



NEW MEXICO LEGISLATURE

INDIAN AFFAIRS COMMITTEE

2024 INTERIM FINAL REPORT

LEGISLATIVE COUNCIL SERVICE
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INTERIM SUMMARY

Indian Affairs Committee 2024 Interim Summary

Established in 1989, the Indian Affairs Committee (IAC) addresses issues that impact Native American communities in New Mexico. In addition to meetings held at the State Capitol in Santa Fe, the IAC met with and was hosted by tribal leaders from the Tooh Haltsooi Council of the Naataanii Chapter of the Navajo Nation, Fort Sill Apache Tribe, Pueblo of Zia and Pueblo of Santa Ana. Four topics were established by the committee as areas of focus during the first IAC meeting of 2024 and provided the basis for all subsequent meetings: state-tribal relations, economic development, education and annual reports and updates from executive agencies.

Regarding state-tribal relations and annual updates from executive agencies, the committee heard presentations from a variety of state agencies. The Indian Affairs Department addressed the committee twice, providing information on the current status of the Tribal Infrastructure Fund, capital outlay projects, the State-Tribal Collaboration Act and department priorities. Ongoing lawsuits concerning tribal water rights were addressed by the Office of the State Engineer (OSE); a presentation on uranium mine cleanup was provided by the Department of Environment; and the Workforce Solutions Department presented an update on the Energy Transition Act's impact on tribal communities. The Public Education Department, Higher Education Department (HED), Department of Transportation, Department of Health, New Mexico Alliance of Health Councils and Health Care Authority provided overviews of recent and current projects impacting New Mexico's Native American population.

Economic development projects and plans focused largely on energy development and digital connectivity. Sovereign Energy presented to the IAC on renewable energy opportunities, and both Tribal Ready and the Office of Broadband Access and Expansion addressed ongoing connectivity initiatives. The Navajo Division of Transportation and the Navajo Engineering and Construction Authority discussed current construction projects. A presentation by the Gaming Control Board provided information on gambling revenue and responsible gaming.

The IAC heard numerous presentations on tribal education. Updates were provided on the *Yazzie/Martinez v. State of New Mexico* and *Board of Education of the Zuni Public School District, et al. v. State of New Mexico and the Public School Capital Outlay Council* lawsuits. In addition, Diné College, Santa Fe Indian School, Navajo Technical University, Shiprock Associated Schools, the Institute of American Indian Arts and Navajo Preparatory School all made presentations to the IAC.

The committee voted to endorse two proposed bills to: 1) support county and tribal health councils; and 2) increase the liquor excise tax. Letters supporting specific funding requests were sent to the Legislative Finance Committee and the Revenue Stabilization and Tax Policy Committee for projects for Navajo Preparatory School and Santa Fe Indian School, HED outreach efforts in tribal communities, OSE water rights settlements and the *Yazzie/Martinez* lawsuit.

WORK PLAN AND MEETING SCHEDULE

**2024 APPROVED
WORK PLAN AND MEETING SCHEDULE
for the
INDIAN AFFAIRS COMMITTEE**

Members

Rep. D. Wonda Johnson, Chair
Sen. Shannon D. Pinto, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Anthony Allison
Rep. John Block
Rep. Tara Jaramillo
Rep. Charlotte Little

Sen. Linda M. López
Sen. Cliff R. Pirtle
Sen. Nancy Rodriguez
Rep. Patricia Roybal Caballero
Sen. Joshua A. Sanchez
Sen. Benny Shendo, Jr.
Rep. Martin R. Zamora

Advisory Members

Rep. Gail Chasey
Rep. Harry Garcia
Rep. Derrick J. Lente
Rep. Patricia A. Lundstrom
Sen. Brenda G. McKenna

Sen. Bill B. O'Neill
Sen. Michael Padilla
Sen. William E. Sharer
Sen. William P. Soules
Rep. Elizabeth "Liz" Thomson

Work Plan

The New Mexico Legislative Council created the Indian Affairs Committee (IAC) on March 25, 2024. The IAC addresses issues and policies that affect Native Americans in New Mexico. IAC meetings are essential to the work of the legislature in addressing the issues affecting this segment of its constituency.

The IAC will address the following topics affecting Native Americans during the 2024 interim, including updates that include or address:

A. State-Tribal Relations:

1. presentations from Native American liaisons or similarly tasked individuals from state executive agencies regarding outreach efforts, challenges and successes;
2. a presentation on the transportation of uranium between various chapter houses on the Navajo Nation;
3. funding for tribal capital projects;
4. an update from the Missing and Murdered Indigenous Women and Relatives Task Force and the Office of the Attorney General's missing indigenous persons specialist;
5. an update on tribal gaming, sports betting and alcohol on gaming floors;

6. an update from the Veterans' Services Department and tribal veterans' affairs organizations on veterans' affairs in tribal communities;
7. presentations from the Indian Affairs Department, the Department of Environment and the New Mexico Finance Authority on water infrastructure needs on tribal land;
8. a report from the Department of Transportation, the Navajo Nation Department of Transportation, counties within tribal lands and the federal Bureau of Indian Affairs on tribal roads and construction;
9. an update from the secretary of state and the Native American Voters Alliance on tribal election issues;
10. an update on the federal decision regarding Chaco Canyon;
11. an update from the Children, Youth and Families Department on the Indian Family Protection Act;
12. a presentation on the Indian Resources Development Program;
13. a presentation on the liquor excise tax and tobacco tax and potential uses for those funds;
14. updates on substance use issues, suicide prevention, drug trafficking, youth violence and behavioral health in New Mexico;
15. an update on DWI treatment courts;
16. an update on housing, poverty, food insecurity and employment issues for Native Americans;
17. a presentation on domestic violence shelter funding on tribal lands;
18. updates on fire and flooding concerns on tribal lands;
19. an update on the Navajo Code Talkers Museum;
20. an update on public safety and cross-commissioning of law enforcement officers;
21. an update from Indigenous Women Rising;
22. a presentation from the Office of the Attorney General on the office's work with tribal communities;

23. a presentation from the Aging and Long-Term Services Department concerning services available to Native Americans; and

24. proposed legislation regarding Native American affairs;

B. Economic Development:

1. broadband access on tribal lands;
2. updates from the Economic Development Department, the Indian Affairs Department and the Workforce Solutions Department on the Energy Transition Act;
3. tribal energy development; and
4. status of abandoned, uncapped and converted oil and gas wells;

C. Education:

1. the *Zuni v. State of New Mexico* lawsuit and the state equalization guarantee distribution, impact aid and funding formula;
2. an update on *Yazzie/Martinez v. State of New Mexico* and the state's action plan;
3. preservation of Native American languages and language equity;
4. an update from the New Mexico Athletics Association on students' eligibility to play sports and receive culturally based education;
5. Native American teacher retention and increasing access to Native American teachers;
6. culturally relevant early learning programs; and
7. Bureau of Indian Affairs salary parity and infrastructure concerns; and

D. Annual Reports from Executive Agencies:

1. reports from the Office of the State Engineer and the Interstate Stream Commission regarding:
 - a. *Aamodt* settlement obligations and effects on federal funding;

- b. the status of proposed Indian water rights settlements requiring state financing;
 - c. the distribution of funds from the Indian Water Rights Settlement Fund to implement approved settlements and the proposed timing of the distributions;
 - d. recommendations on the level of funding for the Indian Water Rights Settlement Fund necessary to timely implement Indian water rights; and
 - e. water line updates;
2. a report from the Indian Affairs Department regarding:
- a. the compiled reports from all state agencies on activities pursuant to the State-Tribal Collaboration Act, including information on policies, plans, contact individuals, training, programs and services from each agency; and
 - b. the department's priorities and initiatives, as well as updates on current issues that tribal communities are facing; and
3. a report from the Tribal Infrastructure Board regarding the total expenditures from the Tribal Infrastructure Project Fund for the previous fiscal year, the purposes for which expenditures were made, an analysis of the progress of the projects funded and proposals for legislative action in the subsequent legislative session.

**Indian Affairs Committee
2024 Approved Meeting Schedule**

<u>Date</u>	<u>Location</u>
May 30	Santa Fe
July 31-August 2	Crownpoint/Gallup
September 4-6	Akela Flats/Las Cruces
October 2-4	Pueblo of Santa Ana/Pueblo of Zia
October 30-November 1	Santa Fe

AGENDAS AND MINUTES

**TENTATIVE AGENDA
for the
FIRST MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**May 30, 2024
State Capitol, Room 322
Santa Fe**

Thursday, May 30

- 10:00 a.m. **Call to Order and Introductions**
—Representative D. Wonda Johnson, Chair, Indian Affairs Committee
—Senator Shannon D. Pinto, Vice Chair, Indian Affairs Committee
- 10:15 a.m. (1) **[Discussion of Focus Areas, Work Plan and Meeting Schedule](#)**
—Nicole Waguespack, Researcher, Legislative Council Service
- 11:30 a.m. **Adjourn**

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

**May 30, 2024
State Capitol, Room 322
Santa Fe**

The first meeting of the Indian Affairs Committee was called to order by Representative D. Wonda Johnson, chair, on May 30, 2024 at 10:22 a.m. in Room 322 of the State Capitol in Santa Fe.

Present

Rep. D. Wonda Johnson, Chair
Sen. Shannon D. Pinto, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Anthony Allison
Rep. Tara Jaramillo
Rep. Charlotte Little
Sen. Linda M. López
Sen. Nancy Rodriguez
Rep. Patricia Roybal Caballero
Sen. Benny Shendo, Jr.
Rep. Martin R. Zamora

Absent

Rep. John Block
Sen. Cliff R. Pirtle
Sen. Joshua A. Sanchez

Advisory Members

Sen. William P. Soules
Rep. Elizabeth "Liz" Thomson

Rep. Gail Chasey
Rep. Harry Garcia
Rep. Derrick J. Lente
Rep. Patricia A. Lundstrom
Sen. Brenda G. McKenna
Sen. Bill B. O'Neill
Sen. Michael Padilla
Sen. William E. Sharer

Staff

Nicole Waguespack, Researcher, Legislative Council Service (LCS)
Paul Estok, Staff Attorney, LCS
Sheila Keleher, Researcher, 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.

Thursday, May 30**Welcome and Introductions (10:22 a.m.)**

Representative Johnson welcomed everyone, and members of the committee, staff and audience introduced themselves.

2024 Work Plan and Meeting Schedule Discussion (10:30 a.m.)

Ms. Waguespack presented the proposed work plan and meeting schedule for the 2024 interim. Committee members proposed topics that could be included in the work plan and made suggestions about meeting locations. Upon a motion duly made and seconded, and without any objections, the committee adopted the 2024 work plan and meeting schedule, as amended.

Adjournment

There being no further business before the committee, the meeting adjourned at 11:34 a.m.

Revised: July 30, 2024

**TENTATIVE AGENDA
for the
SECOND MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**July 31, 2024
Navajo Technical University
Hospitality Center
Lowerpoint Road, State Highway 371
Crownpoint**

**August 1, 2024
Tooh Haltsooi Council of Naataanii Chapter House
Sheep Springs**

**August 2, 2024
University of New Mexico-Gallup
Student Services and Technology Center, Room 200
705 Gurley Avenue
Gallup**

Wednesday, July 31 — Crownpoint

- 10:00 a.m. **Call to Order and Introductions**
—Representative D. Wonda Johnson, Chair, Indian Affairs Committee
- 10:15 a.m. (1) **[Welcome and Status Update](#)**
—Elmer Guy, Ph.D., President, Navajo Technical University
- 11:15 a.m. (2) **[Navajo Division of Transportation Update](#)**
—Tom Platero, Director, Navajo Nation Division of Transportation
- 12:15 p.m. **Lunch**
- 1:15 p.m. (3) **[Committee Discussion: State-Tribal Education Compact Schools Act, Proposed Legislation Sponsored by Senator Benny Shendo, Jr.](#)**
—Kevin Shendo, Director, Department of Education, Pueblo of Jemez
- 2:00 p.m. (4) **[Update on the Tribal Infrastructure Fund and Capital Outlay Projects](#)**
—Janelle Frederick, Deputy Secretary, Indian Affairs Department (IAD)
—Monica Cordova, Account Auditor, IAD

3:00 p.m. (5) [Update from Navajo Engineering and Construction Authority](#)
—Garrett Silversmith, General Manager, Navajo Engineering and
Construction Authority

4:00 p.m. **Public Comment***

4:15 p.m. **Recess**

Thursday, August 1 — Sheep Springs

10:00 a.m. **Reconvene**

10:15 a.m. (6) [Welcome and Status Update](#)
—Brian T. Yazzie, President, Tooh Haltsooi Council of Naataanii Chapter
(NC)
—Kevin M. Begay, Executive Manager, NC
—Roberta Roberts, Director, Tooh Haltsooi Community Center, NC

11:15 a.m. (7) [Department of Transportation \(DOT\) Update](#)
—Ricky Serna, Secretary, DOT
—Lisa Vega, P.E., District 6 Engineer, DOT
—Javier Martinez, Acting District 5 Engineer, DOT

12:15 p.m. **Lunch**

1:15 p.m. (8) [Department of Environment \(NMED\) and Uranium Mine Cleanup
Update](#)
—Danielle Gilliam, Deputy Secretary of Operations, NMED
—Miori Harms, Uranium Mine Reclamation Coordinator, NMED

2:15 p.m. (9) [Update from Tse'ii'ahi' \(Standing Rock\) Chapter House](#)
—Johnny Johnson, President, Tse'ii'ahi' Chapter

3:15 p.m. **Public Comment***

3:30 p.m. **Recess**

Friday, August 2 — Gallup

10:00 a.m. **Reconvene**

10:15 a.m. (10) [Welcome and Status Update](#)
—Sabrina Ezzell, Ed.D., Chancellor, University of New Mexico-Gallup

11:15 a.m. (11) [Update from Shiprock Associated Schools, Inc.](#)
—Leland Becenti, Residential Manager, Shiprock Associated Schools, Inc.

