

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

**September 9, 2019
Diné College
1228 Yucca Drive
Shiprock**

**September 10, 2019
Navajo Preparatory School
1220 W. Apache Street
Farmington**

**September 11, 2019
Navajo Technical University
Lowerpoint Road, State Highway 371
Crownpoint**

The fourth meeting of the Indian Affairs Committee was called to order by Senator Shannon D. Pinto, co-chair, on September 9, 2019 at 10:14 a.m. in the Senator John D. Pinto Library of Diné College in Shiprock.

Present

Rep. Georgene Louis, Co-Chair
Sen. Shannon D. Pinto, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Anthony Allison
Rep. Kelly K. Fajardo (9/9, 9/10)
Rep. D. Wonda Johnson
Sen. Nancy Rodriguez (9/9, 9/10)
Sen. William E. Sharer (9/9, 9/10)
Rep. Martin R. Zamora

Advisory Members

Rep. Patricia A. Lundstrom (9/9)
Sen. Gabriel Ramos (9/9, 9/10)
Rep. Melanie A. Stansbury
Rep. Elizabeth "Liz" Thomson

Absent

Rep. Zachary J. Cook
Rep. Derrick J. Lente
Sen. Richard C. Martinez
Sen. Mark Moores
Sen. Cliff R. Pirtle
Sen. Benny Shendo, Jr.
Sen. William P. Soules

Rep. Abbas Akhil
Rep. Gail Chasey
Sen. Carlos R. Cisneros
Rep. Doreen Y. Gallegos
Rep. Harry Garcia
Sen. Stuart Ingle
Sen. George K. Munoz
Rep. Patricia Roybal Caballero
Sen. Clemente "Memé" Sanchez
Rep. Linda M. Trujillo

(Attendance dates are noted for members who did not attend the entire meeting.)

Staff

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

Randall Cherry, Staff Attorney, LCS

Sara Wiedmaier, Research Assistant, LCS

Shannon Rodriguez, Intern, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file.

Monday, September 9 — Diné College, Shiprock

Welcome and Introductions

Senator Shannon D. Pinto welcomed the committee and members of the audience and asked committee members, staff and guests to introduce themselves.

Welcome and Status Update from Diné College

Dr. Charles Roessel, president, Diné College, discussed the college's history and current priorities. He noted that the meeting location, the Senator John D. Pinto Library, was recently chosen as the second-best college library architectural design in the nation, surpassed only by Yale University. He also noted that the college was recently formally classified as a four-year college, which will give Diné College the ability to quickly adjust its curriculum and programming to meet changing economic and social needs.

Dr. Roessel said that the mission of the college is to improve economic and social conditions for the entire region, noting the college's cooperation with San Juan College to address current and future academic needs to meet this goal. He discussed the college's efforts to address and improve access to the college, including tuition support, scholarships and college readiness.

Dr. Roessel noted that 73 percent of current incoming freshmen need remedial classes in mathematics or English. He said that the college is working to address this issue through outreach and cooperation with high schools; weekend academies; American College Testing, known as ACT, preparation classes; and boot camps held at the college to introduce high school students to the college experience. He noted that the need for remedial courses creates a significant drain on funds that could be spent on expanding and improving undergraduate programs.

Members of Dr. Roessel's staff discussed programs and priorities at the college, including student affairs and student services, noting the unique challenges faced by many of the college's students, including long commutes and low family incomes. Staff reported that proposed solutions to these challenges include peer and professional tutoring and placing services, such as admissions, financial aid and counseling, in one building — a "one-stop shop".

Dr. Roessel said that the college is analyzing student post-graduation success rates and is planning programs to assist graduates to reach their goals, noting that the college is also using the information to improve academic programs, including expanding and improving internships to provide useful, resume-building experiences.

Dr. Roessel shared positive results regarding tribal schools generally. He noted that a recent study comparing alumni from tribal colleges against other colleges showed that 80 percent of tribal college graduates reported that their college education prepared them for work compared to 42 percent from other colleges. He also noted that 93 percent of Diné College graduates go back to their home community, helping to create positive role models for youth.

