

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

**September 6, 2017
Akela Flats**

**September 7-8, 2017
American Indian Student Center
New Mexico State University
Las Cruces**

The fourth meeting of the Indian Affairs Committee (IAC) was called to order as a subcommittee by Senator John Pinto, co-chair, on September 6, 2017 at 10:14 a.m. at Akela Flats.

Present

Rep. Georgene Louis, Co-Chair
Sen. John Pinto, Co-Chair (9/6, 9/8)
Rep. Sharon Clahchischilliage
Sen. Richard C. Martinez
Rep. Debbie A. Rodella (9/6)
Sen. Nancy Rodriguez (9/8)
Sen. William E. Sharer
Sen. Benny Shendo, Jr. (9/7, 9/8)
Sen. William P. Soules

Advisory Members

Rep. Eliseo Lee Alcon
Sen. Cisco McSorley (9/6)
Rep. Patricia Roybal Caballero (9/8)

Absent

Rep. Zachary J. Cook
Rep. D. Wonda Johnson
Rep. Derrick J. Lente
Sen. Mark Moores
Sen. Cliff R. Pirtle
Rep. Nick L. Salazar
Rep. James E. Smith

Sen. Carlos R. Cisneros
Rep. Harry Garcia
Rep. Stephanie Garcia Richard
Sen. Stuart Ingle
Rep. Patricia A. Lundstrom
Rep. Sarah Maestas Barnes
Sen. George K. Munoz
Rep. Angelica Rubio
Rep. Patricio Ruiloba
Sen. Clemente Sanchez
Rep. Debra M. Sariñana
Rep. Elizabeth "Liz" Thomson

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

Staff

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)
Diego Jimenez, Research Assistant, LCS
Maria Alaena Romero, Intern, LCS

Guests

The guest list is in the meeting file.

Handouts

All handouts and other written testimony are in the meeting file.

Wednesday, September 6 — Akela Flats**Welcome and Status Update**

Senator Pinto asked committee, staff and audience members to introduce themselves. Lori Gooday Ware, vice chair, Fort Sill Apache Tribe, introduced herself and thanked the committee for visiting. Ms. Gooday Ware introduced Leland Michael Darrow, secretary-treasurer and tribal historian, Fort Sill Apache Tribe, and Robert Prince, general counsel for the tribe. Ms. Gooday Ware said she is the great-granddaughter of Mangas Coloradas. She began working for her tribe at age 17 and attributes her success to getting positive reinforcement during her education while on her quest to become a tribal leader.

Mr. Darrow performed an Apache song and discussed the significance of the song. The lyrics, which are a common saying in Apache, translate to "where you go, I will come". Mr. Darrow reported the song to be approximately 150 years old. He noted that while the Apache are commonly regarded as a more violent tribe, Apaches regard themselves as peaceful people who only fight when necessary. He gave a thorough lesson on Apache history, including:

- that human remains were recently found with common Apache characteristics. The discovery has led historians to think that the Apache people have occupied the area since at least the date attributed to the remains;
- Apache connections to the Mogollon, Casas Grandes and other tribes;
- the Spanish Colonial era, enslavement, Christianity and trade routes and an agreement with the Apache people to convert to a non-nomadic lifestyle;
- the Mexican era and another failed attempt to convert Apaches to a non-nomadic life;
- the early American era and establishment of the United States-Mexico border;
- the first and only ratified treaty between the Apache, represented by Mangas Coloradas, and the United States. The treaty did not transfer land ownership, but it allowed non-natives to peaceably cross tribal land;
- issues that followed the treaty between the Apaches and the United States, including American soldiers and military companies building farms, ranches and mines and the Apaches' inability to access fair adjudication;
- the American concept of land ownership;

- reservations, transfers, Apache separation and scalping;
- nineteenth century military negotiations with the Apache to provide protection and transfer reservations; the grave danger of leaving reservation land; Apache prisoners of war; and Apache deception and distrust of the U.S. government;
- the Carlisle Indian Industrial School;
- settling at Fort Sill in 1894; and
- the death of Geronimo, the progressive release of captive natives, Apache migration to Mescalero and the reduction of available land due to growing settlements.