12:15 p.m.

Lunch

1:15 p.m.

(12) **[Navajo Preparatory School Update](#)**

—Shawna Allison Becenti, Head of School, Navajo Preparatory School

2:15 p.m.

Public Comment*

2:30 p.m.

Adjourn

*Members of the public may make virtual public comments during the public comment period of the meeting by following the instructions under the "Virtual Public Comment" section of the Indian Affairs Committee [web page](#).

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

**July 31, 2024
Navajo Technical University
Hospitality Center
Lowerpoint Road, State Highway 371
Crownpoint**

**August 1, 2024
Tooh Haltsooi Council of Naataanii Chapter House
Sheep Springs**

**August 2, 2024
University of New Mexico-Gallup
Student Services and Technology Center, Room 200
705 Gurley Avenue
Gallup**

The second meeting of the Indian Affairs Committee was called to order by Representative D. Wonda Johnson, chair, at 10:17 a.m. on Wednesday, July 31, 2024, at Navajo Technical University (NTU) in Crownpoint.

Present

Rep. D. Wonda Johnson, Chair
Sen. Shannon D. Pinto, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Anthony Allison
Rep. John Block
Rep. Charlotte Little
Sen. Nancy Rodriguez
Rep. Patricia Roybal Caballero
Sen. Benny Shendo, Jr. (7/31, 8/1)

Advisory Members

Rep. Harry Garcia (8/1)
Rep. Patricia A. Lundstrom (8/1, 8/2)
Sen. William P. Soules

Absent

Rep. Tara Jaramillo
Sen. Linda M. López
Sen. Cliff R. Pirtle
Sen. Joshua A. Sanchez
Rep. Martin R. Zamora

Rep. Gail Chasey
Rep. Derrick J. Lente
Sen. Brenda G. McKenna
Sen. Bill B. O'Neill
Sen. Michael Padilla
Sen. William E. Sharer
Rep. Elizabeth "Liz" Thomson

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

Staff

Nicole Waguespack, Researcher, Legislative Council Service (LCS)
Paul Estok, Staff Attorney, LCS
Sheila Keleher, Researcher, LCS
Michel Rivera, Legislative Law Intern, LCS

Guests

The guest list 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

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Wednesday, July 31 — Navajo Technical University, Crownpoint**Welcome and Introductions (10:21 a.m.)**

Representative Johnson welcomed everyone, and members of the committee, staff and audience introduced themselves.

Welcome and Status Update (10:31 a.m.)

Elmer Guy, Ph.D., president, NTU, and Jason Arviso, vice president of operations, NTU, welcomed the committee and discussed initiatives, projects and 2025 legislative priorities. Mr. Guy emphasized the importance of New Mexico tribal colleges being included as eligible entities for funding from the Early Childhood Trust Fund. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=7/31/2024&ItemNumber=1>.

Navajo Nation Division of Transportation Update (11:35 a.m.)

Tom Platero, director, Navajo Nation Division of Transportation, gave an overview and update on road usage, budgets and project priorities, including new road maintenance yards throughout the Navajo Nation in New Mexico. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=7/31/2024&ItemNumber=2>.

Public Comment (1:24 p.m.)

A list of individuals making public comment is available in the meeting file.

Committee Discussion: State-Tribal Education Compact Schools Act, Proposed Legislation Sponsored by Senator Shendo (1:42 p.m.)

Senator Shendo and Kevin Shendo, director, Department of Education, Pueblo of Jemez, discussed the importance of having a school system with tribal sovereignty for the preservation of cultural education and native languages. They reviewed the proposed State-Tribal Education Compact Schools Act, introduced in 2023, and discussed options, as well as obstacles, for creating tribally authorized charter schools. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=7/31/2024&ItemNumber=3>.

Update on the Tribal Infrastructure Fund and Capital Outlay Projects (2:42 p.m.)

Janelle Frederick, deputy secretary, Indian Affairs Department (IAD), and Monica Cordova, administrator, Capital Outlay and Tribal Infrastructure Fund, IAD, reviewed active capital outlay projects, as well as Tribal Infrastructure Fund projects and fiscal year 2024 capital outlay project reversions. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=7/31/2024&ItemNumber=4>.

Update from Navajo Engineering and Construction Authority (3:07 p.m.)

Garrett Silversmith, general manager, Navajo Engineering and Construction Authority (NECA); Ray Smith, deputy general manager, NECA; and Terrill T. Harvey, public relations information officer, NECA, gave an overview of their organization. The NECA provides employment opportunities while focusing on building highways, bridges, water lines and other utility infrastructure projects throughout the Navajo Nation. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=7/31/2024&ItemNumber=5>.

Approval of Minutes (3:49 p.m.)

Upon a motion duly made and seconded, and without any objections, the committee approved the minutes of the May 30, 2024 meeting.

Recess

The meeting recessed at 3:49 p.m.

Thursday, August 1 — Tooh Haltsooi Council of Naataanii Chapter House, Sheep Springs

Reconvene

The meeting reconvened at 10:17 a.m.

Welcome and Status Update (10:17 a.m.)

Louise Charley, vice president, Tooh Haltsooi Council of Naataanii Chapter (NC); Roberta Roberts, director, Tooh Haltsooi Community Center, NC; and Amber Crotty, delegate and New Mexico caucus chair, Navajo Nation Council, welcomed the committee and discussed projects, priorities and concerns. Among the highest priorities are the Navajo-Gallup water lines, broadband access across the Navajo Nation and roads and infrastructure safety improvements.

Department of Transportation (DOT) Update (11:41 a.m.)

Ricky Serna, secretary, DOT, reviewed funding outcomes from the 2024 legislative session, as well as project awards from the Local Governments Road Fund and Transportation Project Fund since 2021. Mr. Serna also discussed the Target Zero initiative, which coordinates all transportation safety work, and the new DOT public dashboard for tracking project appropriations. Javier Martinez, P.E., acting district 5 engineer, DOT, and Lisa Vega, P.E., district 6 engineer, DOT, addressed ongoing and completed construction projects, as well as projects included in the Statewide Transportation Improvement Program and Transportation Asset Management Plan. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=7/31/2024&ItemNumber=7>.

Department of Environment (NMED) and Uranium Mine Cleanup (1:27 p.m.)

Danielle Gilliam, deputy secretary of operations, NMED, presented an overview of the State-Tribal Collaboration Act, along with current programs and projects. Miori Harms, uranium mine reclamation coordinator, NMED, reviewed the former uranium mine and mill sites and discussed the mandates of House Bill 164 (2022). Ms. Harms informed the committee that no money has been appropriated to the Uranium Mining Reclamation Revolving Fund yet. Jonas Armstrong, director, Office of Strategic Initiatives, NMED, addressed the legacy uranium contamination on the Navajo Nation, including the Quiviera Mine waste sites and the proposed Red Rocks waste rock disposal facility.

Following questions and concerns expressed by Representative Allison about the lack of funding in the Uranium Mining Reclamation Revolving Fund, a motion was made by Senator Pinto, seconded by Representative Block and approved without any objections for the committee to draft a letter to the NMED requesting that money be put into the fund as was intended by House Bill 164. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=7/31/2024&ItemNumber=8>.

Update from Tse'ii'ahi' (Standing Rock) Chapter House (2:18 p.m.)

Johnny Johnson, president, Tse'ii'ahi' Chapter, gave an update on ongoing projects, legislative priorities and concerns, with the highest priority being the water line projects that will provide critical and sustainable water supplies for their rural communities. The presentation can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=7/31/2024&ItemNumber=9>.

Public Comment (2:35 p.m.)

A list of individuals making public comment is available in the meeting file.

Recess

The meeting recessed at 2:52 p.m.

Tour of Tooh Haltsooi Community Center

Members of the committee toured the Tooh Haltsooi Community Center.

Friday, August 2 — University of New Mexico-Gallup (UNM-Gallup)**Reconvene**

The meeting reconvened at 10:15 a.m.

Welcome and Status Update (10:15 a.m.)

Sabrina Ezzell, Ed.D., chancellor, UNM-Gallup, presented an update on student enrollment, which has continued to increase over the past three years. Ms. Ezell discussed a new health careers program starting in the fall 2024 semester in collaboration with the Gallup-McKinley County School District (GMCS) Pathways program. Additional collaborative programs with the GMCS will be added in future years, with a digital media program starting in 2025 and an engineering program starting in 2026. Ms. Ezell also said that in September, UNM-Gallup will be opening the Native American Student Success Center, which will be funded by a grant from the United States Department of Education's Native American-Serving Nontribal Institutions program.

Update from Shiprock Associated Schools, Inc. (SASI) (10:55 a.m.)

Jonnye Kaibah Begay, Ph.D., superintendent, SASI, and Kerby Johnson, school board president, SASI, outlined strategic goals and priorities for the district, particularly the need for teacher housing. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=7/31/2024&ItemNumber=11>.

Navajo Preparatory School Update (11:21 a.m.)

Darah Tabrum, D. Educational Leadership, associate head of school, Advancement and Outreach, Navajo Preparatory School, and Sherrick Roanhorse, vice president, Board of Trustees, Navajo Preparatory School, presented an overview of the school's history, capital outlay project funding since 2019 and programmatic funding in 2024. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=7/31/2024&ItemNumber=12>.

Public Comment

There was no public comment.

Adjournment

There being no further business before the committee, the meeting adjourned at 12:07 p.m.

Revised: August 30, 2024

**TENTATIVE AGENDA
for the
THIRD MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**September 4, 2024
20885 Frontage Road, Exit 102
Interstate 10
Akela Flats**

**September 5, 2024
Burrell College of Osteopathic Medicine
3501 Arrowhead Drive, Room 208
Las Cruces**

**September 6, 2024
New Mexico State University
Corbett Center Student Union, East Ballroom, Room 320
Las Cruces**

Wednesday, September 4 — Akela Flats

- 10:00 a.m. **Call to Order and Introductions**
—Representative D. Wonda Johnson, Chair, Indian Affairs Committee
- 10:15 a.m. (1) **[Welcome and Status Update](#)**
—Jennifer M. Heminokeky, Chair, Fort Sill Apache Tribe
- 11:15 a.m. (2) **[An Update from Luna County](#)**
—Chris Brice, County Manager, Luna County
- 12:15 p.m. **Lunch**
- 1:15 p.m. (3) **[An Overview of Agrivoltaics](#)**
—Stacie Peterson, Ph.D., Director, Energy Program, National Center for
Appropriate Technology
- 2:15 p.m. (4) **[An Update from the Indian Resources Development \(IRD\) Program](#)**
—Cherylin Atcitty, Interim Director, IRD Program, New Mexico State
University (NMSU)
- 3:15 p.m. **Public Comment***
- 3:25 p.m. **Recess**

3:30 p.m. **Tour of the Historic Luna County Courthouse, 700 South Silver Avenue, Deming****

Thursday, September 5 — Burrell College of Osteopathic Medicine

9:30 a.m. **Reconvene**

9:45 a.m. (5) **Welcome and Status Update**
—Nina Nunez, Vice President, Institutional Effectiveness, and Chief of Staff, Burrell College of Osteopathic Medicine

10:30 a.m. (6) **League of Women Voters of New Mexico (LWVNM) Update**
—Hannah Burling, Co-President, LWVNM
—Dick Mason, Member, Board of Directors, LWVNM
—Leonard Gorman, Executive Director, Navajo Nation Human Rights Commission
—Cedric Page, Treasurer, Santa Fe Chapter, National Association for the Advancement of Colored People

11:30 a.m. (7) **New Mexico Activities Association (NMAA) Update**
—Sally Marquez, Executive Director, NMAA

12:30 p.m. **Lunch**

1:30 p.m. (8) **Update from NAEVA**
—Ahtza Dawn Chavez, Executive Director, NAEVA
—Aaron Lee, Manager, Policy and Campaigns, NAEVA

2:30 p.m. (9) **An Overview of State Policy and Tribal Energy Development**
—Mayane Chavez Barudin, Executive Director and Founder, Sovereign Energy
—Marissa Naranjo, Deputy Director, Sovereign Energy

3:30 p.m. **Public Comment***

3:45 p.m. **Recess**

Friday, September 6 — NMSU

9:30 a.m. **Reconvene**

9:45 a.m. (10) **Welcome and Status Update**
—Teresa Maria "Linda" Scholz, Ph.D., Vice President, Equity, Inclusion and Diversity, NMSU

10:30 a.m. (11) **Workforce Solutions Department (WSD) Energy Transition Act Update**
—Sarita Nair, Secretary, WSD

11:30 a.m. (12) **[Connect New Mexico Office of Broadband Access and Expansion \(OBAE\) Broadband on Tribal Lands](#)**
—Drew Lovelace, Acting Director, OBAE
—L. Stephine Poston, Tribal Support, OBAE
—(Valerie) Victory Quintana, Broadband Tribal Coordinator, OBAE

12:30 p.m. **Public Comment***

12:45 p.m. **Adjourn**

12:50 p.m. **Box Lunch Provided**

*Members of the public may make virtual public comments during the public comment period of the meeting by following the instructions under the "Virtual Public Comment" section of the Indian Affairs Committee [web page](#).

