfare Act of 1978. They discussed the training and policies that the agency is developing and reviewing in partnership with Indian nations, tribes and pueblos to help the department make better informed decisions when it comes to the welfare of Indian children.

They also spoke about the *Haaland v. Brackeen* lawsuit, which upheld the United States Congress's authority to protect Indian children, ensure that there are active efforts made on behalf of Indian children in state custody and require state courts to enforce placement preference requirements. Cultural compacts are also helping tribal communities express what they need to ensure cultural connectedness when a child is placed with a nontribal foster family.

Public Comment

There was no public comment.

Recess

The meeting recessed at 4:11 p.m.

Thursday, October 19 — Pueblo of Santa Clara**Reconvene**

The meeting reconvened at 10:05 a.m.

Welcome and Status Update (10:06 a.m.)

J. Michael Chavarria, governor, Pueblo of Santa Clara, and chair, Eight Northern Indian Pueblos Council; Frank Demolli, chief judge, Pueblo of Santa Clara; and Jeremy Oyenque, director, Department of Youth and Learning, Pueblo of Santa Clara, discussed challenges for the Pueblo of Santa Clara in completing special projects, which are mainly the result of delays in processing intergovernmental agreements, reimbursement payments, notice of obligations and advance notice of Indian Affairs Department meetings and trainings. Governor Chavarria listed the pueblo's recently completed infrastructure projects, provided a status update and site maps of ground water cleanup efforts and discussed ongoing community programs that are in need of additional funding, and he asked the committee to support the creation of a fund to assist Indian nations, tribes and pueblos with the cost-matching obligations of federal grant funding opportunities. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101823%20Item%205%20SantaClaraWelcome%20and%20Status%20Update.pdf>.

Presentation on the Eight Northern Indian Pueblos Council (11:40 a.m.)

Gil Vigil, executive director, Eight Northern Indian Pueblos Council, and former governor, Pueblo of Tesuque, discussed the organizational structure of the council and the programs and services it provides, which include senior citizen and child care assistance programs, higher education scholarships, environmental assistance and food distribution services. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101823%20Item%206%20Eight%20Northern%20Indian%20Pueblos%20Council,%20Inc..pdf>.

Presentation on the Cross-Commissioning of Law Enforcement Officers (12:15 p.m.)

Eugenia Charles-Newton, council delegate, 25th Navajo Nation Council; Daryl Noon, chief of police, Navajo Police Department; Judge Demolli; and James R. Mountain, secretary-designate, Indian Affairs Department, discussed issues concerning law enforcement on the Navajo Nation, including the need for more law enforcement officers and jurisdictional issues of investigating and prosecuting criminals. They also discussed the Navajo Police Training

Academy and challenges in cross-commissioning of state and local law enforcement officers, which include jurisdiction, funding, education and outreach. The presentation can be found here:

[https://www.nmlegis.gov/handouts/IAC%20101823%20Item%207%20Presentation on Cross-Commissioning of Law Enforcement Officers.pdf](https://www.nmlegis.gov/handouts/IAC%20101823%20Item%207%20Presentation%20on%20Cross-Commissioning%20of%20Law%20Enforcement%20Officers.pdf).

Report on Indian Water Rights Settlement Fund (2:16 p.m.)

Mike Hamman, state engineer, Office of the State Engineer (OSE); Tanya Trujillo, deputy state engineer, OSE, and water policy advisor, Office of the Governor; Nat Chakeres, general counsel, OSE; and Myron Armijo, Native American tribal liaison, OSE, discussed the status of proposed Indian water rights settlements requiring state financing, the distribution and allocation of funds from the Indian Water Rights Settlement Fund to approved settlements, recommendations on appropriations to the fund and staffing needs. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101823%20Item%208%20IWRS%20FUND%20REPORT.pdf>.

Presentation on Tribal Gaming (3:16 p.m.)

Van J. Billops, C.P.A., commissioner and acting state gaming representative, Gaming Control Board (GCB); Rainier Kamplain, audit manager, GCB; and Scott A. Riley, tribal compliance officer, GCB, discussed the GCB's mission, how compulsive gambling is addressed by the agency, monitoring of provisions of the Tribal-State Class III Gaming Compact and how the office is preparing for what could happen once the compact expires in 2037. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/18/2023&ItemNumber=9>.

Public Comment (4:05 p.m.)

A list of individuals making public comment is available in the meeting file.

Recess

The meeting recessed at 4:07 p.m.

Friday, October 20 — Pueblo of Santa Clara

Reconvene

The meeting reconvened at 10:08 a.m.

Presentation on Tribal Election Processes and Updates (10:09 a.m.)

Representative Little, Indigenous center administrator, NAEVA, presented on tribal elections processes, the Native American Voting Rights Act and effective dates of sections of House Bill 4 (2023) that affect Indian nations, tribes and pueblos. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101823%20Item%2010%20Native%20American%20Voting%20Rights.pdf>.

Presentation on the Liquor Excise Tax and Tobacco Products Tax (10:58 a.m.)

