

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

**July 22-23, 2019
Inn of the Mountain Gods
287 Carrizo Canyon Road
Mescalero**

The second meeting of the Indian Affairs Committee (IAC) was called to order by Representative Georgene Louis, co-chair, on July 22, 2019 at 10:22 a.m. at the Inn of the Mountain Gods Convention Center in Mescalero.

Present

Rep. Georgene Louis, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Anthony Allison
Rep. Zachary J. Cook
Rep. Kelly K. Fajardo (7/22)
Rep. D. Wonda Johnson
Sen. Cliff R. Pirtle
Sen. Nancy Rodriguez
Sen. William E. Sharer
Sen. Benny Shendo, Jr.
Sen. William P. Soules
Rep. Martin R. Zamora

Absent

Rep. Derrick J. Lente
Sen. Richard C. Martinez
Sen. Mark Moores

Advisory Members

Rep. Gail Chasey (7/22)
Sen. Carlos R. Cisneros
Sen. Gabriel Ramos
Rep. Patricia Roybal Caballero
Rep. Elizabeth "Liz" Thomson
Rep. Linda M. Trujillo

Rep. Abbas Akhil
Rep. Doreen Y. Gallegos
Rep. Harry Garcia
Sen. Stuart Ingle
Rep. Patricia A. Lundstrom
Sen. George K. Munoz
Sen. Clemente Sanchez
Rep. Melanie A. Stansbury

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

Staff

Lenaya Montoya, Staff Attorney, Legislative Council Service (LCS)
Randall J. Cherry, Staff Attorney, LCS
Sara Wiedmaier, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file.

Monday, July 22**Welcome and Introductions**

Representative Louis welcomed the committee and members of the audience and asked committee members, staff and guests to introduce themselves.

Welcome and Status Update

Arthur "Butch" Blazer, president, Mescalero Apache Tribe, welcomed the committee and discussed a number of issues relevant to the Mescalero Apache Tribe. He thanked the legislature for providing capital outlay funds and noted that the funds would be used to address a number of important needs, including safe drinking water, transportation for school children and fire and rescue operations.

President Blazer noted an increasing need for human services, observing that alcohol abuse remains a problem and that the tribe now also faces an increased threat from dangerous drugs. The tribe needs more resources and is working with outside entities to battle the problem. He noted that: the Four Directions Treatment and Recovery Center of Mescalero has been reorganized; the tribe has received additional money to address violence against women; the tribe is working to obtain additional federal funding for programs; and the tribe hopes to host a meeting of relevant state cabinet secretaries to discuss how the various agencies might coordinate and share resources to assist with the tribe's needs.

President Blazer updated the committee on other matters, including improvements in judicial services and concerns regarding education, noting that, while tribal schools are federally funded, many tribal children attend school in Ruidoso and other nearby communities. The tribe is hopeful that expanded state funding will result in improved outcomes for Native American children in those schools.

President Blazer discussed economic development, noting that the tribe has worked with a third party to develop a comprehensive development strategy that will soon be presented to the tribal council for adoption. He noted that the tribe is watching the development of the hemp industry with interest but is maintaining a cautious approach and will not commit resources to hemp production at this time. He also noted that the tribe is looking at opportunities in solar and wind energy, as tribal lands do not have oil and gas resources. The tribe also hopes that tribal members can be trained to provide services for wind turbines located throughout the state.

President Blazer also discussed the importance of maintaining a safe and healthy forest and reviewed safety concerns and economic development issues. He noted that the tribe has worked closely with its federal partners on forest management in the areas of forest restoration, new water wells and wildfire control. He also noted that tribal members can now get paid for forest thinning and restoration under a federal program. The tribe will continue to explore economic opportunities relating to timber products.

Finally, President Blazer expressed the tribe's continuing concern over the prospect of a casino near Las Cruces. The tribe believes that this would have a significant negative financial impact on the Inn of the Mountain Gods.

Committee members discussed a number of topics, including the need for additional resources to address substance abuse. President Blazer noted that the tribe believes that completion of a new tribal detention facility in 2020 will assist in that effort, as the new facility will allow the tribe to incarcerate tribal members in an environment that does not offer access to the drugs that are available in detention facilities in surrounding areas.

Update from the Indian Affairs Department

Lynn A. Trujillo, secretary, Indian Affairs Department, discussed the department's focus on, and Governor Michelle Lujan Grisham's commitment to, building trusting and collaborative relationships with the Indian nations, tribes and pueblos. Secretary Trujillo highlighted the department's intentions to build trust, increase transparency and assist tribes in obtaining tools and resources to address their most pressing needs and to improve infrastructure.

Secretary Trujillo discussed the contents of her presentation entitled "Indian Affairs Department Presentation to Interim Indian Affairs Committee". She noted that 23 Indian nations, tribes, pueblos and agencies attended the recent annual summit required pursuant to the State-Tribal Collaboration Act, Sections 11-18-1 through 11-18-5 NMSA 1978. She said that the department will follow up with the tribes regarding all of the issues raised at the summit, which include watershed management, fire control and soil conservation.