**This is an invitation-only tour for committee members and staff.

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

**September 4, 2024
20885 Frontage Road, Exit 102
Interstate 10
Akela Flats**

**September 5, 2024
Burrell College of Osteopathic Medicine
3501 Arrowhead Drive, Room 208
Las Cruces**

**September 6, 2024
New Mexico State University
Corbett Center Student Union, East Ballroom, Room 320
Las Cruces**

The third meeting of the Indian Affairs Committee was called to order by Senator Shannon D. Pinto, vice chair, on Wednesday, September 4, 2024, at 10:08 a.m. at the Fort Sill Apache Tribe facility in Akela Flats.

Present

Rep. D. Wonda Johnson, Chair
Sen. Shannon D. Pinto, Vice Chair
Rep. Eliseo Lee Alcon
Rep. John Block
Rep. Charlotte Little
Sen. Nancy Rodriguez
Rep. Patricia Roybal Caballero
Rep. Martin R. Zamora

Absent

Rep. Anthony Allison
Rep. Tara Jaramillo
Sen. Linda M. López
Sen. Cliff R. Pirtle
Sen. Joshua A. Sanchez
Sen. Benny Shendo, Jr.

Advisory Members

Rep. Gail Chasey
Rep. Harry Garcia
Rep. Derrick J. Lente
Rep. Patricia A. Lundstrom
Sen. Brenda G. McKenna
Sen. Bill B. O'Neill
Sen. Michael Padilla
Sen. William E. Sharer
Sen. William P. Soules
Rep. Elizabeth "Liz" Thomson

Guest Legislators

Rep. Jenifer Jones (9/4)

Rep. Luis M. Terrazas (9/4)

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

Staff

Nicole Waguespack, Researcher, Legislative Council Service (LCS)

Paul Estok, Staff Attorney, LCS

Sheila Keleher, Researcher, 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, September 4 — Akela Flats

Welcome and Introductions (10:08 a.m.)

Senator Pinto welcomed everyone, and members of the committee, staff and audience introduced themselves.

Welcome and Status Update (10:20 a.m.)

Jennifer M. Heminokeky, chair, Fort Sill Apache Tribe, and Naomi Hartford, tribal cultural coordinator, Fort Sill Apache Tribe, welcomed the committee and discussed initiatives, projects and 2025 legislative priorities. Ms. Heminokeky noted that the tribe has acquired 1,800 additional acres of land and hopes to develop that land with housing and other facilities. Ms. Hartford gave a brief summary of the tribe's history and efforts to educate the public about the tribe.

An Update from Luna County (11:27 a.m.)

Chris Brice, county manager, Luna County, gave an overview and update on where Luna County stands in its relations with the Fort Sill Apache Tribe, and he placed special emphasis on joint efforts relating to public safety.

Approval of Minutes (1:42 p.m.)

Upon a motion duly made and seconded, and without any objections, the committee approved the minutes of the July 31-August 2, 2024 meeting.

An Update from the Indian Resources Development (IRD) Program (1:43 p.m.)

Cherylin Atcitty, interim director, IRD Program, New Mexico State University (NMSU), explained her background and how her cultural connection aids her in her duties with the IRD program and its mission. Ms. Atcitty detailed the current activities of the IRD program in preparing New Mexico Native American students to contribute to development and management of tribal resources in agriculture, natural resources, engineering and business. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=9/4/2024&ItemNumber=4>.

Public Comment (2:27 p.m.)

A list of individuals who made public comment is available in the meeting file.

Recess

The meeting recessed at 2:34 p.m.

Tour of the Historic Luna County Courthouse

Thursday, September 5 — Burrell College of Osteopathic Medicine, Las Cruces

Reconvene

The meeting reconvened at 9:38 a.m.

Welcome and Status Update (9:38 a.m.)

Nina Nunez, vice president, Institutional Effectiveness, and chief of staff, Burrell College of Osteopathic Medicine, provided an overview of the operations of the college along with a review of the types of courses that are required, how the college seeks to produce graduates who will choose to practice medicine in New Mexico and how appreciative the college is of the legislative support it has received.

League of Women Voters of New Mexico (LWVNM) Update (10:21 a.m.)

Hannah Burling, co-president, LWVNM, reviewed the general activities of the LWVNM in the state, with special emphasis on communicating with voters regarding candidates and issues in upcoming elections. Ms. Burling also noted that the LWVNM is working to combat voter suppression in the state. Dick Mason, member, Board of Directors, LWVNM, reviewed LWVNM efforts to bring forward a constitutional amendment creating an independent redistricting commission in the state. Leonard Gorman, the executive director, Navajo Nation Human Rights Commission, gave an overview of past and current efforts by the commission to ensure Navajo participation in redistricting as well as efforts to promote Navajo participation in

elections. Cedric Page, treasurer, Santa Fe Chapter, National Association for the Advancement of Colored People (NAACP), briefly described NAACP interest in the fair redistricting proposal and asked legislators to give serious thought to supporting an independent redistricting commission. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=9/4/2024&ItemNumber=6>.

New Mexico Activities Association (NMAA) Update (11:40 a.m.)

Sally Marquez, executive director, NMAA, provided an overview of the NMAA as the organization that serves 14 sports and 24 activities for more than 50,000 students in the state. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=9/4/2024&ItemNumber=7>.

Update from Native American Voters Alliance (NAEVA) (1:32 p.m.)

Representative Little explained that she would be filling in as a speaker for Ahtza Dawn Chavez, executive director, NAEVA. Representative Little briefly outlined the primary goal of the organization as enfranchisement by working as an organizer for voting rights. Joseph Little, attorney, noted that the NAEVA works as a provider of information, and he told committee members that the wide dispersment of Native Americans in New Mexico makes the work of communicating voting information of great importance.

An Overview of State Policy and Tribal Energy Development (2:05 p.m.)

Mayane Chavez Barudin, executive director and founder, Sovereign Energy, and Marissa Naranjo, deputy director, Sovereign Energy, presented on the history of Sovereign Energy and the current climate of tribal energy development across the state. The speakers highlighted Sovereign Energy's mission to build the individual and collective power of Native American nations, tribes and pueblos to lead the way toward a just, interdependent and sustainable energy future. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=9/4/2024&ItemNumber=9>.

Public Comment (2:56 p.m.)

A list of individuals who made public comment is available in the meeting file.

Recess

The meeting recessed at 3:07 p.m.

Friday, September 6 — NMSU, Las Cruces

Reconvene

The meeting reconvened at 9:53 a.m.

Welcome and Status Update (9:53 a.m.)

Teresa Maria "Linda" Scholz, Ph.D., vice president, Equity, Inclusion and Diversity, NMSU; Georgina Badoni, Ph.D., assistant professor, Native American Studies, NMSU; and Michael Ray, director, American Indian Programs, NMSU, detailed NMSU's commitment to meaningful engagement and continued relationship building with tribal communities in the state. Shiyazh Pete, student athlete, NMSU, presented a video of his journey as a Navajo student coming to NMSU and finding assistance and community to help him grow and blossom as a student and person. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=9/4/2024&ItemNumber=10>.

Workforce Solutions Department (WSD) Energy Transition Act Update (10:56 a.m.)

Sarita Nair, secretary, WSD, gave an update, including statistical data, on the implementation of the Energy Transition Act as well as challenges going into the future. She described other initiatives that are being planned. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=9/4/2024&ItemNumber=11>.

Connect New Mexico Office of Broadband Access and Expansion (OBAE) Broadband on Tribal Lands (11:31 a.m.)

Drew Lovelace, acting director, OBAE; L. Stephine Poston, tribal support, OBAE; and Victory Quintana, broadband tribal coordinator, OBAE, reviewed the activities, challenges and pitfalls encountered in expanding broadband access across the state, particularly to Native American nations, tribes and pueblos. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=9/4/2024&ItemNumber=12>.

Adjournment

There being no further business before the committee, the meeting adjourned at 12:12 p.m.

Revised: September 26, 2024

**TENTATIVE AGENDA
for the
FOURTH MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**October 2, 2024
Zia Day School
1000 Borrego Canyon Road
Pueblo of Zia**

**October 3-4, 2024
Hyatt Regency Tamaya Resort and Spa
1300 Tuyuna Trail
Pueblo of Santa Ana**

Wednesday, October 2 — Pueblo of Zia

- 10:00 a.m. **Call to Order and Introductions**
—Representative D. Wonda Johnson, Chair
- 10:05 a.m. (1) **[Welcome and Status Update from the Pueblo of Zia](#)**
—Ben Shije, Governor, Pueblo of Zia
—Delbert Pino, Lieutenant Governor, Pueblo of Zia
—Glenn Tortalita, Assistant Tribal Administrator, Pueblo of Zia
—Sandra Jeff, Director, Community Planning and Development, Pueblo of
Zia
- 11:00 a.m. **Pueblo of Zia Tour***
- 11:45 a.m. **Lunch and Traditional Dances by Zia Day School Students**
- 1:15 p.m. (2) **[Introduction to Community Based Coordination Solutions \(CBCS\) and Update on Comprehensive Addiction and Recovery Act \(CARA\) Pilot Program](#)**
—Enrique Enguidanos, Chief Executive Officer (CEO), CBCS
—Crystal Salazar, Program Manager, CBCS
- 2:15 p.m. (3) **[County and Tribal Health Councils: An Instrumental Function of Public Health in Service of New Mexico](#)**
—Gerilyn Antonio, Tribal Liaison, New Mexico Alliance of Health
Councils (NMAHC)
—Valeria Alarcón, Executive Director, NMAHC
—Heather Maxey, Health Council and Public Health Specialist, NMAHC

- 3:15 p.m. (4) [Update from Sandoval County](#)
—John Butrick, Deputy County Attorney, Sandoval County
—Evelyn Sandoval, Navajo and Jicarilla Apache Tribal Liaison, Sandoval County
—Sheila Herrera, Keres Tribal Liaison, Sandoval County
—Tamara Sandia, Towa Tribal Liaison, Sandoval County

3:45 p.m. **Public Comment****

4:00 p.m. **Recess**

Thursday, October 3 — Pueblo of Santa Ana

9:30 a.m. **Reconvene**

- 9:45 a.m. (5) [Welcome and Status Update from the Pueblo of Santa Ana](#)
—Myron Armijo, Governor, Pueblo of Santa Ana

- 10:30 a.m. (6) [Hunger in New Mexico's Indigenous Communities](#)
—Jill Dixon, Executive Director, The Food Depot
—Katy Anderson, Vice President, Strategy, Partnerships and Advocacy, Roadrunner Food Bank

- 11:30 a.m. (7) [Canoncito Band of Navajos Health Center, Inc. \(CBNHC\) — To'hajiilee Chapter's Community Health Provider](#)
—Derrick Watchman, Interim CEO, CBNHC
—Kimberley Bruce, Chair, Board of Directors, CBNHC

12:30 p.m. **Lunch**

- 1:30 p.m. (8) [An Update from the Gaming Control Board \(GCB\)](#)
—Van Billops, C.P.A., Commissioner, Interim State Gaming Representative, GCB
—Tammy Archuleta, Compliance Officer, GCB
—Natalia Manzanares, Tribal Auditor, GCB
—Titrisa Nez, Audit Manager, GCB
—Rainer Kamplain, Audit Manager, GCB
—Gilbert Romero, Responsible Gaming Coordinator, GCB

- 2:30 p.m. (9) [Aquifer Storage and Recovery: Perspective from the Utton Transboundary Resources Center \(UTRC\)](#)
—Adrian Oglesby, Director, UTRC
—Katherine "Rin" Tara, Staff Attorney and Water Policy and Governance Analyst, UTRC

3:30 p.m. **Public Comment****

3:45 p.m. **Recess**

Friday, October 4 — Pueblo of Santa Ana

9:30 a.m. **Reconvene**

9:45 a.m. (10) **Tribal Ready (TR): Empowering Tribal Digital and Data Sovereignty**

—Adam Giesler, Chief Operations Officer and President, TR

—Michael Manuelito, Director, Project Management, TR

—Joe Valandra, CEO, TR

—Scott Dinsmore, Chief Revenue Officer, TR

—Tom Valandra, Chief of Staff, TR

10:45 a.m. (11) **Update from the Health Care Authority (HCA)**

—Kyra Ochoa, Deputy Secretary, HCA

—Theresa Belanger, Medicaid Liaison, HCA

—Shelly Begay, Native American Liaison, HCA

11:45 a.m. **Public Comment****

12:00 noon **Adjourn**

*This is an invitation-only tour for committee members and staff.

