

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

**October 16, 2020
House Chambers and Video Conference
Santa Fe**

The fourth meeting of the Indian Affairs Committee was called to order by Senator Shannon D. Pinto, co-chair, on October 16, 2020 at 10:09 a.m. in the House Chambers and by video and audio conference via an online platform.

Present

Rep. Georgene Louis, Co-Chair (In-Person)
Sen. Shannon D. Pinto, Co-Chair (In-Person)
Rep. Eliseo Lee Alcon (In-Person)
Rep. Anthony Allison (In-Person)
Rep. Kelly K. Fajardo (Online)
Rep. D. Wonda Johnson (Online)
Sen. Richard C. Martinez (In-Person)
Sen. Cliff R. Pirtle (In-Person)
Sen. Nancy Rodriguez (Online)
Sen. Benny Shendo, Jr. (Online)
Sen. William P. Soules (Online)
Rep. Martin R. Zamora (Online)

Advisory Members

Rep. Gail Chasey (Online)
Sen. Roberto "Bobby" J. Gonzales (Online)
Rep. Patricia Roybal Caballero (Online)
Sen. Clemente "Memé" Sanchez (Online)
Rep. Elizabeth "Liz" Thomson (Online)

Guest Legislators

Rep. Willie D. Madrid (Online)
Rep. Joseph L. Sanchez (In-Person)

Absent

Rep. Zachary J. Cook
Rep. Derrick J. Lente
Sen. Mark Moores
Sen. William E. Sharer

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

Staff

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

Tom Kricka, Staff Attorney, LCS

Sara Wiedmaier, Research Assistant, LCS

Handouts

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

Friday, October 16

Welcome and Introductions (10:09 a.m.)

Senator Pinto welcomed the committee and introduced the presentations of the day.

Approval of Minutes

On a motion made and seconded, the minutes of the September 29, 2020 meeting were approved without objection.

Update on Federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Funding for Tribal Communities (10:15 a.m.)

Debbie Romero, acting secretary, Department of Finance and Administration (DFA), updated the committee on federal CARES Act funding for tribal communities. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101620%20Item%201%20DFA%20CARES%20Act%20Presentation.pdf>

Questions and comments from committee members included the following:

- distribution of state funds was similar for large and small tribal communities; the Pueblo of Pojoaque needed more funding because a hotel in Pojoaque was being used to isolate COVID-19 patients and family members who needed to be quarantined; most tribal governments requested the maximum amount of funds;
- CARES Act funds were distributed per capita using specific criteria rather than evenly per capita or at a flat rate;
- criteria and guidelines for the distribution of CARES Act funds were developed by the DFA and the Indian Affairs Department;
- the DFA website will provide up-to-date statements about the spending of tribal funds;
- the state is responsible for ensuring that CARES Act funds are being used for purposes related to the COVID-19 pandemic;
- receipts and records detailing how the funds are being used are being kept by tribal governments in case of an audit; and

- funding from the state for the Navajo Nation applies only to chapters located in the state.

Report on Uranium Workforce Study (10:57 a.m.)

Susan Gordon, Multicultural Alliance for a Safe Environment; Jeff Mitchell, director, Bureau of Business and Economic Research, University of New Mexico; and Rose Rohrer, research scientist, Bureau of Business and Economic Research, University of New Mexico, presented a report on the uranium workforce study. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101620%20Item%202%20BBER%20Presentation.pdf>.

Questions and comments from committee members included the following:

- people have talked about cleaning up uranium mine sites in the state for a long time, but nothing has actually been done;
- the state is seeking funding for cleanup of uranium mine sites;
- since the United States Department of Defense initiated uranium mining in New Mexico to produce nuclear weapons and nuclear power generation, the United States Department of Defense should fund the cleanup;
- Utah has directly funded some cleanup efforts and has also created the capacity to perform the work once funds are available;
- like Utah, New Mexico could try to fund some cleanup efforts and create capacity to start the work once funds are available;
- there is potential for economic losses from contamination left in abandoned uranium mines; and
- a centralized depository of all information related to uranium mines could be created.

Report from the Office of the State Engineer and the Interstate Stream Commission (1:15 p.m.)

John R. D'Antonio, Jr., P.E., state engineer, and Rolf Schmidt-Petersen, director, Interstate Stream Commission, presented a report from the Office of the State Engineer and the Interstate Stream Commission. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/16/2020&ItemNumber=3>.

Questions and comments from committee members included the following:

- the extension of the Indian Water Rights Settlement has taken 60 years to finalize and will hopefully be fully funded soon;
- the state has tried to contribute \$9 million per year toward the settlement;

- money contributed to the settlement includes \$278 million from the federal government (\$157 million left to pay), \$104 million from the state (\$47.5 million left to pay) and \$38.4 million from Santa Fe County;
- the settlement agreements set forth the involvement of the state, and the state engineer will be the water master; and
- there are still right-of-way issues with the pipeline initiative.

Report on the Senator John Pinto Native Filmmakers Memorial Fund (2:15 p.m.)

Amber Dodson, director, New Mexico Film Office, discussed a report on the Senator John Pinto Native Filmmakers Memorial Fund. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101620%20Item%204%20Senator%20John%20Pinto%20Memorial%20Fund%20information%20for%20committee.pdf>.

There were no questions or comments from committee members.

Update on Community Solar (3:10 p.m.)

Senator Elizabeth "Liz" Stefanics; Representative Roybal Caballero; Pilar Thomas, partner, Quarles and Brady LLP; Beth Beloff, executive director, Coalition of Sustainable Communities New Mexico; Paul Biderman, community solar facilitator; and Mayane Barudin, interior west manager and tribal liaison for Kewa Pueblo, Vote Solar, presented the committee with an update on community solar efforts. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101620%20Item%205%20Community%20Solar%20Presentation%20final.pdf>.

Questions and comments from committee members included the following:

- the 2020 legislation on community solar has proposed amendments pending over concerns about the opt-out provision and the provision for investor-owned utilities;
- the legislation is designed so that the costs of community solar fall to the subscribers;
- the goal is to have statewide legislation so that utilities treat each community equally without complicated negotiations;
- there are costs involved in switching to community solar;
- if a cooperative were to opt into the agreement, the cooperative would still be responsible to its membership but would not need to justify why it could not provide community solar;
- if a cooperative were to opt out of the agreement, the cooperative would have to justify why it could not provide community solar;
- there is concern about community ratepayers being impacted by the community solar cooperatives;
- an Indian nation, tribe or pueblo could develop community solar on its own, but it is easier with a state mandate for a uniform process and requirements; and

- there are ways to attract investment and developers, and the New Mexico Finance Authority has access to funding.

Public Comment (4:39 p.m.)

There were no public comments.

Adjournment

There being no further business before the committee, the meeting adjourned at 4:39 p.m.