Dr. Roessel stated that the college recognizes the serious economic and social challenges facing the region. He said that the college plans to expand programming in relevant areas, including behavioral health, agricultural development and opportunities related to uranium cleanup at Superfund sites. He said that the college will focus on developing training for higher-level jobs in the uranium industry to promote local hiring rather than losing those jobs to out-of-state experts. He said that he hopes to offer much of this programming via the internet, and he noted the continuing need to expand broadband resources in the region.

Dr. Roessel discussed a number of current and planned programs, including incorporating formal training in native languages and culture in the curriculum; addressing murdered and missing Diné, including creating a database of missing persons and providing other support for entities working on this problem; creating a structured system to transition faculty from "instructors" to "professors" with an increasing focus on original research and publication; and expanding and implementing scholarship opportunities.

Dr. Roessel and Benita Litson, director, Land Grant Office, Diné College, discussed expanding opportunities in agriculture, including opening a horticulture center in Shiprock and a livestock research center in Crownpoint. They noted that a large amount of potentially productive ranch land is now dormant, perhaps partially due to the complexities of using federal land, but also due to the lack of United States Department of Agriculture inspectors. Dr. Roessel said that he is communicating with the United States Department of Agriculture to train inspectors at Diné College to provide this service for the region.

Finally, Dr. Roessel discussed his thoughts on how Diné College might assist in efforts to resolve some of the resource issues raised in the *Yazzie/Martinez* lawsuit. He noted that the college has been working on cultural education since the college's inception, adding that the

college is working with school districts to see how the college can assist in fulfilling the requirements included in the court's order. Dr. Roessel said that the college is already creating programs to educate teachers on native languages and cultures, including working with San Juan College to provide multicultural training to address the *Yazzie/Martinez* requirements. He said that the college is also looking at implementing a two-year teacher's aide degree program to provide schools with the resources they need as quickly as possible.

Dr. Roessel also observed that there are a number of individuals who hold teaching degrees but who have not been certified. He and his staff are exploring ways to assist them in getting certified, including conducting weekend boot camps to provide additional training, he said.

Members made comments and asked questions in the following areas: that the federal government should be more involved in addressing issues raised in the *Yazzie/Martinez* lawsuit; that the education funding formula is very old and should be reviewed; transportation challenges; retraining people displaced by changes in the coal and energy industries; and economic development opportunities.

In response to questions, Dr. Roessel stated that Diné College students are now eligible for lottery tuition scholarships but noted that it is unclear whether that has had any impact on enrollment. He also stated that the college is providing training in education and Head Start and teaching the basics of Navajo law and culture.

Update from the Department of Diné Education

The presentation was canceled due to a scheduling conflict.

Update on Protecting Native Women and Children

Dr. Christine Benally, community member, discussed the welfare of Navajo women and children in the region. She observed that state, local and tribal governments collaborate more effectively on the East Coast and suggested that New Mexico's governmental entities might learn valuable lessons by studying those processes.

Dr. Benally discussed adverse childhood experiences (ACEs) and their impact on health and well-being, noting that studies indicate that: negative experiences will result in increased substance abuse, suicide risk and significant learning challenges; abuse is likely underreported; children with high ACE scores are overrepresented in the juvenile justice system; and New Mexico abuse rates are higher than the national average.

Dr. Benally observed that negative outcomes relating to Native Americans are higher than the general population in every category studied and noted that Navajos are faring worse than other tribes. She suggested that solutions include increased law enforcement resources, better collaboration among governments and efforts to remove legal impediments to prosecution and collaboration.

Members discussed the complex legal problems involved in arresting and prosecuting individuals on tribal lands, including limitations on punishment and challenges to cooperation among state, federal, local and tribal law enforcement.

A member requested that staff determine whether the New Mexico congressional delegation has taken any action to extend the statute of limitations on sexual crimes committed on tribal lands or taken any other action in response to Senate Memorial 115 (2019).

Members discussed crime on tribal lands, including the use of memoranda of understanding to enable cross-deputization of local and tribal law enforcement authorities and the high cost of liability insurance for the local law enforcement operating on tribal lands. Lynn Trujillo, secretary, Indian Affairs Department, stated that her office plans to work with the Department of Public Safety, local sheriffs, New Mexico Counties and the legislature to search for solutions.