Mark Chaiken, director, Tax Policy, Taxation and Revenue Department, discussed state-tribal collaboration and cooperative agreements on and legal issues with gross receipts and alcohol and tobacco products taxation and how those taxes are distributed. Liquor excise taxes have no special tribal arrangements or exemptions, as there are with cigarettes and tobacco products, and there is potential for double taxation if a tribal government decides to impose its own tax, Mr. Chaiken said. He spoke about the difficulty in tracking sales of cigarettes on tribal lands and the difference between taxes imposed on cigarettes and tobacco products. The presentation can be found here:

[https://www.nmlegis.gov/handouts/IAC%20101823%20Item%2011%20Presentation on the liquor Excise Tax and Tobacco Products Tax.pdf](https://www.nmlegis.gov/handouts/IAC%20101823%20Item%2011%20Presentation%20on%20the%20Liquor%20Excise%20Tax%20and%20Tobacco%20Products%20Tax.pdf).

Public Comment (11:51 a.m.)

A list of individuals making public comment is available in the meeting file.

Adjournment

There being no further business before the committee, the meeting adjourned at 11:53 a.m.

**TENTATIVE AGENDA
for the
SIXTH MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**November 28, 2023
Indian Pueblo Cultural Center
Silver and Turquoise Room
2401 12th Street NW
Albuquerque**

**November 29, 2023
Pueblo of Isleta
Isleta Golf Club
4001 New Mexico Highway 47 SE
Albuquerque**

**November 30, 2023
State Capitol, Room 322
Santa Fe**

Tuesday, November 28 — Albuquerque

- 9:30 a.m. **Call to Order and Introductions**
—Representative D. Wonda Johnson, Chair, Indian Affairs Committee
- 9:45 a.m. (1) **Welcome and Status Update**
—TBD, Indian Pueblo Cultural Center
- 11:15 a.m. (2) **Report on the Senator John Pinto Memorial Filmmakers Fund**
—Amber Dodson, Director, New Mexico Film Office
- 12:15 p.m. (3) **Update on the Missing and Murdered Indigenous Women and Relatives Task Force**
—TBD, Office of the Attorney General (invited)
—TBD, Indian Affairs Department (invited)
- 1:15 p.m. **Lunch**
- 2:15 p.m. (4) **Update from the Indian Affairs Department**
—TBD, Indian Affairs Department (invited)

3:15 p.m. (5) [Update from the League of Women Voters of New Mexico \(LWVNM\)](#)
—Hannah Burling, Co-President, LWVNM
—Dick Mason, Director, Voting and Elections, LWVNM
—The Honorable Edward L. Chávez, Former Justice and Chief Justice
(Retired), New Mexico Supreme Court; Chair, Citizen Redistricting
Committee

4:15 p.m. **Public Comment**

4:30 p.m. **Recess**

Wednesday, November 29 — Pueblo of Isleta

10:00 a.m. **Reconvene**

10:15 a.m. (6) [Welcome and Status Update](#)
—Max Zuni, Governor, Pueblo of Isleta

11:15 a.m. (7) [Tribal and County Health Councils](#)
—Valeria Alarcón, Executive Director, New Mexico Alliance of Health
Councils
—Gerilyn Antonio, Tribal Liaison, New Mexico Alliance of Health
Councils
—Anthony Yepa, Tribal Member, Board of Directors, New Mexico
Alliance of Health Councils

12:15 p.m. (8) [Domestic Violence Shelter Funding on Tribal Lands](#)
—Trudy Tsosie, Shelter Manager, Northern TREE House Shelter, Navajo
Utah Health System

1:15 p.m. **Lunch**

2:15 p.m. (9) [Veterans' Services in Tribal Communities](#)
—TBD, Veterans' Services Department (invited)

3:15 p.m. (10) [Housing Issues on Tribal Lands](#)
—Winter Torres, Executive Director, New Mexico Eviction Prevention and
Diversion Program
—Dawn Begay, Native American Affairs Coordinator, Office of Equity and
Inclusion, City of Albuquerque
—Chenoa Bah Stilwell-Jensen, Community Outreach Coordinator, Envision
New Mexico

4:15 p.m. **Public Comment**

4:30 p.m. **Recess**

Thursday, November 30 — Santa Fe

- 10:00 a.m. **Reconvene**
- 10:15 a.m. (11) **Update from the Navajo Nation**
—Buu Nygren, President, Navajo Nation
- 11:45 a.m. (12) **Presentation on the Federal Indian Boarding School Initiative**
—Heidi Todacheene, Senior Advisor to the Secretary, Office of the
Secretary, United States Department of the Interior
- 12:45 p.m. **Working Lunch**
(13) **Update on House Bill 280 (2023): Technical Assistance Centers**
—Nathan Moquino, Director, Indian Education Division, and Tribal
Liaison, Higher Education Department
- 1:45 p.m. **Consideration of Legislation for Endorsement**
—TBD
- 2:45 p.m. **Public Comment**
- 3:00 p.m. **Adjourn**

**MINUTES
of the
SIXTH MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**November 28, 2023
Indian Pueblo Cultural Center
Silver and Turquoise Room
2401 12th Street NW
Albuquerque**

**November 29, 2023
Pueblo of Isleta
Isleta Golf Club
4001 New Mexico Highway 47 SE
Albuquerque**

**November 30, 2023
State Capitol, Room 322
Santa Fe**

The sixth meeting of the Indian Affairs Committee was called to order by Senator Shannon D. Pinto, vice chair, at 9:52 a.m. on Tuesday, November 28, 2023, in the Silver and Turquoise Room of the Indian Pueblo Cultural Center (IPCC) in Albuquerque.