Mr. Darrow and the committee discussed tribal concepts of band and clan, tribal identification and the Athabaskan language groups. Mr. Darrow discussed Apache origin theories and similarities in native languages from South America to Canada and Alaska. The committee discussed Fort Sill's relation to Western, Chiricahua, Lipan, Jicarilla and Mescalero Apache tribes. He also discussed a theory that closely relates the Apache and Navajo tribes.

Ms. Gooday Ware discussed the Fort Sill Apache efforts to obtain official tribal status and noted that, in 2002, the tribe applied for that status based on the reasoning in *The Comanche Nation v. United States*, 393 F. Supp. 2d 1196 (2005), and was granted tribal status. Fort Sill sued in the New Mexico Supreme Court to have that status recognized by the state.

Ms. Gooday Ware said that the tribe currently has 50 members living in the state. She said the tribe provides about 40 jobs in New Mexico through Fort Sill Apache Industries and the restaurant/smoke shop. The tribe works with the U.S. Department of Defense, U.S. Department of Labor, U.S. Navy and U.S. Army. It is focusing on expanding and returning in full to its homelands and anticipates providing 300 jobs in a low-employment region.

Mr. Prince said the tribe's industrial establishment authority is working on expanding to 350 employees at the tribe's casino in Lawton, Oklahoma. The tribe employs another 300 people through its industries. It has moved the headquarters of Fort Sill Apache Industries to Albuquerque and hopes to expand further.

Update on Small Lending Industry and Regulation

Steve Fischmann, co-chair, New Mexico Fair Lending Coalition, commended the legislature for its work on passing House Bill (HB) 347 (2017), which goes into effect on January 1, 2018. He noted that the bill cleaned up a number of issues in the law and that he would have personally liked to see a lower interest rate cap. Since the bill does not go into effect for several more months, the effects of the bill are still unknown.

Mr. Fischmann explained a few major impacts that are expected to occur once the 175% annual percentage rate (APR) cap is adopted. Currently, the average small loan has a 340% APR. Come January, borrowers statewide will save \$220 million annually. He said that the law leaves a lot of flexibility for loans and allows people in the finance industry to be creative. A

grant has been given to Prosperity Works, an advocacy organization, to follow up with monitoring the impacts of the law and compliance.

Mr. Fischmann discussed employee loans that are focused at 24% and for which all of the risk is taken by the vendor. He said that employee loan programs have a great history around the country and informed the committee that, nationwide, there are 1,400 private firms that offer employee loans as a benefit. He has been trying to encourage public entities in New Mexico to participate. New Mexico public employers that are participating and their approximate participation rates are:

- Dona Ana County, 22%;
- Town of Bernalillo, 15%;
- Santa Fe Public School District, 20 employees (just starting out); and
- Youth Development, Inc., rate unknown.

Mr. Fischmann reported that approximately another 10 New Mexico public entities are preparing to participate in employee loan programs, including the City of Las Cruces and Bernalillo County. He noted that Albuquerque has issued a request for proposals for similar services. Looking at data for 200 employee loans, the average loan is for about \$1,500. Mr. Fischmann believes this to be a good employee retention tool as an added benefit.

Mr. Fischmann said that while the federal Consumer Financial Protection Bureau is working on new loan regulations, the regulations will apply to loans of 45 days or fewer. The new federal regulations will not affect existing New Mexico law because HB 347 requires small loans to be repaid in at least four payments over 120 days.

In response to a question, Mr. Fischmann explained that approximately \$100,000 was targeted by HB 347 for assisting New Mexicans with financial literacy and that those efforts will be coordinated by the Financial Institutions Division of the Regulation and Licensing Department. He also expressed that education provided closer to the actual financial transaction has a greater effect than earlier education. The committee discussed external influences and the relative success of financial literacy programs and credit reporting. The committee requested that Mr. Fischmann and industry representatives appear before the committee before the end of the interim with information on compliance initiatives and plans.