Public comments addressed sovereignty and cross-deputization; efforts to improve extradition processes to improve cross-deputization; the need to improve cooperation to improve outcomes; problems regarding obtaining Medicaid payments for treatment services provided to New Mexico juveniles housed out-of-state; slow responses to domestic violence reports on Navajo lands; and the dangers of reporting potential criminal activities for the person reporting.

Ceremony Honoring the Late Senator John Pinto

Committee members attended a ceremony held in the library auditorium honoring the late Senator John Pinto and his family for their sacrifices and for his dedication, service and many accomplishments on behalf of his constituents.

Tuesday, September 10 — Navajo Preparatory School, Farmington

Welcome and Update from Navajo Preparatory School

Shawna Allison Becenti, head of school, Navajo Preparatory School, welcomed the committee to the campus. She described the school's history and mission, noting its current focus on promoting Navajo philosophy to produce thoughtful world leaders. She discussed future plans, including expansion and security enhancements. She discussed demographics, noting that the student population includes members of the Navajo and Jicarilla Apache nations and the Hopi Tribe, as well as Anglo students. She also noted that the school offers its students the opportunity to obtain college credits through a rigorous international baccalaureate degree program. Two current students described their experiences and thoughts regarding the school.

In response to questions, Ms. Becenti stated that: the school includes grades nine through 12; the current number of students is 263, with 175 residential and 88 day students; graduates are doing well in college; there is a waiting list of qualified student applicants; and the school hopes to expand to provide satellite locations and to provide middle school classes in the future.

Comments and questions included discussions regarding the school's "traditional" graduation ceremony that incorporates Navajo customs; funding sources, including tuition costs and the fact that the school helps with fees when possible; security concerns; and best practices to share with other schools, including that the school has a director of student and community engagement, is expanding relationships with universities, brings college recruiters to the campus and works to prepare students and parents for university.

Update from the Tribal Infrastructure Board and Review of Funding for Tribal Capital Projects

Secretary Trujillo and Lawrence John, administrator, Tribal Infrastructure Fund (TIF), Indian Affairs Department, discussed the history, purpose and current state of the TIF program, including the application, extension and general procedures regarding project funding and the Tribal Infrastructure Act. They discussed projects approved in fiscal year 2019 and approved extensions for past projects as well as a financial status report on tribal capital outlay projects.

Mr. John provided the committee with an update on TIF projects approved in past fiscal years. He said that for fiscal year 2016, 21 projects were approved, 18 were completed and three were granted extensions; in fiscal year 2017, eight projects were approved, four were completed and four are fully encumbered; and in fiscal year 2018, nine projects were approved and all are fully encumbered.

Mr. John discussed capital outlay projects, noting that 143 projects were funded in fiscal year 2019 for a total of approximately \$75 million. He noted that this expenditure is more than the expenditures for the past 10 years combined.

Secretary Trujillo noted that the Indian Affairs Department is striving to improve accountability, transparency and consistency in its operations and that the department also plans to provide more training to tribal governments on TIF processes.

In response to questions, Secretary Trujillo noted that the department will issue a report on the Tribal Leaders Summit held on May 16, 2019. She said that the summit included discussions on a wide range of topics, including natural resources, water, health and education.

Secretary Trujillo reported that the Indian Affairs Department should be fully staffed by October of this year. She also noted that the department has received all reports required by the State-Tribal Collaboration Act and that summaries will be provided to the committee.

There was discussion about creating a better system to coordinate capital outlay and TIF funding requests to avoid duplication and ensure project funding. The members also discussed the TIF process generally.

Approval of Minutes

There being a quorum of voting committee members, Representative Alcon moved approval of the minutes from the July 22-23, 2019 committee meeting. Representative Allison seconded the motion, and the motion was approved unanimously.

Presentation on the Tribal Libraries Program

Faye Hadley, coordinator, Tribal Libraries Program, New Mexico State Library, gave a brief history of tribal libraries. She noted that there are currently 19 tribal libraries in the state and that each library provides a broad range of programs and services to its community. All receive state and federal funding, but all are significantly underfunded, she said.