Present

Rep. D. Wonda Johnson, Chair (11/29, 11/30)
Sen. Shannon D. Pinto, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Anthony Allison
Rep. John Block
Rep. Tara Jaramillo (11/29)
Rep. Charlotte Little
Sen. Cliff R. Pirtle (11/29)
Sen. Nancy Rodriguez (11/29, 11/30)
Rep. Patricia Roybal Caballero (11/28, 11/29)
Sen. Joshua A. Sanchez (11/28)
Sen. Benny Shendo, Jr.

Advisory Members

Rep. Harry Garcia (11/29, 11/30)
Sen. Linda M. López (11/28)
Rep. Patricia A. Lundstrom (11/28, 11/29)

Absent

Sen. Brenda G. McKenna
Sen. Bill B. O'Neill
Sen. William E. Sharer
Rep. Martin R. Zamora

Rep. Gail Chasey
Rep. Derrick J. Lente
Sen. Michael Padilla
Sen. William P. Soules
Rep. Elizabeth "Liz" Thomson

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

Staff

Lenaya Montoya, Staff Attorney, Legislative Council Service (LCS)

Markela Clinton, Committee Coordinator, LCS

Nicole Waguespack, Researcher, LCS

Angela Dakan, Staff, LCS

Minutes Approval

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

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Tuesday, November 28 — Albuquerque

Welcome and Introductions (9:52 a.m.)

Senator Pinto welcomed everyone, and members of the audience, committee and staff introduced themselves.

Welcome and Status Update (9:58 a.m.)

Mike Canfield, president and chief executive officer, IPCC and Indian Pueblos Marketing, Inc. (IPMI), and Monique Fragua, chief operating officer, IPCC and IPMI, discussed the IPCC's mission and impact on the community. Ms. Fragua highlighted the center's programming, including a cultural dance program, living cultural museum exhibits and an entrepreneurial complex. She also highlighted the center's security force, which provides 24-hour patrol and monitoring. Mr. Canfield discussed how the campus is currently developing property and future development and property acquisition projects. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20112823%20Item%201%20Welcome%20and%20Status%20Update.pdf>.

Report on the Senator John Pinto Memorial Filmmakers Fund (11:14 a.m.)

Rochelle Bussey, senior program manager, New Mexico Film Division, Economic Development Department, provided an overview of film production spending in the state, awards and accolades received by Native American filmmakers and content creators, tribal film liaisons,

workforce development and the 20 grant recipients of the Senator John Pinto Memorial Filmmakers Fund for Native filmmakers, who each received \$5,000 grants. Steven Tallas, Navajo filmmaker, and fellow, Native American Media Alliance, spoke about how life on a reservation inspired his film *Rez Dogs* and opportunities the film has opened up for him and local actors. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20112823%20Item%202%20-%20The%20Film%20In%20Industry%20in%20New%20Mexico%20and%20Related%20Native%20and%20Indigenous%20Initiatives%20and%20Updates.pdf>.

Update on the Missing and Murdered Indigenous Women and Relatives (MMIWR) Task Force (12:20 p.m.)

James R. Mountain, secretary-designate, Indian Affairs Department (IAD), and Josett D. Monette, deputy secretary and general counsel, IAD, discussed the short-term education and outreach objectives that are in progress at the IAD to address the MMIWR crisis. They announced that the department plans to establish an advisory council to help guide the work of the IAD and the Department of Public Safety (DPS) in enacting the state response plan that was put together by the MMIWR task force and that the IAD and DPS will host the second annual "Missing in New Mexico Day" on December 3, 2023 in Albuquerque. They also discussed data collection and updating the IAD website with an MMIWR dashboard. James Grayson, chief deputy attorney general, Office of the Attorney General, spoke briefly about what the office's missing indigenous persons specialist is doing to coordinate with local and federal law enforcement agencies. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20112823%20Item%203%20Update%20on%20the%20MMIWR%20Task%20Force.pdf>.

Public Comment (2:03 p.m.)

A list of individuals who made public comment is available in the meeting file.

Update from the IAD (3:01 p.m.)

Mr. Mountain and Ms. Monette gave an update on the department's active capital outlay and Tribal Infrastructure Project Fund projects, intergovernmental agreements and IAD staff demographics and vacancy rate. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20112823%20Item%204%20Update%20from%20the%20IAD.pdf>.