**Members of the public may make virtual public comments during the public comment period of the meeting by following the instructions under the "Virtual Public Comment" section of the Indian Affairs Committee [web page](#).

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

**October 2, 2024
Zia Day School
1000 Borrego Canyon Road
Pueblo of Zia**

**October 3-4, 2024
Santa Ana Star Casino
54 Jemez Canyon Dam Road
Pueblo of Santa Ana**

The fourth meeting of the Indian Affairs Committee was called to order by Representative D. Wonda Johnson, chair, on Wednesday, October 2, 2024, at 10:19 a.m. at the Zia Day School in the Pueblo of Zia.

Present

Rep. D. Wonda Johnson, Chair
Sen. Shannon D. Pinto, Vice Chair
Rep. Anthony Allison
Rep. John Block
Rep. Charlotte Little
Sen. Linda M. López (10/2, 10/4)
Sen. Nancy Rodriguez
Rep. Patricia Roybal Caballero (10/3)
Sen. Benny Shendo, Jr. (10/2, 10/4)
Rep. Martin R. Zamora (10/2, 10/3)

Advisory Members

Rep. Derrick J. Lente (10/2, 10/3)
Rep. Patricia A. Lundstrom (10/3)
Sen. William P. Soules

Absent

Rep. Eliseo Lee Alcon
Rep. Tara Jaramillo
Sen. Cliff R. Pirtle
Sen. Joshua A. Sanchez

Rep. Gail Chasey
Rep. Harry Garcia
Sen. Brenda G. McKenna
Sen. Bill B. O'Neill
Sen. Michael Padilla
Sen. William E. Sharer
Rep. Elizabeth "Liz" Thomson

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

Staff

Nicole Waguespack, Researcher, Legislative Council Service (LCS)
Paul Estok, Staff Attorney, LCS
Sheila Keleher, Researcher, LCS

Guests

The guest list 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 2 — Pueblo of Zia**Welcome and Introductions (10:19 a.m.)**

Representative Johnson welcomed everyone, and members of the committee, staff and audience introduced themselves.

Welcome and Status Update from the Pueblo of Zia (10:31 a.m.)

Ben Shije, governor, Pueblo of Zia, and Delbert Pino, lieutenant governor, Pueblo of Zia, welcomed the committee and presented an overview of the pueblo's vision and cultural values, as well as a brief history of the Zia sun symbol. Glenn Tortalita, assistant tribal administrator, Pueblo of Zia, introduced directors and staff and emphasized the importance of the pueblo's partnership with the committee. Sandra Jeff, director, Community Planning and Development, Pueblo of Zia, provided an update on infrastructure and economic development, along with funding needs.

Pueblo of Zia Tour and Traditional Dances by Zia Day School Students (11:10 a.m.)

The committee members toured the Pueblo of Zia and watched traditional dances performed by students at Zia Day School.

Introduction to Community Based Coordination Solutions (CBCS) and Update on Comprehensive Addiction and Recovery Act (CARA) Pilot Program (1:38 p.m.)

Enrique Enguidanos, chief executive officer (CEO), CBCS, and Crystal Salazar, program manager, CBCS, provided an overview of how CBCS engages with community resource management to work with families who frequently utilize hospital emergency departments. These families must be enrolled in the CARA Pilot Program. CBCS uses a holistic approach to meet the needs of the families it supports, coordinating with multiple sources, including hospital

emergency departments, correctional institutions, behavioral health centers, therapeutic courts, protective services, homeless shelters and federal and state agencies. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/2/2024&ItemNumber=2>.

County and Tribal Health Councils: An Instrumental Function of Public Health in Service of New Mexico (2:28 p.m.)

Valeria Alarcón, executive director, New Mexico Alliance of Health Councils (NMAHC); Heather Maxey, health council and public health specialist, NMAHC; and Gerilyn Antonio, tribal liaison, NMAHC, reviewed the role that tribal and county health councils have in addressing critical health needs at the local level. The panel pointed out the health disparities that exist among Native American populations and the collaborative role that health councils have with the Department of Health in promoting education and intervention strategies to promote health equity across the state. Ms. Alarcón emphasized the importance of investing in health councils, which historically have been underfunded. NMAHC's legislative priorities are to reestablish recurring state funding. Ms. Maxey noted that the highest health priorities are within the field of behavioral health. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/2/2024&ItemNumber=3>.

Update from Sandoval County (3:19 p.m.)

John Butrick, deputy county attorney and supervisor, Tribal Liaison Program, Sandoval County; Evelyn Sandoval, Navajo and Jicarilla Apache tribal liaison, Sandoval County; Sheila Herrera, Keres tribal liaison, Sandoval County; and Tamara Sandia, Towa tribal liaison, Sandoval County, gave an overview of the Tribal Liaison Program, which collaborates with pueblo and tribal leaders to provide a variety of services, including voting services, veterans', senior and youth services, legal assistance and public safety. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/2/2024&ItemNumber=4>.

Public Comment

There was no public comment.

Approval of Minutes (3:56 p.m.)

Upon a motion duly made and seconded, and without any objections, the committee approved the minutes of the September 4-6, 2024 meeting.

Recess

The meeting recessed at 3:59 p.m.

Thursday, October 3 — Pueblo of Santa Ana

Reconvene

The meeting reconvened at 10:04 a.m.

Welcome and Status Update from the Pueblo of Santa Ana (10:05 a.m.)

Myron Armijo, governor, Pueblo of Santa Ana, and Kevin Montoya, lieutenant governor, Pueblo of Santa Ana, welcomed the committee and discussed current projects and legislative priorities.

Hunger in New Mexico's Indigenous Communities (10:48 a.m.)

Jill Dixon, executive director, The Food Depot, and Katy Anderson, vice president, Strategy, Partnerships and Advocacy, Roadrunner Food Bank, addressed food insecurities in New Mexico, noting that Native Americans have some of the highest rates of food insecurities. Ms. Dixon and Ms. Anderson discussed some of the challenges for native communities, including poverty, living in rural locations, lack of transportation, low-access food areas and disruptions to traditional food systems. In addition, they spoke about the federal Food Distribution Program on Indian Reservations, partnerships with food banks and the importance of food sovereignty. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/2/2024&ItemNumber=6>.

Canoncito Band of Navajos Health Center, Inc. (CBNHC) — To'hajiilee Chapter's Community Health Provider (12:34 p.m.)

Derrick Watchman, interim CEO, CBNHC, and Kimberley Bruce, chair, Board of Directors, CBNHC, discussed CBNHC's work to rebuild a culture of health through collaboration with tribal governments and young people. They addressed current community health disparities, including access to clean water and food insecurity. CBNHC's focus is to create pathways to health equity, and its highest legislative priority is to establish funding for an administrative and wellness center. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/2/2024&ItemNumber=7>.

An Update from the Gaming Control Board (GCB) (1:24 p.m.)

Van Billops, C.P.A., commissioner, Interim State Gaming Representative, GCB; Gilbert Romero, responsible gaming coordinator, GCB; Tammy Archuleta, compliance officer, GCB; Natalia Arn, tribal auditor, GCB; Titrisa Nez, audit manager, GCB; and Rainer Kamplain, audit manager, GCB, presented an update on tribal gaming, including revenue sharing with the state, regulatory fees, compulsive gambling and the Tribal-State Gaming Compact. A committee member suggested that the committee take action at the next GCB annual meeting to request that the revenue sharing amount to the state be increased to help with behavioral health needs. The

committee agreed to write a letter to Charles Sallee, director, Legislative Finance Committee, to research possible funding sources. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/2/2024&ItemNumber=8>.

Aquifer Storage and Recovery: Perspective from the Utton Transboundary Resources Center (UTRC) (2:38 p.m.)

Adrian Oglesby, director, UTRC, and Katherine "Rin" Tara, staff attorney and water policy and governance analyst, UTRC, reviewed the existing legislation for aquifer storage and recovery, noting the limitations of the Ground Water Storage and Recovery Act enacted in 1999. Proposed legislative changes include allowing nongovernmental entities to create Ground Water Storage and Recovery Act projects, allowing underground storage of permitted water rights and reducing application fees. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/2/2024&ItemNumber=9>.

Public Comment (3:16 p.m.)

A list of individuals making public comment is available in the meeting file.

Recess

The meeting recessed at 3:23 p.m.

Friday, October 4 — Pueblo of Santa Ana

Reconvene

The meeting reconvened at 9:50 a.m.

Tribal Ready (TR): Empowering Tribal Digital and Data Sovereignty (9:51 a.m.)

Joe Valandra, CEO and chairman, TR; Jason Coochwytewa, business development manager, TR; and Tom Valandra, chief of staff, TR, presented an overview of TR, which assists tribal communities in building and operating affordable and sustainable broadband networks, with the overall goal of advancing tribal sovereignty. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/2/2024&ItemNumber=10>.

Update from the Health Care Authority (HCA) (10:27 a.m.)

Kyra Ochoa, deputy secretary, HCA; Theresa Belanger, Medicaid liaison, HCA; and Shelly Begay, Native American liaison, HCA, discussed the HCA's goals to strengthen relationships with tribal communities. Topics discussed included Medicaid expansion in tribal

communities, the Native American Technical Advisory Committee and the Rural Health Care Delivery Fund. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/2/2024&ItemNumber=11>.

Public Comment (11:59 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 12:13 p.m.

Revised: October 25, 2024

**TENTATIVE AGENDA
for the
FIFTH MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**October 30, 2024
Institute of American Indian Arts
Center for Lifelong Education and Cafe
83 Avan Nu Po Road
Santa Fe**

**October 31-November 1, 2024
State Capitol, Room 307
Santa Fe**

Wednesday, October 30 — Institute of American Indian Arts (IAIA)

- 10:00 a.m. **Call to Order and Introductions**
—Representative D. Wonda Johnson, Chair
- 10:15 a.m. (1) **[Welcome and Status Update from the IAIA](#)**
—Larry Mirabal, Vice President of Operations, IAIA
—Felipe Colon, Provost, IAIA
- 10:45 a.m. (2) **[Office of the State Engineer \(OSE\): Status of Indian Water Rights Settlements and the Indian Water Rights Settlement Fund](#)**
—Elizabeth K. Anderson, State Engineer, OSE
—Hannah Riseley-White, Director, Interstate Stream Commission
—Nat Chakeres, General Counsel, OSE
- 11:45 a.m. **Lunch**
- 12:35 p.m. (3) **[Update on the Yazzie/Martinez Lawsuit and Outcomes](#)**
—Sunny Liu, Principal Fiscal Analyst, Legislative Finance Committee
—John Sena, Interim Director, Legislative Education Study Committee
- 1:35 p.m. (4) **[Board of Education of the Zuni Public School District, et al. v. State of New Mexico and the Public School Capital Outlay Council](#)**
—Ellen Venegas, Assistant Solicitor General, Civil Appeals, State Department of Justice
- 2:35 p.m. (5) **[Diné College](#)**
—Charles "Monty" Roessel, Ed.D., President, Diné College

3:35 p.m. (6) [Indian Affairs Department \(IAD\) Update on the State-Tribal Collaboration Act and Department Priorities](#)
—Josett Monette, Secretary, IAD
—Seth Damon, Deputy Secretary, IAD

4:35 p.m. (7) [Alliance for Local Economic Prosperity \(ALEP\): Public Banking Benefits for Tribal Lands and Communities](#)
—Angela Merkert, Executive Director, ALEP
—Harold Dixon, Member, Advisory Board, ALEP

5:00 p.m. **Public Comment***

5:15 p.m. **Recess**

Thursday, October 31 — State Capitol

9:30 a.m. **Reconvene**

9:45 a.m. (8) [Update from the Santa Fe Indian School \(SFIS\)](#)
—Christie Abeyta, Superintendent, SFIS
—Gary Lujan, Director, Trust Land Management, SFIS

10:45 a.m. (9) [Update from the Public Education Department \(PED\)](#)
—KatieAnn Juanico, Assistant Secretary, Indian Education Division, PED
—Amanda DeBell, Deputy Secretary of Teaching, Learning and Innovation, PED
—Margaret Cage, Ph.D., Deputy Secretary of Special Education, PED
—Sara Cordova, Director, School Budget Bureau, PED

11:45 a.m. **Lunch**

1:00 p.m. (10) [Public Television Partnerships with Tribal Communities](#)
—Franz Joachim, General Manager and Chief Executive Officer, New Mexico PBS

2:00 p.m. (11) [Adult Education and Literacy Enrollment and Proposals and Their Link to Children's Educational Outcomes: Higher Education Department \(HED\)](#)
—Amber Gallup, Ph.D., Director, Adult Education Division, HED
—Katya Backhaus, Ph.D., Data Administrator, State High School Equivalency and Adult Education, HED

3:00 p.m. (12) [Department of Health \(DOH\): Primary Care Partnership with the Mescalero Apache Tribe](#)

—Euphrasia Platta, Councilwoman, Mescalero Apache Tribe

—Patrick Allen, Secretary, DOH

—Janet Johnson, Tribal Liaison, DOH

—Toney Johnson, Jr., Primary Care Project Manager, DOH

4:00 p.m. (13) [Introduction and Update from the New Mexico Tribal Behavioral Health Providers Association \(NMTBHPA\)](#)

—Sindy Bolaños-Sacoman, Director and Founder, NMTBHPA

—Tyson Coriz, Member, NMTBHPA

—Melanie Montoya, Core Team Member, NMTBHPA

5:00 p.m. **Public Comment***

5:15 p.m. **Recess**

Friday, November 1 — State Capitol

9:30 a.m. **Reconvene**

9:35 a.m. (14) [Committee Discussion: Legislation Endorsements](#)

—TBD

11:35 a.m. **Adjourn**

*Members of the public may make virtual public comments during the public comment period of the meeting by following the instructions under the "Virtual Public Comment" section of the Indian Affairs Committee [web page](#).