In response to a question, Mr. Fischmann explained that, nationwide, employee loan programs have had a default rate of 2% over the last three years. Loans with interest rates under 175% tend to operate with a 10% to 12% default rate. Loans with interest above 175% tend to operate at around 25% to 40% default depending on loan restructuring. Financing for some of the 24% public employee loans is provided by local credit unions. Mr. Fischmann said that earnings for credit unions will be more than earnings from other lending businesses if the default rates hold.

Mr. Fischmann reported that he has spoken with Steve Kopelman, executive director for the New Mexico Association of Counties, about the positive experience with employer loans in Dona Ana County and hopes to see Bernalillo County participating soon. He explained that most entities are being very cautious and want to see results before adopting the benefit for their own employees. He said that the Las Cruces Public School District appears to be waiting to see how the program at the Santa Fe Public School District works out, and he anticipates the district to be the next to join.

Tour of Apache Petroglyphs

The committee went on a tour of the Apache petroglyphs.

Recess

The committee recessed at 3:00 p.m.

Thursday, September 7 — New Mexico State University (NMSU)

Reconvene

Representative Louis reconvened the meeting at 10:07 a.m., inviting committee, staff and audience members to introduce themselves.

Welcome and Status Update

Dr. Dan Howard, executive vice president and provost, NMSU, welcomed the committee to the campus. Dr. Howard discussed the actions taken by the university to improve student retention. Seeing a six-year graduation rate for students with a high school grade point average (GPA) of 2.75 at just 18%, the university decided to leverage the community college system. The university also identified struggling students and put them into smaller classes using a cohort-based model, where students have peers to help them reach better outcomes. The school created the Aggie Pathway to the Baccalaureate Program, where students spend their first two years on community college campuses, including Dona Ana Community College, NMSU Grants, NMSU Alamogordo and NMSU Carlsbad. The university raised its admission standards to a GPA of 2.75 and encouraged those with lower GPAs to consider the Aggie Pathway to the Baccalaureate Program. The program began with 680 students and has grown to 750 students this school year. Dr. Howard reported that the university is pleased with the retention and the program.

For the fall 2015 semester, the university moved to a linear tuition. Prior to switching to this system, students paid per credit for up to 12 credit hours, and all additional credits were free. Beginning with the fall 2015 semester, students were asked to pay for up to 15 credit hours. The result of this was to reduce the costs of credit hours, and part-time students are no longer subsidizing the full-time students. The price per hour has decreased to \$50.00 from \$190. Also beginning in the fall 2015 semester, all 100 and 200 level classes reported students' grades, as the administration realized a need for early warnings for students. The professors now report grades at week six of each semester. The fall 2015 semester also saw the creation of the Student

Success Navigators Program to provide assistance to first-year students. First-year students are now required to live on campus, and that, too, has had a positive impact.

Dr. Howard said that one-third of the students going to NMSU find themselves in developmental math and often find themselves a year or two behind where they thought their math skills were. NMSU created "emporium" courses, which are computer-based and grant college credits toward a degree. The program pushes students to build skills quickly for college-level math courses.

Dr. Howard informed the committee that NMSU uses predictive analytics and closely follows student data on a variety of topics. The system allows advisors to red-flag students who are not showing up to class or who fail for an inordinate period of time to log in to a class website, so the advisor can identify and contact the student. Dr. Howard said that the first contact is usually the key to students reorienting themselves onto a proper track.

Dr. Howard discussed the Center for Academic Advising and Student Support Center. Prior to the summer 2017 semester, the school used departmental advisors, but there was little crossover information, which proved unsatisfactory. Now, NMSU has centralized the advisors, and every student at NMSU knows where to go for help.