Update from the League of Women Voters of New Mexico (LWVNM) (3:44 p.m.)

Dick Mason, director, Voting and Elections, LWVNM; the Honorable Edward L. Chávez, former justice and chief justice (retired), New Mexico Supreme Court, and chair, Citizen Redistricting Committee; and Representative Kathleen Cates discussed the need for and importance of a redistricting commission that is independent and represents the state's population geographically and demographically. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=11/28/2023&ItemNumber=5>.

Public Comment (4:45 p.m.)

A list of individuals who made public comment is available in the meeting file.

Recess

The meeting recessed at 5:14 p.m.

Wednesday, November 29 — Pueblo of Isleta

Reconvene

The meeting reconvened at 10:12 a.m.

Welcome and Status Update (10:13 a.m.)

Eugene Jiron, first lieutenant governor, Pueblo of Isleta, and Juan Rey Abeita, second lieutenant governor, Pueblo of Isleta, discussed infrastructure funding priorities for Isleta Village Proper, the renovation and preservation of which is estimated to cost \$52 million. Lieutenant Governor Abeita discussed the pueblo's support of a bill to create a dedicated fund to assist tribes with the cost-matching obligations of grant funding and a bill to authorize cross-commissioning of law enforcement officers on a statewide level. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20112823%20Item%206%20Isleta%20Pueblo%20presentation.pdf>.

Approval of Minutes (11:27 a.m.)

Upon a motion made and seconded, and without opposition, the committee approved the minutes of the September 25-26, 2023 and October 18-20, 2023 meetings.

Tribal and County Health Councils (11:27 a.m.)

Gerilyn Antonio, tribal liaison, New Mexico Alliance of Health Councils (NMAHC); Valeria Alarcón, executive director, NMAHC; and Anthony Yepa, tribal member, Board of Directors, NMAHC, discussed how state-mandated county and tribal health councils advance health equity by identifying and addressing local health needs and are instrumental in the proper functioning of New Mexico's public health system. They discussed concerns about a majority of existing councils being dissolved in 2024 because of lack of funding and how that could impact public health. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20112823%20Item%207%20NMAHC%20presentation.pdf>.

Tour of the Pueblo of Isleta (12:15 p.m.)

Due to an opening in the day's agenda, members of the committee and staff received a brief tour of the Pueblo of Isleta, including the historic Village Proper, assisted living facility, veterans' center and road projects.

Veterans' Services in Tribal Communities (2:02 p.m.)

Brigadier General Jamison A. Herrera, acting secretary, Veterans' Services Department (VSD), and Beverly Charley, tribal liaison, VSD, discussed the Native American veteran population in the state, how the VSD addresses the needs and concerns of Native American veterans and department collaboration with Indian nations, tribes and pueblos and state agencies on conferences, resource fairs and support for veterans with state and federal benefit claims processes. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%2012823%20Item%209%20Veterans'%20Services%20in%20Tribal%20Communities.pdf>.

Housing Issues on Tribal Lands (3:28 p.m.)

Winter Torres, executive director, New Mexico Eviction Prevention and Diversion Program, discussed the complicated nature of Native American housing issues and the need for a specialized division in state government that could support the state's Indian nations, tribes and pueblos with accessing funding resources, administrating housing projects and navigating housing regulations. Roger Valdez, strategic advisor, Office of Equity and Inclusion, City of Albuquerque, discussed urban housing issues among Native Americans, the widening gap between Black and Native and white homeownership and how "redlining" is still in practice today through the use of personal credit scores in home-loan qualification. Randy John, street outreach coordinator, City of Albuquerque, explained why many Native Americans end up homeless in urban areas like Albuquerque and how the support of city services could help to overcome the unique challenges encountered when Native Americans move from rural to urban communities. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=11/28/2023&ItemNumber=10>.

Public Comment (4:30 p.m.)

A list of individuals who made public comment is available in the meeting file.

Recess

The meeting recessed at 4:33 p.m.

Thursday, November 30 — Santa Fe

Reconvene

The meeting reconvened at 11:14 a.m.

Update from the Navajo Nation (11:16 a.m.)

Yolanda Azua, administrative assistant, Navajo Nation, discussed the Hozho Center, a peer-run wellness and information center in Gallup. Stephen B. Etsitty, executive director, Navajo Environmental Protection Agency, Navajo Nation, discussed current efforts and actions needed to clean up high-priority abandoned mine sites on and near Navajo lands. Arvin Trujillo, executive administrator and senior advisor to the president, Navajo Nation, discussed the challenges of job losses from energy sector transitions, lack of infrastructure and diversification

of the economy in the Four Corners region. Arbin Mitchell, director, Community Development Division, Navajo Nation, discussed priority capital outlay projects and the importance of having a comprehensive plan before project funds are released. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=11/28/2023&ItemNumber=11>.

Presentation on the Federal Indian Boarding School Initiative (12:34 p.m.)