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

**October 30, 2024
Institute of American Indian Arts
Center for Lifelong Education and Cafe
83 Avan Nu Po Road
Santa Fe**

**October 31-November 1, 2024
State Capitol, Room 307
Santa Fe**

The fifth meeting of the Indian Affairs Committee was called to order by Representative D. Wonda Johnson, chair, at 10:38 a.m. on Wednesday, October 30, 2024, in the Center for Lifelong Education and Cafe at the Institute of American Indian Arts (IAIA) in Santa Fe.

Present

Rep. D. Wonda Johnson, Chair
Sen. Shannon D. Pinto, Vice Chair
Rep. Eliseo Lee Alcon (10/30)
Rep. Anthony Allison
Rep. John Block (10/30, 11/1)
Rep. Charlotte Little
Sen. Linda M. López
Rep. Patricia A. Lundstrom* (10/30)
Sen. Nancy Rodriguez

Advisory Members

Rep. Gail Chasey

Absent

Rep. Tara Jaramillo
Sen. Cliff R. Pirtle
Rep. Patricia Roybal Caballero
Sen. Joshua A. Sanchez
Sen. Benny Shendo, Jr.
Rep. Martin R. Zamora

Rep. Harry Garcia
Rep. Derrick J. Lente
Sen. Brenda G. McKenna
Sen. Bill B. O'Neill
Sen. Michael Padilla
Sen. William E. Sharer
Sen. William P. Soules
Rep. Elizabeth "Liz" Thomson

Guest Legislators

Rep. Joy Garratt (10/31)
Rep. Tara L. Lujan (10/31, 11/1)
Sen. Harold Pope (10/31)

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

*Appointed by the president pro tempore of the senate as a voting member for October 30, 2024 only.

Staff

Nicole Waguespack, Researcher, Legislative Council Service (LCS)

Paul Estok, Staff Attorney, LCS

Sheila Keleher, Researcher, LCS

Minutes Approval

Because the committee will not meet again this interim, the minutes for this meeting have not been officially approved by the committee.

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 30 — IAIA

Welcome and Introductions (10:38 a.m.)

Representative Johnson welcomed everyone, and members of the committee introduced themselves.

Welcome and Status Update from the IAIA (10:42 a.m.)

Larry Mirabel, vice president of operations, IAIA, welcomed the committee, gave an abbreviated history of the IAIA and thanked members of the committee for the long-term support the legislature has shown to the IAIA. Felipe Colon, provost, IAIA, after explaining the demographics of the IAIA student body, detailed the academic programs available to students at the IAIA and highlighted some of the opportunities coming in the future.

Office of the State Engineer (OSE): Status of Indian Water Rights Settlements and the Indian Water Rights Settlement Fund (11:14 a.m.)

Elizabeth K. Anderson, state engineer, OSE, introduced herself and gave credit to the governor and the OSE for the historic number of settlements of water rights disputes. Myron

Armijo, Native American tribal liaison, OSE, was introduced and thanked the committee for hearing from the OSE team. Nat Chakeres, general counsel, OSE, detailed the settlement process, then described the current settlements, the prospects of settlements from ongoing negotiations and the efforts between the state and federal governments to achieve successful settlement agreements. Hannah Riseley-White, director, Interstate Stream Commission (ISC), explained efforts by the ISC to work with tribes in the implementation of the Water Security Planning Act. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/30/2024&ItemNumber=2>.

Update on the *Yazzie/Martinez* Lawsuit and Outcomes (12:36 p.m.)

Sunny Liu, principal fiscal analyst, Legislative Finance Committee, gave an overview of the *Yazzie/Martinez* lawsuit to date and gave some examples of how the state has failed to achieve the requirements of the court order. John Sena, interim director, Legislative Education Study Committee (LESC), described legislative efforts to achieve the goals of the court's order, then gave details about the latest motion made by the plaintiffs in the case that requests that the LESC be tasked with developing a comprehensive remedial action plan in light of the plaintiffs' assertion that the state is still noncompliant with the court's order. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/30/2024&ItemNumber=3>.

***Board of Education of the Zuni Public School District, et al. v. State of New Mexico and the Public School Capital Outlay Council* (1:34 p.m.)**

Ellen Venegas, assistant solicitor general, Civil Appeals, State Department of Justice, presented a time line and update on the *Zuni* case and noted that the case has been submitted to the court based on the briefs. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/30/2024&ItemNumber=4>.

Diné College (2:19 p.m.)

Crystal Carr Cook, director of legislative affairs and special projects, Diné College, presented an overview of the current status of all areas of Diné College operations, from student demographics to academics and plans for the future. Leon Jackson, director of projects, Diné College, reviewed current capital projects and the status of funding projects and outlined upcoming capital projects for the college. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/30/2024&ItemNumber=5>.

Public Comment (2:51 p.m.)

A list of individuals making public comment is available in the meeting file.

Indian Affairs Department (IAD) Update on the State-Tribal Collaboration Act and Department Priorities (3:12 p.m.)

Josett Monette, secretary, IAD, and Seth Damon, deputy secretary, IAD, provided a current overview of department activities followed by a description of plans for department priorities going forward. Secretary Monette noted that she has made an effort to visit each Native American nation, tribe and pueblo since her appointment, but she has yet to visit all twenty-three. Among the topics she covered were the department budget, efforts relating to missing and murdered Indigenous persons and the extensive efforts she and the department have made in ensuring implementation of the State-Tribal Collaboration Act. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/30/2024&ItemNumber=6>.

Alliance for Local Economic Prosperity (ALEP): Public Banking Benefits for Tribal Lands and Communities (4:11 p.m.)

Angela Merkert, executive director, ALEP, making the case for the creation of a public bank in the state, began by providing an overview of the banking and finance needs of small businesses in New Mexico as well as the demographic data on the owners and employees of small businesses. Harold Dixon, member, advisory board, ALEP, described select financial processes associated with banking and how a public bank could serve small businesses and economically disadvantaged persons in the state. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/30/2024&ItemNumber=7>.

Approval of Minutes (4:59 p.m.)

Upon a motion duly made and seconded, and without any objections, the committee approved the minutes of the October 2-4, 2024 meeting.

Recess

The meeting recessed at 5:00 p.m.

Thursday, October 31 — State Capitol**Reconvene**

The meeting reconvened at 10:36 a.m.

Update from the Santa Fe Indian School (SFIS) (10:37 a.m.)

Christie Abeyta, superintendent, SFIS, gave a detailed description of the past year's activities and statistics for the SFIS. Ms. Abeyta described the goal of the SFIS to renovate and

reconstruct the SFIS amphitheater. She asked the committee to support a request to the legislature to fund the renovation. Gary Lujan, director, Land Trust Management, SFIS, noted that the SFIS has always delivered on the projects for which the school has requested support. He stated that legislative support for the amphitheater project would be appreciated, and the project would prove a wise investment. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/30/2024&ItemNumber=8>.

Update from the Public Education Department (PED) (10:52 a.m.)

KatieAnn Juanico, assistant secretary, Indian Education Division, PED, described collaboration with tribal leaders on an Indian education funding proposal, where the proposal stands and what the next steps are to gain funding for the proposal. She also highlighted positive trends in achievement and attendance for Native American students. Margaret Cage, Ph.D., deputy secretary, Special Education, PED, detailed the establishment of the Office of Special Education within the PED. She described the need and efforts to revitalize special education as well as initiatives that the office has launched in order to achieve its mission. Ms. Juanico then briefly highlighted the PED summer reading program and the strong base the program has had among Native American students. Sara Cordova, director, School Budget Bureau, PED, provided a description of the Open Books portal that provides access to school and school district financial information from the state's public schools, including financial support for at-risk students, bilingual service and special education services. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/30/2024&ItemNumber=9>.

Public Television Partnerships with Tribal Communities (1:30 p.m.)

Franz Joachim, general manager and chief executive officer, New Mexico PBS (NMPBS), described the unique agreement between the Navajo Nation, PBS and NMPBS to create public television partnerships between NMPBS and tribal communities. He also described an emergency alert system that NMPBS hoped to make available that would carry emergency alert information from public broadcast stations and streaming services. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/30/2024&ItemNumber=10>.

Adult Education and Literacy Enrollment and Proposals, and Their Link to Children's Educational Outcomes: Higher Education Department (HED) (2:05 p.m.)

Amber Gallup, Ph.D., director, Adult Education, HED, began by providing an overview of adult education, adult literacy and high school equivalency in the state. Katya Backhaus, Ph.D., data administrator, State High School Equivalency and Adult Education, HED, spoke of the numbers of trends in the three systems and the challenges faced by the department in

improving outcomes in adult education. Dr. Gallup then outlined the three legislative proposals the department is requesting, each of which involves increased funding but all of which the department feels will yield strong results in adult education in the state. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/30/2024&ItemNumber=11>.

Department of Health (DOH): Tribal Health Partnerships (3:08 p.m.)

Patrick Allen, secretary, DOH, outlined a basic strategy for a healthier New Mexico and the department's goal to be the statistically healthiest state by the year 2040. Janet Johnson, tribal liaison, DOH, described the duty of tribal liaison as seeking to strengthen tribal health and health systems through ongoing collaboration among stakeholders. Euphrasia Platta, councilwoman, Mescalero Apache Tribe, reviewed the collaboration between the Mescalero Apache Tribe and the DOH on a proposed primary care pilot project. Toney Johnson, Jr., primary care project manager, DOH, outlined efforts to promote collaboration and communication in organizing and determining a cohesive strategy between governments to increase access to health care and improve health outcomes. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/30/2024&ItemNumber=12>.

Introduction and Update from the New Mexico Tribal Behavioral Health Provider's Association (NMTBHPA) (4:04 p.m.)

Sindy Bolaños-Sacoman, director and founder, NMTBHPA, outlined the plan for the creation of the NMTBHPA, a trade group of behavioral health care providers. Melanie Montoya, core team member, NMTBHPA, described the importance of the NMTBHPA to her work and her desire for the association to be able to grow and expand its training and outreach programs. Ms. Bolaños-Sacoman asked the committee to support the organization's efforts to secure funding and to support the commitment of participation by state agencies. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/30/2024&ItemNumber=13>.

Recess

The meeting recessed at 4:56 p.m.

Friday, November 1 — State Capitol

Reconvene

The meeting reconvened at 9:31 a.m.

Consideration of Legislation for Endorsement (9:38 a.m.)

Representative Natalie Figueroa and Leonard Gorman presented a joint resolution proposing to provide for the creation of an independent redistricting commission to develop and adopt redistricting plans for state legislative districts and the districts of other state offices requiring redistricting. Following a lengthy discussion, the committee elected to not endorse the joint resolution.

Valeria Alarcon, executive director, New Mexico Alliance of Health Councils, presented a proposal for a bill making an appropriation to the DOH for county and tribal health councils statewide. On a motion made and seconded and without opposition, the committee endorsed the legislation.

On behalf of Senator Pinto and Senator Antoinette Sedillo Lopez, Ms. Bolaños-Sacoman and Marlene Lira presented a proposal to raise the tax on alcohol products. Following a lengthy presentation and discussion, on a motion made and seconded, the committee voted 5-1 to endorse the legislation.

A list of legislation endorsed by the committee can be found here:

https://www.nmlegis.gov/Committee/endorsed_legislation?CommitteeCode=IAC&Year=2024.

Public Comment

There was no public comment.

Adjournment

There being no further business before the committee, the meeting adjourned at 11:19 a.m.

COMMITTEE-ENDORSED LETTERS

August 16, 2024

The Honorable Derrick J. Lente
New Mexico State Representative
Chair, Revenue Stabilization and Tax Policy Committee
325 Don Gaspar Avenue, Suite 316B
Santa Fe, NM 87501

Dear Representative Lente:

On August 2, 2024, the Indian Affairs Committee held a meeting at the University of New Mexico-Gallup, where the Navajo Preparatory School presented its academic performance and capital outlay priorities. The presentation was given by Shawna Allison Becenti, head of school, and Sherrick Roanhorse, vice president of the Navajo Preparatory School Governing Board of Trustees. The purpose of the presentation was to prepare for the 2025 legislative session and to seek support for the school's 2025 capital outlay requests.