In response to a question, Dr. Howard discussed NMSU's eight meta majors and how the school recommends that undecided students focus their education on credit hours that count toward a degree. In response to a question from the committee, Dr. Howard said the school is collecting data to compare Native American and non-Native American student performance.

Michael Ray, director, American Indian Program, informed the committee that 4%, or 658 of the 14,000 students at NMSU, self-identify as American Indian. Of those, 553 are undergraduate students and the other 103 are graduate students. Mr. Ray said that Native American students take a wide variety of classes and declare a variety of majors at NMSU.

Mr. Ray discussed the challenges facing American Indian students and how he works to build a sense of belonging at the campus. He told the committee that Native American students tend to travel more than their peers for special events in their home communities. NMSU has established a peer mentoring program to help new students acclimate to college life and to navigate financial aid. To address the various challenges of college life, peers also assist in academic advising, professionalism, leadership development and collaboration with the university's Indian Resource Development Program (IRDP) and its three affiliated student organizations: the American Indian Science and Engineering Society, the Native American Business Students Association and the United Native American Organization.

Mr. Ray discussed the American Indian Student Center, its amenities and the effort to build a community for students away from home. The center can be used to host prospective

high school students and provide space for student organization meetings. Mr. Ray thanked the committee for capital outlay funding provided by the legislature for building improvements.

In response to a question, Mr. Ray discussed student funding sources. He reported that many Native American students use tribal funds and resources and other Indian-aimed resources at the school. The committee briefly discussed the history of Native American public education. Dr. Howard discussed a Brookings Institution study that analyzed public higher education institutions for social and economic mobility. He also reported that NMSU is number two in the nation for accessibility. NMSU is currently ranked fifteenth in the nation for student social mobility, with students moving from the bottom of the income scale to the top in just 10 years.

Mr. Ray had several Native American students introduce themselves to the committee and asked them to tell their stories: Matthew Calistiva from the Pueblo of Zuni; Delta Hagen, Sr., and Jasmine Pequin of the Navajo Nation; Ray Manuelito and Marco Magdalena of the Pueblo of Jemez; and Raylene Yazzie, president of the Native American Business Association and a member of the Navajo Nation.

IRDP

Jeanelle Chavez, program specialist, IRDP-NMSU, reported that the IRDP was created with funding from the W.K. Kellogg Foundation and became a statutory requirement in 1978. The IRDP's mission is to help students graduate and become professional business people, with a focus on agriculture and field management, in the aid of New Mexico communities. The IRDP provides scholarships to Native American students.

Ms. Chavez briefly discussed some of the IRDP's work, including the Late Lunch Speaker Series, which allows students to network with distinguished tribal leaders. She also discussed the IRDP's DreamKeepers Program for high school students to learn about strategies for success in college.

In response to a question from the committee, Ms. Chavez discussed funding for the IRDP. The most recent funding cycle was \$20,000 less than in the previous year. The program is funded as a research project under NMSU's line items in the annual general appropriation act.

Update on Water Purification Technology and Implementation on the Navajo Nation

Dr. Antonio S. Lara, associate professor, Department of Chemistry and Biochemistry, NMSU, reported to the committee that he and a number of students, including co-presenters Moticha Yellowman and Jeremy Jones, have been working on clean drinking water technology that can be used in a home rather than in a centralized location.

Their research has found that clay is the best candidate to dispose of heavy metals in water. Dr. Lara reported that he had success in cleaning water with a 300 parts-per-billion to 500 parts-per-billion particulate count to a safe drinking level. He also believes the technology can be improved to remove bacteria. Dr. Lara reported that he personally drank the water and did not

yet get sick, but the team is unable to get the proper permissions to do further testing on human subjects.

Dr. Lara discussed the history of the research and how they obtained the idea to use porous pellets to successfully and quickly sanitize water. He explained that all clays are able to remove uranium from water, but they study differences in clays to identify varieties that cleanse water more quickly.