Secretary Trujillo discussed the issue of missing and murdered indigenous women, noting the department's progress in achieving the mandates required pursuant to House Bill 278 (2019) and that the department is working with the University of New Mexico to produce the final report required.

Secretary Trujillo discussed the 2020 United States census, the department's role in the process and the importance of accurate counting, including the potentially significant costs to the state in federal funding that would result from undercounting. Secretary Trujillo noted the difficulties posed by limited broadband access and other challenges related to reporting in rural communities. The department will form a "complete count committee" to assist the tribes in eliminating obstacles to reporting, she said, and the department plans to translate the census questionnaire into all New Mexico indigenous languages.

Secretary Trujillo discussed the Energy Transition Act created by Senate Bill 489 (2019), noting the department's collaboration with the Economic Development Department and the Workforce Solutions Department to ensure that affected Navajo communities are adequately represented in all discussions of issues relating to the closure of the coal mining and energy production facilities in San Juan County. She also noted that the department plans to reach out to all Navajo chapters located within a 100-mile radius of the San Juan Generating Station.

Secretary Trujillo discussed the department's priorities and efforts to improve the administration of capital outlay and tribal infrastructure funds. She also noted that the tribes and pueblos received more capital outlay funding in the 2019 legislative session than in the previous 10 years combined.

Secretary Trujillo closed by briefly discussing a number of other initiatives, including the department's plans to collaborate with the relevant agencies to improve education, expand broadband access, improve the lives of Native American children, expand behavioral health access and address environmental issues.

Committee members discussed a number of topics, including the need for broadband access; tobacco taxes; the United States census; education; capital outlay and tribal infrastructure funds; and coal and energy production in San Juan County. With regard to the administration of capital outlay and tribal infrastructure funds, Secretary Trujillo said that the department is working hard to streamline approval and oversight to speed up the process and maximize the efficient use of funds.

Updates from the Children, Youth and Families Department (CYFD) and the Tribal-State Judicial Consortium

In the interests of time, the presentations of the CYFD and the Tribal-State Judicial Consortium were combined, and questions and comments from members were withheld until the completion of the combined presentation.

Update from the CYFD

Brian Blalock, secretary, CYFD, and Cynthia Chavers, chief, Federal Reporting Bureau, Protective Services Division, CYFD, and Native American liaison, CYFD, presented an overview of the department's strategic plan.

Secretary Blalock noted that he closely collaborates and meets weekly with the secretaries of human services, health and aging and long-term services to maximize cooperation among agencies. He also stated that he is establishing an Early Childhood Division within the CYFD.

Secretary Blalock discussed issues specific to foster care for Native American children. He noted that the CYFD information technology is obsolete, which has resulted in poor tracking regarding foster care. However, the data indicate that the percentage of Native American

children in foster care in New Mexico — approximately 10 percent — is significantly lower than other states.

He noted that federal law requires placement of Native American children with Native American families when possible. The CYFD intends to broaden the degree to which a relative can provide foster care. He noted that state law defines "relative" in broad terms compared to federal law, which defines "relative" to include only those family members within the fifth degree of consanguinity. He said that the department plans to work to get the federal definition expanded to allow Native American children to stay within their tribal communities, noting the importance of protecting tribal history and culture and that placement with relatives promotes better outcomes. The department will also work to protect parental rights as opposed to promoting a preference for adoption.

Secretary Blalock discussed the creation of the Indian Child Welfare Court. He reported that the CYFD will create a special unit to support the court, noting that special expertise and knowledge will help move cases forward. The unit will provide additional support and adopt a non-punitive "peacemakers" approach.

Secretary Blalock discussed the department's strategic plan. He said that the department will focus on "congregate care", noting that a review of the records of the Desert Hills group home indicates that many of the children placed there did not require residential placement; rather, their placement reflected a lack of community-based services to support the children at home.

The CYFD plans to expand community-based and other services to avoid removing children from their homes. This service expansion will include increasing staff numbers, expanding services for special needs children, such as human trafficking victims, and expanding kinship care. Secretary Blalock reiterated that children generally have better outcomes when placed with relatives and observed that the CYFD has not done well at supporting those relatives. He hopes to provide better support and to increase the number of children placed with relatives to 40 percent.

Secretary Blalock discussed additional issues, plans and programs within the CYFD, including that the department: has greatly improved the response time for calls to the Protective Services Division; is working to implement the provisions of House Bill 230 (2019) regarding care for substance-exposed newborns; and is reaching out to families in need across the state to offer acute trauma services.

He also noted that the CYFD has contracted for new technology that will help locate family members of children who need foster care. The department will engage in strategies that will encourage relatives to help children, and the department will offer support services to relatives. Secretary Blalock noted that New Mexico has some of the highest standards in the

country for providing foster care. Those standards should be lowered in a safe and reasonable manner to encourage relatives to provide foster care services, he said.

Finally, Secretary Blalock described a number of treatment support modalities, assessment tools and support programs that the CYFD currently uses or is planning to introduce. He noted that the CYFD is working with other agencies on technology that can track families and provide access to benefits through a database system that automatically identifies and provides applications for services. He also noted that the CYFD hopes to have a new electronic information system in place in calendar year 2020.