The Navajo Preparatory School is requesting:

1. \$2,000,000 for campus infrastructure and drainage improvements;
2. \$1,500,000 for residential housing renovations; and
3. \$2,000,000 for general infrastructure improvements.

The Navajo Preparatory School campus provides a multiservice space, includes dedicated space for community engagement and cultural makerspaces and provides the necessary meeting spaces to extend teaching and learning from the hogan — the traditional Diné home and the school's cultural heart of the campus. The campus helps to bridge the gap between academic and residential programming.

Navajo Preparatory School serves all 110 chapters of the Navajo Nation. The school was founded by the Navajo Nation Council in 1991 and serves as the nation's college preparatory school. Navajo Preparatory School's focus on cultural wellness embeds a strong sense of student identity development, knowledge of history and leadership development. Navajo Preparatory School has contributed to the nation-building of the Navajo Nation through its mission —

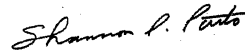
The Honorable Derrick J. Lente
August 16, 2024
Page 2

Yideeskáá'góó Naat'áanii. Navajo Preparatory School makes a significant impact in the 52 communities it serves. Ninety-eight percent of students in the school's 2023 graduating class were accepted to college and university. Seventy percent of Navajo Preparatory School alumni graduate from college in six years. This compares to the United States' six-year college graduation rate of 62 percent and the New Mexico graduation rate of 49 percent. The school prepares New Mexico students to serve as leaders in civic engagement, science, technology, engineering, mathematics, the arts and the careers of their choice. These renovations would contribute to the ongoing success and development of the school.

Sincerely,



D. WONDA JOHNSON
State Representative, District 5
Chair, Indian Affairs Committee



SHANNON D. PINTO
State Senator, District 3
Vice Chair, Indian Affairs Committee

DWJ/SDP:clm

August 16, 2024

The Honorable George K. Muñoz
New Mexico State Senator
Chair, Legislative Finance Committee
325 Don Gaspar Avenue, Suite 325B
Santa Fe, NM 87501

Dear Senator Muñoz:

On August 2, 2024, the Indian Affairs Committee held a meeting at the University of New Mexico-Gallup, where the Navajo Preparatory School presented its academic performance and capital outlay priorities. The presentation was given by Shawna Allison Becenti, head of school, and Sherrick Roanhorse, vice president of the Navajo Preparatory School Governing Board of Trustees. The purpose of the presentation was to prepare for the 2025 legislative session and to seek support for the school's 2025 capital outlay requests.

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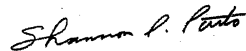
The Honorable George K. Muñoz
August 16, 2024
Page 2

School has contributed to the nation-building of the Navajo Nation through its mission — *Yideeskáá'góó Naat'áanii*. Navajo Preparatory School makes a significant impact in the 52 communities it serves. Ninety-eight percent of the students in the school's 2023 graduating class were accepted to college and university. Seventy percent of Navajo Preparatory School alumni graduate from college in six years. This compares to the United States' six-year college graduation rate of 62 percent and the New Mexico graduation rate of 49 percent. The school prepares New Mexico students to serve as leaders in civic engagement, science, technology, engineering, mathematics, the arts and the careers of their choice. These renovations would contribute to the ongoing success and development of the school.

Sincerely,



D. WONDA JOHNSON
State Representative, District 5
Chair, Indian Affairs Committee



SHANNON D. PINTO
State Senator, District 3
Vice Chair, Indian Affairs Committee

DWJ/SDP:gd



New Mexico State Legislature

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Santa Fe

November 12, 2024

The Honorable George K. Muñoz
New Mexico State Senator
Chair, Legislative Finance Committee
325 Don Gaspar Avenue, Suite 101
Santa Fe, NM 87501

Dear Senator Muñoz:

On October 31, 2024, the interim Indian Affairs Committee heard testimony from the Adult Basic Education Division of the Higher Education Department (NMHED-ABE), during which the division presented its recent performance outcomes and funding priorities. The presentation was given by Dr. Amber Gallup, director of the NMHED-ABE, and Dr. Katya Backhaus, state high school equivalency and data administrator of the NMHED-ABE. The purpose of the presentation was to prepare for the 2025 legislative session and to seek support for the division's budget priorities.

The NMHED-ABE oversees three separate educational systems in the state. For each system, the division is requesting the following recurring funding from the General Fund:

1. Adult Education: **An increase of \$3,000,000** for teacher recruitment and retention via much-needed pay raises, in addition to program expansion.

Unlike K-12 and higher education, adult education instructors do not receive legislative salary increases. With federal Adult Education and Family Literacy Act funding remaining static, adult education programs rely upon state funding to provide increases in salaries and benefits to instructors. Due to uncompetitive wages, the number of instructors is decreasing, leading to higher student-teacher ratios and programs that are nearing or at capacity. Approximately 350,000 New Mexicans are in need of adult education services, yet only 3.5% of that need is being met. Additional funding is essential for improving teacher retention, recruiting new teachers and expanding program capacity.

2. Adult Literacy: **An increase of \$1,250,000** to increase funding for existing programs, expand the number of programs and provide professional development for literacy providers.

New Mexico has the nation's lowest literacy levels, with roughly 160,000 New Mexicans in need of adult literacy services. Current programs serve less than 1% of this population. Many existing programs operate at a low capacity, and there are several "literacy deserts" throughout the state. Increased funding would enable expansion of current programs and the establishment of new programs in unserved areas. National research shows a strong correlation between adult literacy levels and children's literacy outcomes.

3. High School Equivalency (HSE): **A new appropriation of \$1,250,000** to support free HSE testing for all, establish additional testing centers (including mobile centers) and launch a statewide advertising campaign.

Currently, no state funding is allocated for HSE testing. Barriers such as exam cost and the insufficient number of testing centers hinder efforts to reduce the overall need in New Mexico — 190,000 adults lack a high school diploma or equivalent. By funding HSE in New Mexico, additional testing centers could be established, including mobile centers to serve tribal and rural communities. Increased funding could support awareness campaigns to enhance understanding of HSE services in the state.

The NMHED-ABE exists to support adults in strengthening core academic skills and achieving personal, educational and career goals. Adult education systems statewide have seen enrollment increases over the last program year, with outcomes improving significantly on an annual basis. Notably, Native American students consistently achieve higher outcomes in the NMHED-ABE than do all NMHED-ABE students as a group.

The NMHED-ABE funds and oversees 26 adult education programs and 18 adult literacy programs. These programs are critical to advancing adult literacy, English language proficiency and HSE outcomes in the state. Nationally, New Mexico currently ranks forty-first in English proficiency, forty-seventh in the number of people with a high school diploma or its recognized equivalent and fiftieth in adult literacy. Enrollment in adult education programs has shown a 6% increase in fiscal year 2024, with Native American student enrollment increasing by 9%. Similarly, enrollment in adult literacy programs increased by 2%, while the number of HSE test takers increased by 15%. Beyond program funding and oversight, the NMHED-ABE administers HSE testing throughout the state.

The NMHED-ABE is requesting a total funding increase of \$5,500,000. Each request is independent of the others and supports distinct areas of the NMHED-ABE's mission: \$3,000,000 for addressing critical needs in adult education; \$1,250,000 for increasing adult literacy; and \$1,250,000 for HSE. The Indian Affairs Committee acknowledges the substantial

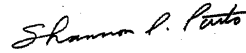
The Honorable George K. Muñoz
November 12, 2024
Page 3

gains in outcomes and enrollment made by the NMHED-ABE in the last three years, recognizes the great need for these services in New Mexico and strongly supports each of these proposals.

Sincerely,



D. WONDA JOHNSON
State Representative, District 5
Chair, Indian Affairs Committee



SHANNON D. PINTO
State Senator, District 3
Vice Chair, Indian Affairs Committee

DWJ/SDP:sv



New Mexico State Legislature

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Santa Fe

November 18, 2024

The Honorable George K. Muñoz
New Mexico State Senator
Chair, Legislative Finance Committee
325 Don Gaspar Avenue, Suite 101
Santa Fe, NM 87501

Dear Senator Muñoz:

This letter is to inform you that the Indian Affairs Committee (IAC) has heard testimony from the Santa Fe Indian School (SFIS) related to the school's academic performance and capital outlay priorities for the upcoming 2025 legislative session. The SFIS is requesting \$3,000,000 in severance tax bond funding for the school to renovate and reconstruct the Paolo Soleri Amphitheater, the historically significant event facility that is the only amphitheater at an Indian school in the state.

During the 2022 regular legislative session, \$3,000,000 was appropriated to the school, and those funds are fully encumbered and being spent on the engineering assessment, planning and design phase of the project. The design phase will be completed by December 31, 2024, which will then allow for preparation of phase 1 construction.

The SFIS is requesting \$3,000,000 for phase 1 construction, which will include reconstruction of the existing portion of the amphitheater to increase the seating capacity to 4,000, which would meet the current occupancy loads experienced by the SFIS. Through phased construction, the SFIS will renovate the Paolo Soleri Amphitheater into a student-based performing arts center on the SFIS campus. Very importantly, the school will more than match the requested \$3,000,000 in state funding, with \$5,000,000 of internal funding for completion of phase 1 of the project.

During the presentation to the IAC, SFIS representatives clarified that the school is recognized as a statewide educational institution and that students who attend the school come from nearly a dozen counties across the state and represent 22 New Mexico Indian nations, tribes and pueblos. The IAC has also come to understand that, unlike other entities such as higher education institutions, public schools and other statewide public facilities, the SFIS does not have any other avenue for presenting capital outlay requests at a formal capital outlay public hearing, therefore the school presented its capital outlay priority to the IAC.

The Honorable George K. Muñoz
November 18, 2024
Page 2

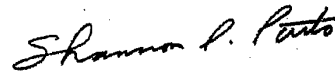
The IAC was particularly impressed with the academic performance of SFIS students and the school's overall graduation rates. The school is educating a segment of New Mexico's student population that would otherwise be required to attend public schools, where additional operating dollars would need to be allocated by the state to support those students.

The IAC respectfully requests that the Legislative Finance Committee consider the SFIS's \$3,000,000 capital outlay request and recommend its inclusion as an appropriation to the legislature and to the governor as a statewide project.

Sincerely,



D. WONDA JOHNSON
State Representative, District 5
Chair, Indian Affairs Committee



SHANNON D. PINTO
State Senator, District 3
Vice Chair, Indian Affairs Committee

DWJ/SDP:cb

cc: Governor Michelle Lujan Grisham



New Mexico State Legislature

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Santa Fe

December 6, 2024

VIA EMAIL: george.munoz@nmlegis.gov

The Honorable George K. Muñoz
New Mexico State Senator
Chair, Legislative Finance Committee
325 Don Gaspar Avenue, Suite 325B
Santa Fe, NM 87501

Dear Senator Muñoz:

On October 30, 2024, the Indian Affairs Committee (IAC) held a meeting at the Institute of American Indian Arts in Santa Fe, where the Office of the State Engineer (OSE) and the Interstate Stream Commission (ISC) presented updates on Indian water rights settlements and regional water planning. The presentation was given by State Engineer Elizabeth Anderson; OSE General Counsel Nathaniel Chakeres; ISC Director Hannah Riseley-White; and OSE/ISC Tribal Liaison and Governor, Pueblo of Santa Ana, Myron Armijo. The purpose of the presentation was to provide updates on the Indian Water Rights Settlement Fund (IWRSF) and the formation of the Water Security Tribal Advisory Council (WSTAC) and to prepare for the 2025 legislative session. The IAC passed a motion to provide a letter to the Legislative Finance Committee to voice support for funding the IWRSF and regional water planning.

The OSE is requesting \$40 million to support and fund Indian water rights settlements. The state is responsible for funding the nontribal components of the settlements, including hydrographic surveys and early funding for municipalities and acequias to plan, design and construct projects beneficial to all settlement parties.

There are currently five finalized settlement agreements for which congressional approval is being sought:

1. the Pueblos of Jemez and Zio Rio Jemez Water Rights Settlement Agreement;
2. the Pueblos of Acoma and Laguna Rio San Jose Stream System Water Rights Settlement Agreement;
3. the Navajo Nation Rio San Jose Water Rights Settlement Agreement;
4. the Ohkay Owingeh Rio Chama Water Rights Settlement; and
5. the Settlement Agreement to Quantify Water Rights of Zuni Tribe and Zuni Salt Lake Protections.

The Honorable George K. Muñoz
December 6, 2024
Page 2

These settlements have a combined state cost share of just over \$191 million and will bring in a combined \$3 billion in federal funding. Additional funding is needed for mitigation wells to support the Abeyta/Taos settlement. The parties to that settlement are still in discussions with the United States Department of the Interior about a supplemental bill to authorize additional funding, but the state share of the additional funding is estimated to be approximately \$43 million, with the federal cost share anticipated to be triple the state cost share (or approximately \$130 million).

Additionally, the Water Security Planning Act (WSPA) (2023) requires the ISC to revamp water planning in New Mexico. Through the WSPA, the ISC formed the WSTAC this year to consider tribal sovereignty, tribal water rights and the water needs of tribal communities within regional planning. The integration of Indian water rights settlements into the planning process will ensure water security for the Indian nations, tribes and pueblos in the state and cooperation among all New Mexico water users throughout the state. The ISC is requesting a \$800,000 in additional recurring funding for planning and a special appropriation of \$1 million to support this major water planning effort.