The committee discussed other impurity-removing technologies and noted that there may no longer be a need to vitrify waste. Additionally, pellets are more space-efficient than storing tons of contaminated glass, but Dr. Lara has thus far been unable to work with the U.S. Environmental Protection Agency to store dirty pellets.

In response to a question, Ms. Yellowman explained that on the Navajo Nation, water conditions are quite dire due to the high exposure to uranium. Mr. Jones said he is primarily interested in participating in research aimed at assisting the people of New Mexico.

Water Resources Research Institute

Dr. Alexander "Sam" Fernald, professor of watershed management and interim director for the Water Resources Research Institute, said that the institute was created by, Section 21-8-40 NMSA 1978. Last year, the institute hosted five conferences, including its annual water conference and one that focused on the Gold King Mine spill. The institute's purpose is to provide technical expertise in cooperating with state and local institutions. He discussed its origination as an initiative by Governor Susana Martinez, who several years later vetoed the institute's funding because of economic distress.

Dr. Fernald highlighted the interactive visualization tool on the institute's website. The tool has 95 million data points, and it projects into the future based on water history. He discussed a need to do better tracking of evapotranspiration, noting that other models do not work in the New Mexico environment.

Dr. Fernald discussed changes to Mesilla Basin ground water storage. He noted that after the 1950s, data increased substantially, allowing quality estimates for storage, wet years and aquifer refill. Since 2003, the state has been using more water than is being recharged. Lastly, Dr. Fernald recommend that members of the committee and the public go to the institute's website to test its water budgeting tools.

In response to a question, Dr. Fernald further explained that one of the major contributors to the running deficit of the water budget is largely due to high discharge in the atmosphere. He also informed the committee that the San Juan River represents 60% of the total river flow in the state, making its river flow bigger than the Rio Grande and Pecos River combined. Dr. Fernald also discussed the importance of funding these types of projects to get a more accurate picture of

what lies ahead. He explained that proper forest management could create water, and though it is unclear to whom that water belongs, ultimately, the water flows downstream.

Tribal Extension Program

Jon Boren, director, Cooperative Extension Service (CES), NMSU, gave an overview of the extension service and introduced his co-presenters, Kathy Landers, tribal extension coordinator, and Edmund Gomez, Rural Agricultural Improvement and Public Affairs Project. The CES is a community education arm of the university and is a unique federal, county and state partnership that has been constitutionally mandated in New Mexico since 1915. The CES has 348 permanent faculty and staff, including educators and state specialists. CES faculty are housed in offices in all 33 counties in New Mexico and are able to reach more than 650,000 New Mexicans, or about one-third of the state's population. He discussed some of the best-known CES programs, including 4-H.

Mr. Boren discussed the CES's statewide impact and outreach, including how thousands of people access agricultural information and share information on energy, water, farms and many other topics; the CES's assistance in creating 65 farmers' markets in New Mexico; its front-line response to emergencies; economic development; better nutrition; cooking; and chronic disease management classes.

Ms. Landers said the mission of the New Mexico Tribal Extension Program is to develop and deliver community-based education programs to revitalize agriculture. The program provides educational programs that incorporate tribal cultures and languages. The program includes agriculture and natural resource management, youth education, community resource economic and leadership development and strengthening families through education in health, nutrition and family resources management. Programs in Shiprock include a diabetic cooking school and canning classes, and Crownpoint programs include traditional weaving.

Mr. Gomez discussed the CES's Rural Agricultural Improvement and Public Affairs Project. The project's mission is to accelerate extension education and sustainable agriculture research in northern New Mexico through small business development, leadership and organizational development; value-added agriculture; and sustainable agriculture. Mr. Gomez mentioned workshops focused on beef cattle pregnancy testing, beef quality assurance, sheep health and wool marketing, cattle herd health, forage variety demonstrations and production, hoop house construction and production, recordkeeping and one-on-one farm and ranch visits.

