

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

**November 13, 2020
House Chambers and Video Conference Meeting
Santa Fe**

The fifth meeting of the Indian Affairs Committee was called to order by Representative Georgene Louis, co-chair, on November 13, 2020 at 10:11 a.m. in the House Chambers and by video and audio conference via an online platform.

Present

Rep. Georgene Louis, Co-Chair (In-Person)
Sen. Shannon D. Pinto, Co-Chair (Online)
Rep. Anthony Allison (Online)
Rep. D. Wonda Johnson (Online)
Sen. Richard C. Martinez (Online)
Sen. Cliff R. Pirtle (Online)
Sen. Nancy Rodriguez (Online)
Sen. Benny Shendo, Jr. (Online)
Sen. William P. Soules (Online)

Advisory Members

Sen. Roberto "Bobby" J. Gonzales (Online)
Sen. Gabriel Ramos (Online)
Rep. Patricia Roybal Caballero (Online)
Rep. Clemente "Memé" Sanchez (Online)
Rep. Elizabeth "Liz" Thomson (Online)

Absent

Rep. Eliseo Lee Alcon
Rep. Zachary J. Cook
Rep. Kelly K. Fajardo
Rep. Derrick J. Lente
Sen. Mark Moores
Sen. William E. Sharer
Rep. Martin R. Zamora

Rep. Abbas Akhil
Rep. Gail Chasey
Rep. Doreen Y. Gallegos
Rep. Harry Garcia
Sen. Stuart Ingle
Rep. Patricia A. Lundstrom
Sen. George K. Munoz
Rep. Melanie A. Stansbury

Guest Legislator

Sen. Linda M. Lopez (Online)

Staff

Lenaya Montoya, Staff Attorney, Legislative Council Service (LCS)
Tom Kricka, Staff Attorney, LCS
Sara Wiedmaier, Research Assistant, LCS
Erin Bond, Research Assistant, LCS

Minutes Approval

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

Handouts

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

Friday, November 13

Introductions (10:11 a.m.)

Representative Louis introduced the presentations for the day.

Update on *Yazzie/Martinez v. State of New Mexico* (10:18 a.m.)

Lashawna Tso, assistant secretary of Indian Education, Public Education Department (PED); Ryan Stewart, secretary, PED; and Allison Briceno, managing director, PED, gave the committee an update on the *Yazzie/Martinez v. State of New Mexico* litigation. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20111320%20Item%201%20PED%20IAC%20presentation.pdf>.

Comments from committee members included the following:

- there are many unknowns as the federal administration changes, but the state is still on schedule for federal impact aid funding, and there are encouraging and hopeful signs that additional funding will be forthcoming, including a tripling of funding for Title I, impact aid and funding for special education;
- grant funding applications from the PED should be monitored so that the state does not miss out on funding opportunities;
- there is some discretion provided by statute as to how school boards operate; as the PED hears of issues regarding school boards, the PED tries to support the school boards and address any violations and is looking at potential rule changes regarding school boards;
- the guiding principles of the PED are to try to get impact aid funding and resources to the students that need them most and not take funding from areas where it is needed to give to students in areas that do not need as much help;
- the PED filed a withdrawal of the appeal in the *Yazzie* lawsuit in August 2020;
- students are generally eligible for career technical education (CTE) in high school;
- the PED has some professional development funding, some of which is discretionary for each school as part of its operating budget; and
- the PED could provide better information to the public on the status of the *Yazzie/Martinez* lawsuit.

Public Bank Presentation (2:15 p.m.)

Dan Mayfield, president, Leverage Point Incorporated; Angela Merkert, executive director, Alliance for Local Economic Prosperity; and Reilly White, associate professor, Anderson School of Management, University of New Mexico, discussed the benefits of having a public bank in the state. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=11/13/2020&ItemNumber=3>.

Comments from committee members included the following:

- a public bank would assist local banks, community banks and credit unions throughout the state by providing low-interest loans and capital for small business lending;
- there are compliance and regulatory standards for banks regarding insurance and access to the Federal Reserve System, and a backup could be provided by the state;
- a public bank would help the New Mexico Finance Authority meet its goals by providing greater access to funding;
- the state would launch a public bank and smaller governmental bodies, such as municipalities and land grant-merced communities, would then partner with a local bank or credit union and partner with the public bank to access the benefits of the public bank;
- there is a long list of infrastructure projects and economic development projects that are currently unfunded or underfunded, and a public bank would help meet those needs;
- there is a difference between personal banking and commercial banking, and commercial banking in the state is in decline;
- there are no constitutional issues when the state charters a public bank, including with the Anti-Donation Clause of the Constitution of New Mexico;
- a public bank is a good idea because the public essentially has ownership of the public bank;
- a loan would be made in partnership with a local bank, and state money would guarantee the money that the local bank is lending;
- regulations set up for the New Mexico Finance Authority loan program have created difficulty in accessing loans and therefore some of the money has not been lent out, but there is not a lack of demand for loans in the state;
- some of the demand for loans could be met with federal funds and grants;
- default on loans would not affect the bond rating for the state because the defaults would not be significant compared to the aggregate credit rating for the state;
- public banks would be governed with input from community leaders and professional associations to develop lists of candidates, then there would be final approval and selection by the legislature and the governor; and
- there has only been one state bank in the country, in South Dakota, in the last 100 years.

Approval of Minutes (3:42 p.m.)

On a motion by Senator Martinez, seconded by Senator Rodriguez, the minutes of the October 16, 2020 meeting were approved.

CROWN Act Presentation (3:43 p.m.)

Senator Lopez; Representative Williams Stapleton; Sheryl Felecia Means, Ph.D., professor, University of New Mexico; Aja Brooks, president, New Mexico Black Lawyers Association; Malia Luarkie, director, Indigenous Women Rising; and Devont'e Watson, president, Watson & Associates International LLC, discussed the Create a Respectful and Open World for Natural Hair (CROWN) Act. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=11/13/2020&ItemNumber=4>.

Comments from committee members included the following:

- children in school often suffer discrimination based on hair style; and
- there is a long history of this kind of discrimination.

Consideration for Endorsement (4:26 p.m.)

Roy Herrera, superintendent, Santa Fe Indian School, and Gary Lujan, director, trust land management, Santa Fe Indian School, presented for endorsement a letter regarding a capital outlay venue for the Santa Fe Indian School. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=11/13/2020&ItemNumber=5>.

A committee member noted that it is good to get information about a project before construction is complete.

Senator Rodriguez motioned, and Senator Pinto seconded, that the letter be sent to the Senate Finance Committee and the House Appropriations and Finance Committee, and the motion was adopted.

Consideration for Endorsement (4:34 p.m.)

A presentation was made on a bill regarding medical school licensure requirements. The proposed bill can be found here:

<https://www.nmlegis.gov/handouts/IAC%2011320%20Item%206%20Medical%20School%20Licensure%20Requirements%20Bill.pdf>.

A committee member commented that this bill prevents multiple standards being created that could possibly conflict.

A motion was made by Senator Rodriguez, and seconded by Representative Louis, that this bill be endorsed, and the motion was adopted.

Public Comment (4:37 p.m.)

There were no public comments.

Adjournment

There being no further business before the committee, the meeting adjourned at 4:40 p.m.

- 5 -

- 5 -