A number of staff members from different tribal libraries addressed the committee. Janice Kowemy from the Laguna Public Library noted that the Laguna library was established in 1974 and is the first tribal library in the state. She said that the library's book collection exceeds 10,000 titles, and she described the library's activities, including offering a large summer reading program, creating archives for Laguna cultural material and history and collecting works from all over the country to bring home to Laguna. Ms. Kowemy said that the library needs additional space and staff, noting that rains often result in flooding and that the heating and air conditioning system is obsolete, which endangers the books and archive materials. She said that project planning for the necessary expansion is complete, but there are currently no funds for construction.

Ms. Kowemy noted that a meeting was held by tribal librarians in July of this year. They concluded that the cost to meet all of the various libraries' needs is approximately \$50 million.

Teresa Naranjo, librarian, discussed the Santa Clara Pueblo Community Library, noting that the building is 45 years old. She explained that the library provides a broad range of services, including supporting all educational institutions in the pueblo, providing internet resources for the community and supporting learning for adults as well as children via the internet. She said that the library works with the tribal courts to offer community service hours for offenders, explaining that the program teaches the offenders about their culture and encourages them to reintegrate with the community in lawful function. Ms. Naranjo added that the library also works with the Santa Fe Indian School to provide distance language education from elders at the pueblo; provides summer programs for students, including science and mathematics; encourages lifelong adult learning; and works to build a tribal archive.

Stacy Calen discussed the Acoma Learning Center. She noted that it is currently housed in a triple-wide temporary housing unit. She said that adults often visit the library seeking cultural education materials, adding that there are often lines for computer use, as many students do not have computers at home and need to go to library to do their school work.

There was broad discussion regarding the need for additional funding for all of the tribal libraries and various methods for procuring money, including capital outlay funding.

Report on Nurse Expansion Funding and the Nursing Task Force

Ricky Serna, deputy secretary, Workforce Solutions Department, discussed the Governor's Nursing Task Force, explaining that Governor Michelle Lujan Grisham directed the department to convene a task force of interested parties to provide recommendations on how to address the current shortage of qualified nurses in New Mexico. He said that the task force met on August 6, 2019, and he described the task force membership and process and discussed its findings, including statistics on the actual number of nurses and needs locally, statewide and nationally.

Mr. Serna reported that the task force reached a number of conclusions, including that wages are not a problem; finding qualified teachers is difficult because nursing salaries are higher than teachers' salaries; finding qualified students to enter college programs is difficult because of the challenging academic requirements; there is a particularly large need for speciality nurses; small facilities are more difficult to staff because nurses must provide a broader range of services; clinical training is difficult to obtain because there are not enough facilities; and there is a high burnout rate in the profession because of long hours and high pressure. He noted that suggested solutions include collaborating with other states that have found successful solutions; creating a statewide facilitator to coordinate academic and professional efforts and resources; and starting and expanding licensed practical nurse training programs.

Committee members engaged in a discussion of related issues, including the use of contract nurses versus employees and the shortage of clinical training sites. Mr. Serna explained that there is significant competition among schools for clinical sites and that, typically, the student and school share the cost of supervising the student at the site. There was brief discussion regarding online training and common recognition that online training could not resolve the need for "real world" experience. There was general consensus that the lack of clinical training sites and limited number of qualified instructors pose significant obstacles to solving the problem.

Wednesday, September 11 — Navajo Technical University (NTU), Crownpoint

Welcome and Status Update from NTU and the Crownpoint Chapter

Rita M. Capitan, president, Crownpoint Chapter, and Dr. Elmer Guy, president, NTU, welcomed the committee. President Capitan discussed Crownpoint's history and future plans, including plans to restore a historic hotel, add a large retail store and construct a laundromat. She said that the actual residential population is less than 3,000 but swells to approximately 7,000 during the day due to work and student commuters from Gallup and other locations in the region.

Dr. Guy described the activities and plans of the university. He noted that NTU is the largest tribal university in the United States, adding that the university plans to increase its student capacity and expand the number of degrees offered. Dr. Guy said that the current core curriculum includes science, technology and mathematics. He said that the university is accredited by the Accreditation Board for Engineering and Technology (ABET) and explained

that ABET accreditation is critical for engineering, as most major corporations will not hire graduates from unaccredited institutions.

