

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

**September 1, 2020
House Chambers and Video Conference Meeting
Santa Fe**

The second meeting of the Indian Affairs Committee was called to order by Senator Shannon D. Pinto, co-chair, on September 1, 2020 at 10:20 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. Derrick J. Lente (Online)
Sen. Richard C. Martinez (In-Person)
Sen. Nancy Rodriguez (Online)
Sen. Benny Shendo, Jr. (Online)
Sen. William P. Soules (Online)
Rep. Martin R. Zamora (Online)

Advisory Members

Rep. Abbas Akhil (Online)
Rep. Gail Chasey (Online)
Sen. Roberto "Bobby" J. Gonzales (In-Person)
Rep. Patricia A. Lundstrom (Online)
Sen. Gabriel Ramos (Online)
Rep. Patricia Roybal Caballero (Online)
Sen. Clemente "Memé" Sanchez (Online)
Rep. Elizabeth "Liz" Thomson (Online)

Guest Legislator

Rep. Willie D. Madrid (Online)

Absent

Rep. Zachary J. Cook
Rep. D. Wonda Johnson
Sen. Mark Moores
Sen. Cliff R. Pirtle
Sen. William E. Sharer

Rep. Doreen Y. Gallegos
Rep. Harry Garcia
Sen. Stuart Ingle
Sen. George K. Munoz
Rep. Melanie A. Stansbury

Staff

Lenaya Montoya, Legislative Council Service (LCS)

Sara Wiedmaier, LCS

Tom Kricka, LCS

Handouts

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

Tuesday, September 1

Welcome and Introductions (10:20 a.m.)

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

Update on School Reopenings and Tribal Communities (10:29 a.m.)

Daniel Benavidez, superintendent, Central Consolidated School District (CCSD); Kyle Archibeque, director of finance, CCSD; and Germaine Chappelle, general counsel, CCSD, updated the committee on the reopening of the CCSD and the challenges the school district has been facing. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20090120%20Item%201%20Presentation%20to%20Indian%20Affairs%209-1-20.pdf>.

Comments from committee members included the following:

- some students attending schools in the CCSD have to spend more than four hours traveling to and from school in one day;
- children who have long commute times are being prioritized for remote learning;
- a challenge for the CCSD is that many of the students speak English as a second language;
- up to 40 percent of people living on the Navajo Nation do not have electricity or plumbing in their homes;
- in rural areas of New Mexico, many students do not have internet access or computers;
- between 80 and 90 percent of students in New Mexico are impacted by a lack of adequate internet access;
- it was suggested that the state have an office dedicated to internet access, especially addressing the lack of internet access in rural areas of the state; the state could subsidize internet service for people in need, create more wireless hotspots and plan to set up more hotspots;
- the federal government is giving New Mexico only eight percent of the impact aid money to which the state is entitled;
- the goal is to have one gigabyte for each school;

- an obstacle to leveraging federal funding is the lack of a dedicated department or hub that would potentially create economies of scale in the grant funding process;
- the biggest challenge is the need for housing for teachers;
- there are issues for schools near the New Mexico-Arizona border because of the differences in the way the two states deal with federal impact aid funding;
- the CCSD is working with internet service providers that serve the area; and
- the largest drop in employment occurred with the partial closure of oil and gas operations.

Broadband Access on Tribal Lands (12:04 p.m.)

John Badal, chief executive officer, Sacred Wind Communications, discussed issues with broadband access on tribal lands. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20090120%20Item%202%20Sacred%20Winds%20Covid-19%20response%20&%20Initiatives.pdf>.

Comments from committee members included the following:

- Sacred Wind Communications is working on a cell-to-sky effort and has a memorandum of understanding with Navajo Technical University that could turn into a public-private partnership;
- fiber-optic broadband cable can be funded through the federal E-Rate Program; and
- the cost of a fully loaded communication tower plus installation is \$150,000 to \$170,000.

Overview of the Public School Funding Formula (2:02 p.m.)

Joseph Simon, principal analyst, Legislative Education Study Committee, presented an overview of the public school funding formula. The presentation can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=9/1/2020&ItemNumber=3>.

Comments from committee members included the following:

- the state was eligible for impact aid in fiscal year (FY) 2019 pursuant to a decision by the United States Department of Education, but it is not known whether this decision could be used retroactively; it may be possible for the state to consider impact aid in FY 2021 and future years;
- the dispute over impact aid in FY 2020 has raised concerns for impact aid in FY 2021;
- in general, when a state applies to take credit for impact aid, the state must make assurances that if a decision is made against issuing the funding, the state will repay the funds at a future date;

- it is important to consider the level of funding per student;
- the Public Education Department (PED) must follow the Public School Finance Act but has some discretion over the methodology used within the federal regulations;
- regarding calculations for FY 2021 submitted by the PED, the PED can look at the different options within federal law and use some discretion; and
- if there is a need among students to have assistance for any language other than English, the school district must provide services for those students; however, it is up to a school district to decide whether to meet the need through bilingual programs or other programs.

Public Comment (2:52 p.m.)

There was no public comment.

Adjournment

There being no further business before the committee, the meeting adjourned at 2:53 p.m.