In response to a question, Mr. Gomez explained that the CES has not yet hosted an educational program on taxes and explained that it is difficult to find participants due to a hesitance to trust the government. This hesitance creates great potential for negative results, he said. Following a recent agricultural disaster in the Clovis area, farmers who had verifiable records were able to recoup losses from the government, while others did not. Responding to a question, Mr. Gomez said that the U.S. Department of Agriculture's definition of "producer" is one who produces agricultural products that are worth \$1,000 or more a year. He also discussed

the difficulties in getting youth to understand that farming is about deeper cultural philosophies than just growing plants.

Public Comment

Erica Luna, United States Forest Service (USFS), informed the committee that the USFS welcomes any opportunity to appear before the IAC and informed the committee of the USFS's restoration work and its partnerships with different tribes across the state.

Blaine Sanchez, representing the public at large, said that tribal water issues are important and that they deserve more publicity than they receive.

Recess

The committee recessed at 3:55 p.m.

Friday, September 8 — NMSU

Reconvene

Representative Louis reconvened the meeting at 10:07 a.m., inviting committee, staff and audience members to introduce themselves.

Indian Affairs Department (IAD) Report on the State-Tribal Collaboration Act and the Annual Summit

Suzette Shiye, secretary-designate, IAD, gave an overview of the State-Tribal Collaboration Act and the annual summit. The themes chosen for the 2017 summit were water rights, education, economic development and health, with an emphasis on new opportunities for collaboration.

David Mann, general counsel, IAD, discussed the 2017 summit report, including collaboration with cabinet secretaries and tribal leaders with the intention of having all New Mexico tribes participate to achieve greater input in identifying and achieving goals. He said post-summit meetings were scheduled and tribal input was sought on issues, but tribal participation has waned.

Mr. Mann discussed new areas identified for collaboration this fiscal year, including collaboration for successful transportation projects, veterans services, behavioral health services in Indian country and agriculture as a Native American resource. During the summit, cabinet secretaries from various departments gave presentations with tribal leaders and identified ways to collaborate. He said that all 23 nations and pueblos were invited to collaborate with the cabinet secretaries, with a focus on transportation, agriculture and health, and they established goals on summit discussions and how to implement items. He believes that by the next summit, concrete progress will be made.

Secretary-Designate Shije noted that her participation in the most recent summit was minimal because she was not yet secretary, but she said she has noticed that needs are not being met, and she intends to challenge the IAD to assist in any way it can. She told the committee that she is passionate about working for Native Americans and the department she represents.

The committee discussed the Veterans' Services Department's transportation summit, the Pueblo of Santa Clara's recent natural disaster and mobile health outreach and telehealth centers. In response to a question about urging tribal communities to promote agriculture, Secretary-Designate Shije noted that each tribe and pueblo has a unique culture, and she stated that it is not her position to comment on efforts to encourage youth to farm and ranch.

Committee members discussed difficulties that the IAD has had in identifying who should attend the tribal leader summit. A member of the committee explained that according to Navajo Nation law, the Navajo Nation president functions like a chief executive officer to fulfill mandates of the Navajo Nation Council. Explained another way, the person representing the council should be the Navajo Nation speaker if there is to be a true government-to-government relationship. Secretary-Designate Shije thanked the committee for that background and stated that she was unaware of that particular arrangement as she is relatively new to the position. She also discussed that there is skepticism about the role of state government or the IAD to dictate to the Navajo Nation who will attend the summit. Another member of the committee said that it is not the secretary's job to figure out whom to send and that sending a letter to the president should suffice and the Navajo Nation can make that decision internally.

The committee suggested that the IAD do a better job of changing its approach and mindset in working with the numerous independent and unique nations. The committee discussed a need for more cooperation among all entities on a daily basis to better serve the people of New Mexico.