Dr. Guy described a number of other programs and plans, noting that NTU has strong programming in health and vocational studies. He said that the university is asking for funding for a nursing program and hopes to develop curriculum for K-12 schools that includes instruction in Navajo language and culture. He said that NTU has a business incubator in Church Rock; offers a master's degree in Navajo culture and leadership; engages in original research; and is adding laboratory facilities, including facilities for metallurgy. With respect to the metallurgy facilities, he stated that NTU has partnered with Boeing to test aircraft parts.

In response to questions, Dr. Guy noted that the current number of students is approximately 1,650 but enrollment reached a peak of 1,800, which strained resources. He said that residential housing is full, but the university plans to add an additional residential facility. He said that the school is also planning to add online courses. Dr. Guy further explained that the Navajo Nation has created a corporation to contract with Boeing for testing services and that NTU is providing training to prepare the workforce.

Dr. Guy discussed capital outlay funds and uses. He noted that the university has expanded its security and lighting on the campus, is expanding its animal science program, has improved internet service and is building an academic resources building.

Dr. Guy also noted that NTU is exploring opportunities related to uranium remediation efforts in the region. He said that he hopes the university will provide training that will qualify students for the high-paying jobs that will be available in these operations.

Committee members asked numerous questions regarding health care professions. Dr. Guy noted that NTU offers a certificate in pre-nursing, training in counseling and substance abuse treatment and pre-med biology with a veterinary science option, and he added that the university is looking at offering orthodontics and dental training. He said that the university is also working with the University of Arizona to develop a master's degree program in nursing, working with Xavier University to develop other health care programs and exploring transfer opportunities to enable students to attend Harvard University.

Dr. Guy said that most NTU students are from New Mexico, but students come from all over the nation and from other countries. He said that tuition is low at \$72.00 per credit hour. NTU is now authorized to accept lottery tuition scholarships, he said, but he does not believe that any current students are using the lottery scholarship program at this time.

Dr. Guy said that NTU is also working to develop a bachelor's degree program in animal sciences and is working with the Navajo Nation to establish an animal laboratory. He noted that while it is unclear precisely what the program will focus on, the university currently has two

veterinarians on staff for teaching and for treating animals, has a good veterinary clinic and has a veterinary technology program accredited by the American Veterinary Medical Association.

In response to questions about how the university can assist in providing resources to address the *Yazzie/Martinez* decision, Dr. Guy stated that approximately 15 students graduate each year with bachelor's degrees in early childhood multicultural education. He added that the students all receive training in Navajo language and culture and that the university is also willing to offer K-12 teachers training in Navajo language and culture as well as technical skills.

Update from State Land Office

Rachel Lorenzo, assistant commissioner of engagement and tribal liaison, State Land Office, discussed the office's tribal liaison efforts and described her responsibilities. She noted that the tribal liaison position is new and that the commissioner of public lands is working hard to establish government-to-government relationships with each of the tribes. She discussed the commissioner's efforts to engage the public regarding state trust lands and to work with universities, including New Mexico State University in its elk studies. She discussed trust beneficiaries and how they use revenues from the Land Grant Permanent Fund, and she noted that her office is working hard to add internship opportunities.

Ms. Lorenzo noted that the commissioner of public lands convened a working group to examine issues related to Chaco Culture National Historical Park, adding that the working group included tribal leaders and discussed a broad range of issues, including how to repatriate tribal lands. She said that the commissioner is reviewing the buffer zone around Chaco and has issued an executive order halting oil and gas leasing in the zone. She added that her office is also working on a cultural properties rule; doing outreach with the tribes regarding land use; working with the All Pueblo Council of Governors to expand cooperation and communication; and working with advisory groups, including the Chaco working group, an oil and gas group and a recreation group looking at hunting access and agriculture.

Ms. Lorenzo and committee members discussed updates to the State Land Office website to improve maps and electronic permits to allow access to trust land, the importance of cultural properties, land exchanges and cultural property buffer zones.

Update from the 24th Navajo Nation Council

The presentation was canceled due to a scheduling conflict.

Adjournment

There being no further business before the committee, the committee adjourned at 11:30 a.m.