These settlements are critical to securing the water future of New Mexico's Indian nations, tribes and pueblos, as well as their neighboring communities. The IAC supports the OSE special appropriation request for \$40 million and ISC's recurring general fund request for \$1 million.

Sincerely,



D. WONDA JOHNSON
State Representative, District 5
Chair, Indian Affairs Committee



SHANNON D. PINTO
State Senator, District 3
Vice Chair, Indian Affairs Committee

DWJ/SDP:gd

ENDORSED LEGISLATION

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HOUSE BILL

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

FOR THE INDIAN AFFAIRS COMMITTEE AND
THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR COUNTY
AND TRIBAL HEALTH COUNCILS STATEWIDE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. APPROPRIATION.--

A. The following amounts are appropriated from the
general fund to the department of health for expenditure in
fiscal year 2026 for the following purposes:

(1) forty-three million dollars (\$43,000,000)
to fund and support county and tribal health councils statewide
to carry out the functions as provided for in the County and
Tribal Health Councils Act. Funding may be used to:

(a) provide salaries and benefits for
staff positions;

(b) expand county and tribal health

underscoring material = new
~~[bracketed material] = delete~~

1 council capacity to provide services;

2 (c) expand county and tribal health
3 council operations and functions;

4 (d) assist in the coordination and
5 navigation of essential services through key collaborations
6 with state agencies, health care management organizations and
7 organizations that serve medicaid and medicare recipients;

8 (e) increase community outreach and
9 engagement programs to improve community awareness and
10 understanding of county and tribal health council services;

11 (f) increase public health intervention,
12 prevention and education efforts;

13 (g) facilitate collaboration and
14 networking with health care stakeholders across the state;

15 (h) support policy and advocacy efforts
16 aimed at advancing health equity;

17 (i) pay for the costs of running county
18 and tribal health councils, including: 1) overhead expenses
19 for offices and health hub locations; 2) travel reimbursements;
20 and 3) supplies; and

21 (j) cover other indirect expenses
22 incurred by county and tribal health councils; and

23 (2) one million dollars (\$1,000,000) for the
24 department of health to contract with a nonprofit organization
25 to provide training, technical assistance and other supports to

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1 county and tribal health councils.

2 B. Any unexpended or unencumbered balance remaining
3 at the end of fiscal year 2026 shall revert to the general
4 fund.

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HOUSE BILL

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

DISCUSSION DRAFT

FOR THE INDIAN AFFAIRS COMMITTEE AND

THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO TAXATION; INCREASING AND INDEXING LIQUOR EXCISE TAX RATES ON ALCOHOLIC BEVERAGES FOR CERTAIN MANUFACTURERS AND PRODUCERS; IMPOSING A LIQUOR EXCISE SURTAX ON RETAILERS; CHANGING CURRENT DISTRIBUTIONS OF THE LIQUOR EXCISE TAX FROM PERCENTAGES TO DOLLAR AMOUNTS AND INDEXING THE AMOUNTS FOR INFLATION; DISTRIBUTING THE REMAINDER OF THE REVENUE FROM THE LIQUOR EXCISE TAX AND ALL OF THE REVENUE FROM THE NEW LIQUOR EXCISE SURTAX TO A NEW ALCOHOL HARMS ALLEVIATION FUND; CREATING THE ALCOHOL HARMS ALLEVIATION FUND.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 7-1-6.40 NMSA 1978 (being Laws 1997, Chapter 182, Section 1, as amended) is amended to read:

"7-1-6.40. DISTRIBUTION OF LIQUOR EXCISE TAX--LOCAL DWI GRANT FUND--CERTAIN MUNICIPALITIES--DRUG COURT FUND--ALCOHOL

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1 HARMS ALLEVIATION FUND--DISTRIBUTION OF THE LIQUOR EXCISE
2 SURTAX TO THE ALCOHOL HARMS ALLEVIATION FUND.--

3 A. A distribution pursuant to Section 7-1-6.1 NMSA
4 1978 [~~in an amount equal to forty-five percent~~] of the net
5 receipts attributable to the liquor excise tax shall be made as
6 follows:

7 (1) prior to July 1, 2031:

8 (a) to the local DWI grant fund, in an
9 amount equal to two million five hundred thousand dollars
10 (\$2,500,000) monthly;

11 [~~B. A distribution pursuant to Section~~
12 ~~7-1-6.1 NMSA 1978 of twenty thousand seven hundred fifty~~
13 ~~dollars (\$20,750) monthly from the net receipts attributable to~~
14 ~~the liquor excise tax shall be made] (b) to a municipality
15 that is located in a class A county and that has a population
16 according to the most recent federal decennial census of more
17 than thirty thousand but less than sixty thousand and shall be
18 used by the municipality only for the provision of alcohol
19 treatment and rehabilitation services for street inebriates, in
20 an amount equal to twenty-five thousand dollars (\$25,000)
21 monthly; and~~

22 [~~G. Beginning July 1, 2019, a~~
23 ~~distribution pursuant to Section 7-1-6.1 NMSA 1978 in an amount~~
24 ~~equal to five percent of the net receipts attributable to the~~
25 ~~liquor excise tax shall be made] (c) to the drug court fund,~~

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1 in an amount equal to three hundred thousand dollars (\$300,000)
2 monthly; and

3 (2) on and after July 1, 2031, in amounts
4 calculated pursuant to Subsection B of this section.

5 B. No later than April 30, 2028 and April 30 of
6 each third year thereafter, the department shall calculate the
7 amounts to be distributed pursuant to Paragraph (1) of
8 Subsection A of this section as of July 1 of that year. The
9 distribution amounts shall be equal to the product, rounded to
10 the nearest whole cent, of the distributions provided in
11 Paragraph (1) of Subsection A of this section, multiplied by a
12 fraction with a numerator equal to the consumer price index for
13 the previous calendar year and a denominator equal to the
14 consumer price index for the calendar year 2025; provided that
15 the amount of distribution shall not be less than the
16 distribution made on July 1 of the previous year.

17 C. After the distributions are made pursuant to
18 Subsection A of this section, a distribution pursuant to
19 Section 7-1-6.1 NMSA 1978 shall be made to the alcohol harms
20 alleviation fund in an amount equal to the remainder of the net
21 receipts attributable to the liquor excise tax.

22 D. A distribution pursuant to Section 7-1-6.1 NMSA
23 1978 shall be made to the alcohol harms alleviation fund in an
24 amount equal to the net receipts attributable to the liquor
25 excise surtax.

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1 E. As used in this section, "consumer price index"
2 means the consumer price index for all urban consumers
3 published by the United States department of labor."

4 SECTION 2. Section 7-17-2 NMSA 1978 (being Laws 1966,
5 Chapter 49, Section 2, as amended) is amended to read:

6 "7-17-2. DEFINITIONS.--As used in the Liquor Excise Tax
7 Act:

8 A. "alcoholic beverages" means distilled or
9 rectified spirits, potable alcohol, brandy, whiskey, rum, gin,
10 aromatic bitters or any similar beverage, including blended or
11 fermented beverages, dilutions or mixtures of one or more of
12 the foregoing containing more than one-half of one percent
13 alcohol by volume, but "alcoholic beverages" does not include
14 medicinal bitters;

15 B. "barrel" means the equivalent of thirty-one
16 gallons;

17 [~~B-~~] C. "beer" means an alcoholic beverage obtained
18 by the fermentation of any infusion or decoction of barley,
19 malt and hops or other cereals in water and includes porter,
20 beer, ale and stout;

21 [~~G-~~] D. "cider" means an alcoholic beverage made
22 from the normal alcoholic fermentation of the juice of sound,
23 ripe apples or pears that contains not less than one-half of
24 one percent of alcohol by volume and not more than eight and
25 one-half percent of alcohol by volume;

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1 E. "consumer price index" means the consumer price
2 index for all urban consumers published by the United States
3 department of labor;

4 F. "craft distiller" means a craft distiller
5 licensed pursuant to Section 60-6A-6.1 NMSA 1978;

6 [~~D-~~] G. "department" means the taxation and revenue
7 department, the secretary of taxation and revenue or any
8 employee of the department exercising authority lawfully
9 delegated to that employee by the secretary;

10 [~~E-~~] H. "fortified wine" means wine containing more
11 than fourteen percent alcohol by volume when bottled or
12 packaged by the manufacturer, but "fortified wine" does not
13 include:

14 (1) wine that is sealed or capped by cork
15 closure and aged two years or more;

16 (2) wine that contains more than fourteen
17 percent alcohol by volume solely as a result of the natural
18 fermentation process and that has not been produced with the
19 addition of wine spirits, brandy or alcohol; or

20 (3) vermouth and sherry;

21 [~~F-~~] I. "microbrewer" means a person who produces
22 less than two hundred thousand barrels of beer per year;

23 [~~G-~~] J. "person" includes, to the extent permitted
24 by law, a federal, state or other governmental unit or
25 subdivision or an agency, department, institution or

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1 instrumentality thereof;

2 ~~[H.]~~ K. "small winegrower" means a winegrower who
3 produces less than one million five hundred thousand liters of
4 wine in a year;

5 ~~[I.]~~ L. "spirituous liquors" means alcoholic
6 beverages, except fermented beverages such as wine, beer, cider
7 and ale;

8 ~~[J.]~~ M. "wholesaler" means a person holding a
9 license issued under Section 60-6A-1 NMSA 1978 or a person
10 selling alcoholic beverages that were not purchased from a
11 person holding a license issued under Section 60-6A-1 NMSA
12 1978;

13 ~~[K.]~~ N. "wine" means an alcoholic beverage other
14 than cider that is obtained by the fermentation of the natural
15 sugar contained in fruit or other agricultural products, with
16 or without the addition of sugar or other products, and that
17 does not contain more than twenty-one percent alcohol by
18 volume; and

19 ~~[L.]~~ O. "winegrower" means a person licensed
20 pursuant to Section 60-6A-11 NMSA 1978."

21 **SECTION 3.** Section 7-17-5 NMSA 1978 (being Laws 1993,
22 Chapter 65, Section 8, as amended) is amended to read:

23 "7-17-5. IMPOSITION AND RATE OF LIQUOR EXCISE TAX.--

24 A. There is imposed on a wholesaler who sells
25 alcoholic beverages on which the tax imposed by this section

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1 has not been paid an excise tax, to be referred to as the
2 "liquor excise tax", at the [following] rates provided in
3 Subsections B through F of this section on alcoholic beverages
4 sold.

5 ~~[(1) on spirituous liquors, except as provided~~
6 ~~in Paragraph (9) of this subsection, one dollar sixty cents~~
7 ~~(\$1.60) per liter;~~

8 ~~(2) on beer, except as provided in Paragraph~~
9 ~~(5) of this subsection, forty-one cents (\$.41) per gallon;~~

10 ~~(3) on wine, except as provided in Paragraphs~~
11 ~~(4) and (6) of this subsection, forty-five cents (\$.45) per~~
12 ~~liter;~~

13 ~~(4) on fortified wine, one dollar fifty cents~~
14 ~~(\$1.50) per liter;~~

15 ~~(5) on beer manufactured or produced by a~~
16 ~~microbrewer and sold in this state, provided that proof is~~
17 ~~furnished to the department that the beer was manufactured or~~
18 ~~produced by a microbrewer, eight cents (\$.08) per gallon on the~~
19 ~~first thirty thousand barrels sold, twenty-eight cents (\$.28)~~
20 ~~per gallon for all barrels sold over thirty thousand barrels~~
21 ~~but less than sixty thousand barrels and forty-one cents (\$.41)~~
22 ~~per gallon for sixty thousand or more barrels sold;~~

23 ~~(6) on wine manufactured or produced by a~~
24 ~~small winegrower and sold in this state, provided that proof is~~
25 ~~furnished to the department that the wine was manufactured or~~

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1 ~~produced by a small winegrower:~~

2 ~~(a) ten cents (\$.10) per liter on the~~
3 ~~first eighty thousand liters sold;~~

4 ~~(b) twenty cents (\$.20) per liter on~~
5 ~~each liter sold over eighty thousand liters but not over nine~~
6 ~~hundred fifty thousand liters; and~~

7 ~~(c) thirty cents (\$.30) per liter on~~
8 ~~each liter sold over nine hundred fifty thousand liters but not~~
9 ~~over one million five hundred thousand liters;~~

10 ~~(7) on cider, except as provided in Paragraph~~
11 ~~(8) of this subsection, forty-one cents (\$.41) per gallon;~~

12 ~~(8) on cider manufactured or produced by a~~
13 ~~small winegrower and sold in this state, provided that proof is~~
14 ~~furnished to the department that the cider was manufactured or~~
15 ~~produced by a small winegrower, eight cents (\$.08) per gallon~~
16 ~~on the first thirty thousand barrels sold, twenty-eight cents~~
17 ~~(\$.28) per gallon for all barrels sold over thirty thousand~~
18 ~~barrels but less than sixty thousand barrels and forty-one~~
19 ~~cents (\$.41) per gallon for sixty thousand or more barrels~~
20 ~~sold; and~~