Heidi Todacheene, senior advisor to the secretary, Office of the Secretary, United States Department of the Interior (US DOI), discussed volume one of an investigative report prescribed by the US DOI's Federal Indian Boarding School Initiative, which is the first-ever investigation of the Indian boarding school system in the United States. She explained that volume one includes the first official listing of the 408 federal Indian boarding school sites, the role of religious organizations in the depletion of Indian trust funds in accordance with their support and operation of more than half of the schools and the shameful implications of the cultural assimilation and land dispossession policies of the federal government.

Update on House Bill (HB) 280 (2023): Technical Assistance Centers (1:38 p.m.)

Nathan Moquino, director, Indian Education Division and tribal liaison, Higher Education Department (HED); Desiree Aguilar, education administrator, HED; and Patricia Trujillo, Ph.D., acting secretary, HED, provided an update on actions taken by the HED to establish two American Indian education technical assistance centers pursuant to HB 280 in the months since its passage during the 2023 legislative session. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20112823%20Item%2013%20Tribal%20Education%20Technical%20Assistance%20Centers.pdf>.

Consideration of Legislation for Endorsement (2:18 p.m.)

Representative Lente presented on a bill to create the Tribal Education Trust Fund and a bill to change distributions from the Indian Education Fund. On a motion made and seconded, and with one amendment, the committee voted to endorse both bills.

Christie Abeyta, superintendent, Santa Fe Indian School (SFIS), and Mark Duran, lobbyist, SFIS, requested \$3.5 million to build and equip an information technology facility at the SFIS. On a motion made and seconded, and without opposition, the committee voted in favor of the request.

Representative Joanne J. Ferrary; Sindy Bolaños-Sacoman, director, New Mexico Tribal Behavioral Health Providers Association; and Shelley Mann-Lev, public health advocate, Alcohol Harms Alleviation Coalition, gave a presentation in favor of raising the liquor excise tax, though a draft bill was not yet available.

Senator Pinto; Cherylin Atcitty, interim director, Indian Resource Development, College of Agricultural, Consumer and Environmental Sciences, New Mexico State University (NMSU),

and Clayton Abbey, assistant vice president, Office of Government and Community Relations, NMSU, gave a presentation in favor of repealing the Indian Resources Development Act and creating the Indian Resources Development Program at NMSU, though a draft bill was not yet available.

Ms. Alarcón discussed a \$6.6 million funding bill for county and tribal health councils across the state. On a motion made and seconded, and without opposition, the committee voted to endorse the bill.

Representative Block discussed a bill relating to the recruitment and retention of Indian foster families and a memorial requesting a study of the economic impact of Indian nations, tribes and pueblos on the state economy. The committee did not endorse either piece of legislation but moved to keep each as a draft for further committee discussion.

A list of bills endorsed by the committee can be found here:

https://www.nmlegis.gov/Committee/endorsed_legislation?CommitteeCode=IAC&Year=2023.

Public Comment

There was no public comment.

Adjournment

There being no further business before the committee, the meeting adjourned at 5:08 p.m.

COMMITTEE-ENDORSED LETTERS

December 11, 2023

File No. 202.226555

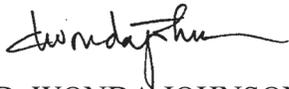
The Honorable George K. Muñoz
New Mexico State Senator
Chair, Legislative Finance Committee
325 Don Gaspar Avenue, Suite 101
Santa Fe, NM 87501

Dear Senator Muñoz:

On July 13, 2023, the Indian Affairs Committee heard testimony from Dr. Claudia Trueblood, director, Indian Resources Development program (IRD), New Mexico State University (NMSU), and Cherylin Atcitty, senior program specialist, IRD, NMSU, regarding the program and a funding request that they have made for the upcoming fiscal year. The IRD is a statewide program that offers educational and professional development opportunities for Native American students in high school and college and supports the Indian nations, tribes and pueblos in New Mexico in advancing their economic development goals in agriculture, natural resources, engineering, energy, business, workforce development and education. The funding request is for an additional \$122,000 to be added to the IRD's annual budget. That additional funding would be used to increase the program's statewide outreach and provide more services to the state's Indian nations, tribes and pueblos.

The Indian Affairs Committee respectfully requests that the Legislative Finance Committee consider the IRD's budget request for an additional \$122,000 to expand the program's outreach.

Sincerely,



D. WONDA JOHNSON
State Representative, District 5
Chair, Indian Affairs Committee



SHANNON D. PINTO
State Senator, District 3
Vice Chair, Indian Affairs Committee

DWJ/SDP:cb

December 11, 2023

The Honorable George K. Muñoz
New Mexico State Senator
Chair, Legislative Finance Committee
325 Don Gaspar Avenue, Suite 101
Santa Fe, NM 87501

Dear Senator Muñoz:

This letter is to inform you that the Indian Affairs Committee has heard testimony from the Santa Fe Indian School related to the school's academic performance and capital outlay priorities for the upcoming 2024 legislative session. The Santa Fe Indian School is requesting \$3.5 million in severance tax or general obligation bond funding for the Santa Fe Indian School to build a new information technology facility on the campus of the Santa Fe Indian School.