Update from the Tribal-State Judicial Consortium

Randolph M. Collins, chief judge, Pueblo of Acoma Tribal Court, and tribal co-chair, Tribal-State Judicial Consortium, and Kim McGinnis, chief judge, Pueblo of Pojoaque Tribal Court, discussed developments relating to the Tribal-State Judicial Consortium.

Judge Collins explained that the consortium was created by the New Mexico Supreme Court to encourage collaboration and communication among tribal and state courts. The effort has resulted in improvements to judicial processes, including the creation of a universal cover sheet that is attached to widely divergent protective orders to provide crucial information in a format that ensures easy understanding and due process for all parties. The consortium has also created model orders for involuntary commitments to ensure due process and that a child stays within the jurisdiction of the child's tribe.

Judge Collins discussed Senate Bill 313 (2019), which was signed into law and created the Judicial Education Center at the University of New Mexico. The center will provide education, training and instruction to tribal judges. He observed that being an effective judge requires lifelong learning and that the new Judicial Education Center will enable tribal judges to obtain the necessary training to continue such learning.

Judge Collins discussed House Bill 149 (2019), which was signed into law and requires that a tribe be notified in a juvenile delinquency proceeding against one of its members upon the filing of the petition rather than upon the final disposition of the case. The tribe and the CYFD are required to collaborate to create an action plan for the child. Judge Collins believes that this new process will lead to better outcomes, including lower recidivism.

Judge Collins noted that tribal orders that access state resources for tribal children currently require an intergovernmental agreement between the tribe and the provider agency. He suggested that removing that requirement might improve access to resources.

Judge McGinnis discussed special courts, noting the success of tribal drug courts. She suggested that special courts should be expanded to include veterans, children and families. Judge McGinnis also noted that, while some state drug courts transfer tribal members to tribal drug courts under a probation agreement, this practice is inconsistent across courts. She

suggested that the process should be formalized in statute to ensure consistent application, and she noted that some tribal courts want jurisdiction over non-tribal members in domestic violence cases when the event occurs on tribal lands.

Committee Discussion

Committee members addressed questions and comments to both the CYFD representatives and the judges. The discussion included collaborative efforts to prevent child abuse, funds for relatives providing foster care services, increasing services, the development of new risk assessment tools to assess children's needs, medical cannabis on tribal lands and funding sources for support services.

In response to a question, Secretary Blalock and the judges explained that the determination to return an abused child to the child's family of origin is the most difficult decision a judge or CYFD official must make and that there is no clear method for making that determination. Secretary Blalock noted that the CYFD is contracting with a national entity to develop a reunification assessment tool, and the department plans to bring in experts to train and advise staff on the tool's use.

Secretary Blalock made general observations that the CYFD must build greater trust between parents and the CYFD and that statewide mental health services must be significantly expanded.

Tuesday, July 23

Update from the Indian Resources Development Program (IRDP) at New Mexico State University (NMSU)

Claudia Trueblood, director, IRDP, College of Agricultural, Consumer, and Environmental Sciences, NMSU, described the history of the IRDP, noting its recent transfer from the NMSU College of Business to the NMSU College of Agricultural, Consumer, and Environmental Sciences and described the development of the Tribal Advisory Committee and the IRDP's mission.

Ms. Trueblood discussed recent efforts by the IRDP to fulfill its mission. She described the DreamKeepers summer programs conducted in 2018 and 2019. The IRDP brought 24 Native American high school students to the NMSU campus for a two-week session in 2018 and 36 students in 2019. The students explored and identified areas of interest, participated in career discovery workshops and met leaders in varied areas of expertise. The students experienced campus life and college-level classes, received scholarship information and connected with each other, discussing and experiencing the cultural aspects of their different tribes, thus building relationships among tribes.

Ms. Trueblood also discussed the past accomplishments of the IRDP, which include hosting a senior leadership retreat for high school students that focused on career opportunities;

coordinating a symposium of 150 participants who shared tribal perspectives on subjects that included energy, water and agricultural management; and sending a group of students to Guatemala to learn about efforts to protect the natural resources of indigenous peoples. The IRDP also expanded relationships with New Mexico businesses and universities to improve professional and educational opportunities for tribal youth.

Ms. Trueblood added that key future efforts of the IRDP include building relationships with all of the nations, tribes and pueblos in New Mexico; expanding its relationships with high schools and institutions of higher education; and seeking additional professional internship opportunities, all in an effort to improve professional and educational opportunities for tribal youth in New Mexico.

Committee members discussed numerous issues, including encouraging the IRDP to reach out and share its expertise and resources with other New Mexico entities and to explore other state and federal funding opportunities. Committee members also encouraged the IRDP to expand its efforts and relationships with other New Mexico universities to develop interest and opportunities for tribal youth in the areas of science, technology, engineering and mathematics.

Adjournment

There being no further business before the committee, the second meeting of the IAC for the 2019 interim adjourned at 10:32 a.m.

Tour of Mescalero Apache Schools and the Mescalero Tribal Fish Hatchery

Members of the IAC toured the Mescalero Apache Schools and the Mescalero Tribal Fish Hatchery and received presentations from representatives of both organizations.