21 ~~(9) on spirituous liquors manufactured or~~
22 ~~produced by a craft distiller licensed pursuant to Section~~
23 ~~60-6A-6.1 NMSA 1978, provided that proof is provided to the~~
24 ~~department that the spirituous liquors were manufactured or~~
25 ~~produced by a craft distiller, for products up to ten percent~~

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1 ~~alcohol by volume, eight cents (\$.08) per liter for the first~~
2 ~~two hundred fifty thousand liters sold and twenty-eight cents~~
3 ~~(\$.28) per liter for the next two hundred fifty thousand liters~~
4 ~~sold and for products over ten percent alcohol by volume,~~
5 ~~thirty-two cents (\$.32) per liter on the first one hundred~~
6 ~~seventy-five thousand liters sold and sixty-five cents (\$.65)~~
7 ~~per liter on the next two hundred thousand liters sold.]~~

8 B. Prior to July 1, 2031, the liquor excise tax
9 imposed on spirituous liquors is as follows:

10 (1) if manufactured or produced by a craft
11 distiller; provided that proof is provided to the department
12 that the spirituous liquors were manufactured or produced by a
13 craft distiller:

14 (a) for products up to ten percent
15 alcohol by volume: 1) eight cents (\$.08) per liter for the
16 first two hundred fifty thousand liters sold; 2) twenty-eight
17 cents (\$.28) per liter for the next two hundred fifty thousand
18 liters sold; and 3) three dollars thirty-eight cents (\$3.38)
19 for each liter sold thereafter; and

20 (b) for products over ten percent
21 alcohol by volume: 1) thirty-two cents (\$.32) per liter on the
22 first one hundred seventy-five thousand liters sold; 2) sixty-
23 five cents (\$.65) per liter on the next two hundred thousand
24 liters sold; and 3) three dollars thirty-eight cents (\$3.38)
25 for each liter sold thereafter; and

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1 (2) for all other spirituous liquors, three
2 dollars thirty-eight cents (\$3.38) per liter sold.

3 C. Prior to July 1, 2031, the liquor excise tax
4 imposed on beer and cider is as follows:

5 (1) if manufactured or produced by a
6 microbrewer or small winegrower and sold in this state;
7 provided that proof is furnished to the department that the
8 beer or cider was manufactured or produced by a microbrewer or
9 small winegrower:

10 (a) eight cents (\$.08) per gallon on the
11 first thirty thousand barrels sold;

12 (b) twenty-eight cents (\$.28) per gallon
13 for all barrels sold over thirty thousand barrels but less than
14 sixty thousand barrels; and

15 (c) eighty-seven cents (\$.87) per gallon
16 for sixty thousand or more barrels sold; and

17 (2) for all other beer and cider, eighty-seven
18 cents (\$.87) per gallon sold.

19 D. Prior to July 1, 2031, the liquor excise tax
20 imposed on wine is as follows:

21 (1) if manufactured or produced by a small
22 winegrower and sold in this state; provided that proof is
23 furnished to the department that the wine was manufactured or
24 produced by a small winegrower:

25 (a) ten cents (\$.10) per liter on the

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1 first eighty thousand liters sold;

2 (b) twenty cents (\$.20) per liter on
3 each liter sold over eighty thousand liters but not over nine
4 hundred fifty thousand liters; and

5 (c) thirty cents (\$.30) per liter on
6 each liter sold over nine hundred fifty thousand liters but not
7 over one million five hundred thousand liters; and

8 (2) for all other wine, ninety-five cents
9 (\$.95) per liter sold.

10 E. Prior to July 1, 2031, the liquor excise tax
11 imposed on fortified wine is three dollars seventeen cents
12 (\$3.17) per liter sold.

13 F. No later than April 30, 2028 and April 30 of
14 each third year thereafter, the department shall calculate the
15 rates of the liquor excise tax to be imposed as of July 1 of
16 that year. The rates of the liquor excise tax shall be equal
17 to the product, rounded down to the nearest whole cent, of the
18 rates provided in Subsections B through E of this section,
19 multiplied by a fraction with a numerator equal to the consumer
20 price index for the previous calendar year and a denominator
21 equal to the consumer price index for the calendar year 2025;
22 provided that the rate of the tax shall not be less than the
23 rate imposed on July 1 of the previous year.

24 ~~[B-]~~ G. The volume of wine transferred from one
25 winegrower to another winegrower for processing, bottling or

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1 storage and subsequent return to the transferor shall be
2 excluded pursuant to Section 7-17-6 NMSA 1978 from the taxable
3 volume of wine of the transferee. Wine transferred from an
4 initial winegrower to a second winegrower remains a tax
5 liability of the transferor, provided that if the wine is
6 transferred to the transferee for the transferee's use or for
7 resale, the transferee then assumes the liability for the tax
8 due pursuant to this section.

9 [G.] H. A transfer of wine from a winegrower to a
10 wholesaler for distribution of the wine transfers the liability
11 for payment of the liquor excise tax to the wholesaler upon the
12 sale of the wine by the wholesaler."

13 SECTION 4. A new section of the Liquor Excise Tax Act,
14 Section 7-17-5.2 NMSA 1978, is enacted to read:

15 "7-17-5.2. [NEW MATERIAL] IMPOSITION AND RATE OF LIQUOR
16 EXCISE SURTAX.--

17 A. In addition to the liquor excise tax, there is
18 imposed on a retailer who sells alcoholic beverages on which
19 the surtax imposed by this section has not been paid an excise
20 surtax, to be referred to as the "liquor excise surtax", at the
21 rate of twelve percent on alcoholic beverages sold.

22 B. As used in this section, "retailer" means a
23 person having a place of business in New Mexico who sells,
24 offers for sale or possesses for the purpose of selling
25 alcoholic beverages in New Mexico."

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1 SECTION 5. Section 7-17-6 NMSA 1978 (being Laws 1984,
2 Chapter 85, Section 4, as amended) is amended to read:

3 "7-17-6. DEDUCTION--INTERSTATE SALES--WINEGROWER-TO-
4 WINEGROWER TRANSFERS.--

5 A. A wholesaler may deduct the liters of spirituous
6 liquors, gallons of beer and liters of wine sold and shipped to
7 a person in another state from the units of alcoholic beverages
8 subject to the [~~tax~~] taxes imposed by the Liquor Excise Tax
9 Act; provided that the department may require the wholesaler to
10 submit evidence satisfactory to the department that the units
11 have been sold and shipped to a person in another state.

12 B. A winegrower may deduct the liters of wine
13 transferred to the winegrower from another winegrower for
14 processing, bottling or storage and subsequent return to the
15 transferor from the units of wine subject to the [~~liquor excise~~
16 ~~tax~~] taxes imposed by the Liquor Excise Tax Act on the licensed
17 premises of the winegrower."

18 SECTION 6. Section 7-17-9 NMSA 1978 (being Laws 1966,
19 Chapter 49, Section 7, as amended) is amended to read:

20 "7-17-9. EXEMPTION--CERTAIN SALES TO OR BY
21 INSTRUMENTALITIES OF ARMED FORCES.--Exempted from the [~~tax~~
22 ~~imposed by Section 7-17-5 NMSA 1978~~] taxes imposed by the
23 Liquor Excise Tax Act are alcoholic beverages sold to or by any
24 instrumentality of the armed forces of the United States
25 engaged in resale activities."

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1 SECTION 7. Section 7-17-10 NMSA 1978 (being Laws 1966,
2 Chapter 49, Section 8, as amended) is amended to read:

3 "7-17-10. DATE PAYMENT DUE.--The [~~tax~~] taxes imposed by
4 the Liquor Excise Tax Act [~~is~~] are to be paid on or before the
5 twenty-fifth day of the month following the month in which the
6 taxable event occurs."

7 SECTION 8. Section 7-17-11 NMSA 1978 (being Laws 1969,
8 Chapter 80, Section 1, as amended) is amended to read:

9 "7-17-11. REFUND OR CREDIT OF [~~TAX~~] TAXES.--The
10 department shall allow a claim for refund or credit as provided
11 in Sections 7-1-26 and 7-1-29 NMSA 1978 for the [~~tax imposed by~~
12 ~~Section 7-17-5 NMSA 1978~~] taxes imposed by the Liquor Excise
13 Tax Act and paid on alcoholic beverages destroyed in shipment,
14 spoiled or otherwise damaged as to be unfit for sale or
15 consumption upon submission of proof satisfactory to the
16 department of such destruction, spoilage or damage."

17 SECTION 9. Section 7-17-12 NMSA 1978 (being Laws 1984,
18 Chapter 85, Section 8, as amended) is amended to read:

19 "7-17-12. INTERPRETATION OF ACT--ADMINISTRATION AND
20 ENFORCEMENT OF [~~TAX~~] TAXES.--

21 A. The department shall interpret the provisions of
22 the Liquor Excise Tax Act.

23 B. The department shall administer and enforce the
24 collection of the [~~liquor excise tax~~] taxes imposed by the
25 Liquor Excise Tax Act, and the Tax Administration Act applies

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1 to the administration and enforcement of the [~~tax~~] taxes."

2 SECTION 10. [NEW MATERIAL] ALCOHOL HARMS ALLEVIATION
3 FUND.--

4 A. The "alcohol harms alleviation fund" is created
5 as a nonreverting fund in the state treasury. The fund
6 consists of appropriations, distributions, gifts, grants,
7 donations and bequests made to the fund and income from
8 investment of the fund. The department of finance and
9 administration shall administer the fund. Money in the fund is
10 subject to appropriation by the legislature for alcohol harms
11 prevention, treatment and recovery services to individuals
12 throughout New Mexico, including individuals harmed by a person
13 in need of those services; provided that twenty-five percent of
14 money appropriated from the fund in any year shall be for
15 Indian nations, tribes and pueblos to implement alcohol harms
16 prevention programs and treatment, including culturally
17 relevant practices. When appropriating the funds, the
18 legislature shall prioritize community-based initiatives that
19 address the needs of populations and communities that are
20 disproportionately impacted by excessive alcohol use and are
21 working to reduce health disparities.

22 B. Money in the fund shall be expended by warrant
23 of the secretary of finance and administration pursuant to
24 vouchers signed by the secretary or the secretary's authorized
25 representative.

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1 SECTION 11. Section 60-6A-11.1 NMSA 1978 (being Laws
2 2011, Chapter 109, Section 1) is amended to read:

3 "60-6A-11.1. DIRECT WINE SHIPMENT PERMIT--AUTHORIZATION--
4 RESTRICTIONS.--

5 A. A licensee with a winegrower's license or a
6 person licensed in a state other than New Mexico that holds a
7 winery license may apply to the director for and the director
8 may issue to the applicant a direct wine shipment permit. An
9 application for a direct wine shipment permit shall include:

10 (1) contact information for the applicant in a
11 form required by the department;

12 (2) an annual application fee of fifty dollars
13 (\$50.00) if the applicant does not hold a winegrower's license;

14 (3) the number of the applicant's winegrower's
15 license if the applicant is located in New Mexico or a copy of
16 the applicant's winery license if the applicant is located in a
17 state other than New Mexico; and

18 (4) any other information or documents
19 required by the director. Upon approval of an applicant for a
20 permit, the director shall forward to the taxation and revenue
21 department the name of each permittee and the contact
22 information for the permittee.

23 B. A direct wine shipment permit shall be valid for
24 a permit year. A permittee shall renew a direct wine shipment
25 permit annually as required by the department to continue

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1 making direct shipments of wine to New Mexico residents.

2 C. A permittee may ship:

3 (1) not more than two nine-liter cases of wine
4 monthly to a New Mexico resident who is twenty-one years of age
5 or older for the recipient's personal consumption or use, but
6 not for resale; and

7 (2) wine directly to a New Mexico resident
8 only in containers that are conspicuously labeled with the
9 words:

10 "CONTAINS ALCOHOL
11 SIGNATURE OF PERSON 21 YEARS OR OLDER REQUIRED
12 FOR DELIVERY".

13 D. A permittee shall:

14 (1) register with the taxation and revenue
15 department for the payment of the liquor excise tax, liquor
16 excise surtax and gross receipts taxes due on the sales of wine
17 pursuant to the permittee's activities in New Mexico;

18 (2) submit to the jurisdiction of New Mexico
19 courts to resolve legal actions that arise from the shipping by
20 the permittee of wine into New Mexico to New Mexico residents;

21 (3) monthly, by the twenty-fifth day of each
22 month following the month in which the permittee was issued a
23 direct wine shipment permit, pay to the taxation and revenue
24 department the liquor excise tax, [~~due~~] liquor excise surtax
25 and [~~the~~] gross receipts tax due; and

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1 (4) submit to an audit by an agent of the
2 taxation and revenue department of the permittee's records of
3 the wine shipped pursuant to this section to New Mexico
4 residents upon notice and during usual business hours.

5 E. As used in this section:

6 (1) "permit year" means the period between
7 July 1 and June 30 of a year; and

8 (2) "permittee" means a person that is the
9 holder of a direct wine shipment permit."

10 SECTION 12. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2026.



LEGISLATIVE COUNCIL SERVICE
SANTA FE, NEW MEXICO