The new Santa Fe Indian School information technology facility will not only house information technology personnel at the school but will provide the most modern information technology capabilities to students by providing the highest broadband connectivity in an environment that will allow students to excel in a digital curriculum, from media to film to artificial intelligence learning and even gaming, in addition to serving as a next generation makerspace facility for students as they incubate business and project opportunities.

The Santa Fe Indian School has graciously provided the space, manpower and other resources for the first generation of state- and federally funded tribal education network and other network broadband projects that are ongoing and tremendously successful. Recently, the tribal network personnel and information technology resources have transferred away from the school to operate independently, although the school is still providing the space to the group. That transition has exposed the school's inadequate information technology equipment and left it without the resources and general apparatuses to provide students with the necessary technology to compete in the 21st century.

The information technology facility at the Santa Fe Indian School is so vitally important that it replaces the next phase of the Paolo Soleri Amphitheater performing arts center as this year's number one capital outlay priority for the Santa Fe Indian School.

The Honorable George K. Muñoz
December 11, 2023
Page 2

During the presentation to the Indian Affairs Committee, Santa Fe Indian School representatives clarified to the committee that the school is recognized as a statewide educational institution and that students who attend the school come from nearly a dozen counties across the state and represent the 19 Indian pueblos of New Mexico, the Navajo Nation, the Jicarilla Apache Nation and the Mescalero Apache Tribe. The committee has also come to understand that, unlike other entities such as higher education institutions, public schools and other statewide public facilities, the Santa Fe Indian School does not have any other avenue for presenting capital outlay requests at a formal capital outlay public hearing. Hence, the school is presenting its capital outlay priority to the Indian Affairs Committee.

The Indian Affairs Committee was particularly impressed with the academic performance of Santa Fe Indian School students and the school's overall graduation rates. The school is educating a segment of New Mexico's student population that would otherwise be required to attend public schools, where additional operating dollars would need to be allocated by the state to support those students.

The Indian Affairs Committee respectfully requests that the Legislative Finance Committee consider the Santa Fe Indian School's severance tax or general obligation bond funding capital outlay request for recommendation to the legislature and to the governor for funding as a statewide project.

Sincerely,



D. WONDA JOHNSON
State Representative, District 5
Chair, Indian Affairs Committee



SHANNON D. PINTO
State Senator, District 3
Vice Chair, Indian Affairs Committee

DWJ/SDP:sv

cc: Governor Michelle Lujan Grisham
Charles Sallee, Director, Legislative Finance Committee
Representative Nathan P. Small, Vice Chair, Legislative Finance Committee

ENDORSED LEGISLATION

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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

DISCUSSION DRAFT

FOR THE INDIAN AFFAIRS COMMITTEE

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR COUNTY AND TRIBAL HEALTH COUNCILS STATEWIDE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. APPROPRIATION.--

A. The following amounts are appropriated from the general fund to the department of health for expenditure in fiscal year 2025 for the following purposes:

(1) six million dollars (\$6,000,000) to fund and support county and tribal health councils statewide to carry out the functions as stated in the County and Tribal Health Councils Act. Funding may be used to:

(a) provide salaries and benefits for staff positions;

(b) cover travel, supplies and other

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1 program-related expenses;

2 (c) provide community education and
3 communications; and

4 (d) cover other indirect expenses a
5 county or tribal health council may experience; and

6 (2) six hundred thousand dollars (\$600,000)
7 for the department to contract with a nonprofit organization
8 to:

9 (a) provide training, technical
10 assistance and other supports to county and tribal health
11 councils;

12 (b) assist in the development of a
13 system to evaluate the effectiveness and impact of health
14 councils and to gather necessary evaluation data using success
15 indicators and qualitative and quantitative measures; and

16 (c) strengthen community-based health
17 planning and self-determination by measuring the health
18 councils' performance in capacity building and quality of
19 community health plans.

20 B. Any unexpended or unencumbered balance remaining
21 at the end of fiscal year 2025 shall revert to the general
22 fund.

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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

DISCUSSION DRAFT

FOR THE INDIAN AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC EDUCATION; CREATING THE TRIBAL EDUCATION TRUST FUND; PROVIDING REPORTING REQUIREMENTS; CREATING THE TRIBAL EDUCATION TRUST FUND DISBURSEMENT FORMULA TASK FORCE; MAKING APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] TRIBAL EDUCATION TRUST FUND--CREATED--PURPOSE--DISTRIBUTION--REPORTING REQUIREMENTS--PUBLIC EDUCATION DEPARTMENT DUTIES--APPROPRIATION.--

A. The "tribal education trust fund" is created as a nonreverting fund in the state treasury. The tribal education trust fund shall be used for any purpose enumerated in Section 22-23A-2 NMSA 1978 or in an intergovernmental agreement between an Indian nation, tribe or pueblo and the public education department. The fund consists of

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1 distributions, appropriations, gifts, grants and donations.
2 Income from investment of the fund shall be credited to the
3 fund. Money in the fund shall be expended only as provided in
4 this section.