Edward Paul Torres, chair, All Pueblo Council of Governors (APCG), gave an overview of the State-Tribal Collaboration Act, noting that it is a codification of a previous state rule. Mr. Torres discussed the five main components of the act and the current state of the act and made recommendations to engage the legislative leadership by inviting them to:

- attend the summit;
- highlight partnerships between the state and the tribes in economic development, tax agreements and job creation;
- establish a permanent steering committee; and
- ensure that there is ample time for dialogue between tribes and state agencies.

Mr. Torres said that this year's summit missed an opportunity to discuss the budget difficulties for the state and the lack of capital outlay funding. He told the committee that participants feel the summit has transformed from an open conversation into a showcase of what the administration is doing in Indian country.

Committee members discussed the complaints they hear in regard to the summit and the importance of having all parties consult on potential changes to the State-Tribal Collaboration Act. The committee requested that IAC staff work with the APCG chair and the IAD to draft legislation for endorsement at the end of the interim.

Pete Ken Atcitty, chief of staff for Navajo Nation Speaker LoRenzo Bates, read a statement to the committee from Speaker Bates on the Navajo Nation, its government structure, the State-Tribal Collaboration Act, the summit, tribal infrastructure and other issues regarding the Navajo Nation. Mr. Atcitty assured the committee that the day's discussion would be conveyed to the speaker and the appropriate delegates.

Matejka Santillanes, registered lobbyist for the Navajo Nation, told the committee that changes within the Navajo Nation government have provided for substantial improvements to its capital outlay process and that 99 projects were closed last year.

Report on Tribal Infrastructure

J. Michael Chavarria, governor, Pueblo of Santa Clara, highlighted the need for strategies and plans to share resources, especially those related to health care. He then provided an update on the Pueblo of Santa Clara, the new Tribal Infrastructure Fund (TIF) guidelines and legislative impacts to the funds.

In regard to the TIF, he discussed the capital outlay bill that took \$2 million from the TIF to make a payment toward the Abeyta water rights settlement. Governor Chavarria said that the action further diminishes the state's investment in tribal communities that have tremendous needs. He questioned whether redirecting the TIF money was a one-time action or if tribes should expect further attempts to use funds set aside for the TIF for other statewide projects.

Governor Chavarria discussed changes to the TIF guidelines, including updating definitions, eliminating categories, eligibility, terms and conditions and changing the application scoring metric. He said that the Pueblo of Santa Clara finds it very important to address concerns over funds that are meant to assist in meeting tribes' basic needs. He told the committee that the time to process intergovernmental agreements (IGAs) has negatively affected performance. It has taken too long to fully execute the IGAs, which has resulted in tribes needing unnecessary extensions. He requested that the performance period not begin until an IGA is fully executed by both parties. He also expressed discontent with the current process, which requires tribes to use tribal funds and only after that seek reimbursement, noting that it puts a strain on tribal finances.

Raymond J. Concho, Jr., first lieutenant governor, Pueblo of Acoma, told the committee that many state and federal agencies require cost-sharing for crucial projects on sanitation, water and wastewater systems. He requested that funding be restored to previous levels and discussed projects that are construction-ready.

First Lieutenant Governor Concho commented on the State-Tribal Collaboration Act, noting that when tribes meet with federal entities on issues, they use a different format that is more formal. He suggested that the format could and should be replicated for the State-Tribal Collaboration Act summits.

Mr. Atcitty discussed Navajo Nation capital outlay and TIF projects and said that the Navajo Nation's hope is that funding for the TIF will continue at least at the current level, acknowledging the significant impact that has on the Navajo Nation's budget.

The committee discussed a need to look at other ways to obtain funding because projects are much larger than the current capital outlay process can manage. A member expressed agreement that moving money from the TIF is a bad precedent.

First Lieutenant Governor Concho told the committee that a significant amount of money for the Pueblo of Acoma alone is tied up in the TIF process. He also said that partnering to bring resources will yield better economic development.

Lawrence John, TIF coordinator, IAD, informed the committee that he started his job less than one year ago and is familiar with tribal issues and ways of life. He discussed the Tribal Infrastructure Act and efforts to ensure adequate financial resources for infrastructure development.

