

**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.