5 B. The state investment officer shall invest money
6 in the tribal education trust fund in accordance with the
7 prudent investor rule set forth in the Uniform Prudent Investor
8 Act.

9 C. The state investment officer shall report
10 quarterly to the legislative education study committee and the
11 state investment council on the investments made pursuant to
12 this section. Beginning in fiscal year 2025, a report shall be
13 submitted no later than October 1 each year to the legislative
14 education study committee and any other appropriate interim
15 committees.

16 D. Beginning in fiscal year 2026, a distribution
17 shall be made from the tribal education trust fund to the
18 public education department on July 1 of each year in which
19 adequate money is available in the tribal education trust fund
20 in an amount equal to the greater of twelve million five
21 hundred thousand dollars (\$12,500,000) or five percent of the
22 average of the year-end market values of the tribal education
23 trust fund for the preceding five calendar years; provided that
24 the public education department shall distribute funding
25 received pursuant to this subsection according to the formula

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1 developed pursuant to Section 2 of this 2024 act.

2 E. In addition to the distribution pursuant to
3 Subsection D of this section, money in the tribal education
4 trust fund may be expended in the event that general fund
5 balances, including all authorized revenues and transfers to
6 the general fund and balances in the general fund operating
7 reserve, the appropriation contingency fund, the tobacco
8 settlement permanent fund, the state-support reserve fund and
9 the tax stabilization reserve, will not meet the level of
10 appropriations authorized from the general fund for a fiscal
11 year. In that event, to avoid an unconstitutional deficit, the
12 legislature may appropriate from the tribal education trust
13 fund to the general fund only in the amount necessary to meet
14 general fund appropriations for that fiscal year and only if
15 the legislature has authorized transfers from the appropriation
16 contingency fund, the general fund operating reserve, the tax
17 stabilization reserve and the tobacco settlement permanent fund
18 that exhaust those fund balances.

19 F. The public education department shall enter into
20 intergovernmental agreements with New Mexico tribes prior to
21 the disbursement of funds pursuant to Subsection G of this
22 section.

23 G. Beginning in fiscal year 2026, on July 15 of
24 each year, the public education department shall disburse money
25 received pursuant to Subsection D of this section to each New

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1 Mexico tribe that has entered into an intergovernmental
2 agreement with the department. Money disbursed to a New Mexico
3 tribe shall not revert and shall carry over to the next fiscal
4 year for continued use by the New Mexico tribe. Money
5 disbursed pursuant to this subsection shall be disbursed on
6 warrants signed by the secretary of finance and administration
7 pursuant to vouchers signed by the secretary of public
8 education or the secretary's designee.

9 H. The public education department shall create a
10 disbursement formula, in consultation with the tribal education
11 trust fund disbursement formula task force created pursuant to
12 Section 2 of this 2024 act, that ensures that a New Mexico
13 tribe receives nonreverting disbursements each year on July 15
14 that the New Mexico tribe may use to carry out the purposes of
15 the Indian Education Act.

16 I. Prior to April 15 of each year, each New Mexico
17 tribe shall submit to the public education department a summary
18 of its operating budget and plan for the ensuing fiscal year
19 based on tribally determined goals and needs. This summary
20 shall include a brief narrative describing how the budget and
21 plan will contribute to meeting the purposes of the Indian
22 Education Act.

23 J. Prior to October 15 of each year, each New
24 Mexico tribe shall submit to the public education department a
25 spending report and an assessment of program impact, student

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1 engagement and student outcomes based on tribally determined
2 criteria.

3 K. The public education department shall report to
4 the legislative education study committee, any other
5 appropriate interim committee and the New Mexico tribes no
6 later than November 15 of each year the total disbursements
7 made pursuant to Subsection G of this section for the previous
8 fiscal year, a summary of tribal reports received and a
9 projection of available disbursements pursuant to Subsection G
10 of this section in the following fiscal year.

11 L. The public education department may:

12 (1) establish procedures and adopt rules,
13 after formal consultation with the New Mexico tribes, as
14 required to administer and disburse money pursuant to
15 Subsection G of this section; and

16 (2) solicit, receive and report on tribal
17 education budgets, plans and reports pursuant to this section.

18 M. Nothing in this section shall interfere with the
19 sovereignty of federally recognized New Mexico tribes.

20 N. Beginning in fiscal year 2025 and in each
21 subsequent fiscal year, the lesser of one percent of the tribal
22 education trust fund or one hundred thousand dollars (\$100,000)
23 is appropriated from the tribal education trust fund to the
24 public education department for expenditure in the fiscal year
25 in which it is appropriated to administer the tribal education

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1 trust fund. Administrative costs include staff salaries and
2 expenses related to administration of the tribal education
3 trust fund. Any unexpended or unencumbered balance remaining
4 at the end of a fiscal year shall revert to the tribal
5 education trust fund.

6 O. As used in this section, "New Mexico tribe"
7 means an Indian nation, tribe or pueblo located wholly or
8 partially in New Mexico in which Native American students are
9 being educated in New Mexico.