Mr. Mann said changes to the TIF process are a product of a committee established by the Tribal Infrastructure Board. He discussed changes to the definition of "project", saying that the definition has been broadened to mean any effort toward project completion. Changes to leveraging have also been made less stringent by allowing in-kind support to be considered. There is a 15% cap, or about \$780,000 of TIF money, per project, and no single tribe can get more than 50% of funds for any given fiscal year. He told the committee that changing TIF rules abides by the same rule changing policies.

Mr. Mann said that changes to the TIF scoring system have also been made, noting that critical need is now a more important criterion. Mr. Mann said that the Tribal Infrastructure Board's Project Review Committee seeks a detailed narrative for the problem and how to solve it, leading to fewer arbitrary decisions. The new process also shows failed grant applicants how their applications could improve.

Mr. John discussed the Project Review Committee's emphasis on investing in particular needs. He told the IAC that Indian tribes and nations have made requests for on-time payments. Requesters of top-ranking proposals are invited to make short presentations to the Tribal Infrastructure Board. Based on those, the board determines awards. This year's allocation is \$5.4 million to nine tribes that came before the board. The board may terminate a project if there has not been any activity.

Mr. John discussed TIF successes in the Pueblo of Zuni's new Wellness Center, the pueblo's Teen Health Center and a Taos water and sewer expansion project.

Update on Burrell College of Osteopathic Medicine (BCOM)

Justin McHorse, chief of staff and assistant dean for multicultural inclusion, BCOM, said that BCOM is located in Las Cruces. Mr. McHorse described BCOM as a culturally rich and diverse campus and medical school.

Mr. McHorse said that there are a total of 23 federally recognized Native American nations, pueblos and tribes located in New Mexico and that the Pueblo of Ysleta del Sur is nearby in El Paso, Texas. Students from these communities are granted the opportunity to use the Burrell Expedited Admission Review (BEAR) Pathway, a direct application program to encourage students from the southwestern United States and all Native American, Alaskan native and tribal nations to apply directly to BCOM for admission. Doing so allows them to bypass the American Association of Colleges of Osteopathic Medicine's application process. The BEAR Pathway is reserved for applicants to BCOM. Applicants cannot have open or pending applications at other medical institutions while using the BEAR Pathway.

Mr. McHorse noted the successes of BCOM's enrolled and future students. The 162 members of BCOM's incoming class of 2021 received their traditional white coats and were officially welcomed into the medical profession by Dr. Antonia Novello, M.D., the fourteenth surgeon general of the United States and the first woman and the first Hispanic to hold that position.

BCOM has a new state-of-the-art building incorporating large and small classrooms, a hybrid gross-virtual anatomy laboratory, osteopathic manipulative medicine (OMM) laboratory, medical library and comprehensive simulation center.

In response to a question, Mr. McHorse explained BCOM's focus on behavioral and mental health, with approved residents and clinical faculty, that addresses psychiatry and other behavioral health needs. In response to a question, Mr. McHorse explained the demographics of the school, which has enrolled a few students from Ohkay Owingeh and a student from the Cherokee Nation.

In response to a question, Mr. McHorse explained that BCOM has a clinical education network, including new residency programs in areas such as family medicine, internal medicine, psychiatry, anesthesiology, urology, surgery, emergency medicine, obstetrics and gynecology, OMM and sports medicine, to name but a few. The school has clinical affiliations with large medical centers in Chihuahua, Mexico, for students desiring elective experience south of the border, including clerkships and residency components. He told the committee that the school is a public-private partnership that maximizes the value of both governance models while minimizing potential disadvantages.

In response to a question, Mr. McHorse described the clinic building as having primary care, pain medicine and depression treatments by physicians that students can observe. BCOM also has specialists in emergency, plastic and neurological surgery.

Adjournment

There being no further business, the committee adjourned at 3:00 p.m.