10 SECTION 2. TEMPORARY PROVISION--TRIBAL EDUCATION TRUST
11 FUND DISBURSEMENT FORMULA TASK FORCE--CREATION--MEMBERSHIP--
12 DUTIES--REPORTING REQUIREMENTS.--

13 A. The "tribal education trust fund disbursement
14 formula task force" is created within the public education
15 department. The task force shall function from the date of its
16 appointment, which shall be no later than December 1, 2024,
17 until July 1, 2031. The assistant secretary of Indian
18 education of the public education department shall serve on the
19 task force in an advisory function. The task force shall be
20 supported by the public education department. The task force
21 shall consist of the following nine members:

22 (1) three representatives from the Navajo
23 Nation nominated by the leadership of New Mexico's Indian
24 nations, tribes and pueblos and appointed by the public
25 education department's assistant secretary of Indian education;

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1 (2) two representatives, one from the
2 Mescalero Apache Tribe and one from the Jicarilla Apache
3 Nation, nominated by the leadership of New Mexico's Indian
4 nations, tribes and pueblos and appointed by the public
5 education department's assistant secretary of Indian education;

6 (3) three representatives, one from the
7 southern pueblos, one from the northern pueblos and one from
8 the western pueblos, nominated by the leadership of New
9 Mexico's Indian nations, tribes and pueblos and appointed by
10 the public education department's assistant secretary of Indian
11 education; and

12 (4) the chair of the Indian education advisory
13 council.

14 B. The task force shall develop a disbursement
15 formula that the public education department shall use for the
16 disbursement of funds from the tribal education trust fund.
17 The task force shall ensure that the disbursement formula is
18 equitable for each Indian nation, tribe and pueblo located
19 wholly or in part in the state. The task force shall consider
20 tribal needs and tribal size, including both a base and student
21 count elements for the disbursement formula.

22 C. The task force shall report its recommendations
23 for a disbursement formula to the governor, the legislature and
24 the secretary of public education prior to July 1, 2025.

25 D. The task force shall reconvene on July 1, 2030

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1 to review and assess the equity and functionality of the
2 disbursement formula and provide additional recommendations, if
3 necessary, to the governor, the legislature and the secretary
4 of public education prior to July 1, 2031.

5 E. Members of the task force may receive per diem
6 and mileage as provided for nonsalaried public officers in the
7 Per Diem and Mileage Act and shall receive no other
8 compensation, perquisite or allowance.

9 SECTION 3. APPROPRIATION.--One hundred million dollars
10 (\$100,000,000) is appropriated from the general fund to the
11 tribal education trust fund for expenditure in fiscal year 2025
12 and subsequent fiscal years to carry out the purpose of the
13 tribal education trust fund. Any unexpended or unencumbered
14 balance remaining at the end of a fiscal year shall not revert
15 to the general fund.

16 SECTION 4. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2024.

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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

DISCUSSION DRAFT

FOR THE INDIAN AFFAIRS COMMITTEE

AN ACT

RELATING TO EDUCATION; CHANGING THE DISTRIBUTIONS FROM THE
INDIAN EDUCATION FUND.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-23A-8 NMSA 1978 (being Laws 2003,
Chapter 151, Section 8, as amended by Laws 2007, Chapter 295,
Section 7 and by Laws 2007, Chapter 296, Section 7) is amended
to read:

"22-23A-8. FUND CREATED.--

A. The "Indian education fund" is created in the
state treasury. The fund consists of appropriations, gifts,
grants and donations and income from investment of the fund.
Money in the fund shall not revert. The fund shall be
administered by the department, and money in the fund is
appropriated to the department to distribute awards to support

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1 the Indian Education Act.

2 B. The department shall ensure that funds
3 appropriated from the Indian education fund shall be used for
4 the purposes stated in the Indian Education Act and shall not
5 be used to correct for previous reductions of program services.

6 C. Beginning in fiscal year 2025, distributions
7 made from the Indian education fund to New Mexico tribes shall
8 be distributed automatically monthly, starting July 15, in a
9 nonreimbursable manner, based on an equitable formula that
10 takes into account tribal needs and tribal size and includes
11 both a base amount and a student count element.

12 [~~G-~~] D. The department shall develop procedures and
13 rules for the award of money from the fund for school
14 districts, charter schools and other entities. The department
15 may request quarterly spending reports from the New Mexico
16 tribes. The department may enter into agreements with the New
17 Mexico tribes for the purposes of disbursing funds. New Mexico
18 tribes may carry over unused portions of funds received;
19 provided that those funds are used for the purposes of the
20 Indian Education Act. Disbursement of the fund shall be made
21 by warrant of the department of finance and administration
22 pursuant to vouchers signed by the secretary of public
23 education."

24 **SECTION 2. EFFECTIVE DATE.**--The effective date of the
25 provisions of this act is July 1, 2024.

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LEGISLATIVE COUNCIL SERVICE
SANTA FE, NEW MEXICO