



NEW MEXICO LEGISLATURE

INDIAN AFFAIRS COMMITTEE

2020 INTERIM FINAL REPORT

LEGISLATIVE COUNCIL SERVICE
411 STATE CAPITOL
SANTA FE, NEW MEXICO 87501
(505) 986-4600
WWW.NMLEGIS.GOV

TABLE OF CONTENTS

INTERIM SUMMARY

WORK PLAN AND MEETING SCHEDULE

AGENDAS AND MINUTES

ENDORSED LEGISLATION

INTERIM SUMMARY

Indian Affairs Committee 2020 Interim Summary

Since its inception in 1989, the Indian Affairs Committee (IAC) has addressed issues that affect Native Americans residing in New Mexico. In fulfillment of its mission, the IAC held five meetings during the 2020 interim. Due to the COVID-19 pandemic, the IAC meetings were held in a hybrid manner, meeting simultaneously online and with some members attending in person at the State Capitol.

Members of the IAC heard presentations from state, federal and tribal entities to learn about their efforts on behalf of New Mexico's Indian nations, tribes and pueblos. The Department of Health (DOH) updated the committee on the DOH's responses to the COVID-19 pandemic on tribal lands. Representatives from the Native American Voters Alliance Education Project and the Office of the Secretary of State provided an update on voting and census data collection on tribal lands. The committee heard presentations regarding school reopenings and possible effects on tribal communities during the COVID-19 pandemic and presentations on expanding access to broadband services on tribal lands. The committee received an overview of the public school funding formula, and the Indian Affairs Department provided a summary of the annual State-Tribal Summit, a report on tribal infrastructure projects, an update on the work of the Missing and Murdered Indigenous Women Task Force and information on the department's response to the COVID-19 pandemic.

The committee additionally heard presentations from representatives from the Burrell College of Osteopathic Medicine, who provided an overview of the college's program and its work with tribal communities. A representative of the Tohatchi Veterans Organization spoke to the committee regarding issues affecting veterans on the Navajo Nation during the COVID-19 pandemic, including access to services and supplies. The Department of Finance and Administration provided the committee with information on federal Coronavirus Aid, Relief, and Economic Security Act funding for tribal communities. The Interstate Stream Commission and the Office of the State Engineer provided an update on the state's Indian water rights settlements. The New Mexico Film Office provided the committee with an update on the Senator John Pinto Native Filmmakers Memorial Fund. A group of legislators and community advocates made presentations regarding community solar and the Create a Respectful and Open World for Natural Hair Act, known as the CROWN Act. Additionally, the committee heard updates from the Public Education Department on the *Yazzie/Martinez v. State of New Mexico* and *Zuni* lawsuits.

The committee endorsed a letter requesting capital outlay funding for the Santa Fe Indian School and a bill adding new requirements for medical schools to obtain or renew a license to operate in New Mexico.

WORK PLAN AND MEETING SCHEDULE

**2020 PROPOSED
WORK PLAN AND MEETING SCHEDULE
for the
INDIAN AFFAIRS COMMITTEE**

Members

Rep. Georgene Louis, Co-Chair
Sen. Shannon D. Pinto, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Anthony Allison
Rep. Zachary J. Cook
Rep. Kelly K. Fajardo
Rep. D. Wonda Johnson
Rep. Derrick J. Lente

Sen. Richard C. Martinez
Sen. Mark Moores
Sen. Cliff R. Pirtle
Sen. Nancy Rodriguez
Sen. William E. Sharer
Sen. Benny Shendo, Jr.
Sen. William P. Soules
Rep. Martin R. Zamora

Advisory Members

Rep. Abbas Akhil
Rep. Gail Chasey
Rep. Doreen Y. Gallegos
Rep. Harry Garcia
Sen. Roberto "Bobby" J. Gonzales
Sen. Stuart Ingle
Rep. Patricia A. Lundstrom

Sen. George K. Munoz
Sen. Gabriel Ramos
Rep. Patricia Roybal Caballero
Sen. Clemente "Memé" Sanchez
Rep. Melanie A. Stansbury
Rep. Elizabeth "Liz" Thomson

Work Plan

The New Mexico Legislative Council created the Indian Affairs Committee (IAC) on July 7, 2020. 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 explore and discuss topics in each major issue area affecting Native Americans during the 2020 interim as follows.

A. State-Tribal Relations:

1. receive updates from Native American liaisons or similarly tasked individuals from state executive agencies to assess outreach efforts, challenges and successes;
2. receive a report pursuant to House Bill 548 (2019) on the education and training program to meet the demand for uranium mine cleanup;
3. review funding for tribal capital projects;

4. receive an update from the Missing and Murdered Indigenous Women Task Force;
5. receive an update regarding Native American voting issues;
6. receive a report on census data collection on reservations;
7. receive an update from the Indian Affairs Department, the Department of Environment and the New Mexico Finance Authority on water infrastructure needs on tribal land;
8. receive a report pursuant to Senate Memorial 63 (2020) from the community solar working group; and
9. receive a report from the New Mexico Film Office on the Senator John Pinto Memorial Fund.

B. Economic Development in Indian Country:

1. receive a report on broadband access on tribal lands; and
2. receive a report from the Department of Finance and Administration regarding the federal Coronavirus Aid, Relief, and Economic Security Act grants to tribal governments.

C. Education:

1. receive an update on the *Zuni v. State of New Mexico* lawsuit and the state equalization guarantee distribution, impact aid and funding formula;
2. receive an update on *Yazzie/Martinez v. State of New Mexico*; and
3. receive a report from tribal schools on reopening.

D. Health:

1. receive an update from the Department of Health on COVID-19 responses and efforts on tribal lands.

E. Annual Reports from Executive Agencies:

1. receive a report from the Office of the State Engineer and the Interstate Stream Commission regarding:
 - a. the impact of not funding *Aamodt* settlement obligations and the effect 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; and
 - d. recommendations on the level of funding for the Indian Water Rights Settlement Fund necessary to timely implement Indian water rights;
2. receive 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. receive 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
2020 Proposed Meeting Schedule**

<u>Date</u>	<u>Location</u>
August 4	Santa Fe, State Capitol, House Chambers
September 1	Santa Fe, State Capitol, House Chambers
September 29	Santa Fe, State Capitol, House Chambers
October 16	Santa Fe, State Capitol, House Chambers
November 13	Santa Fe, State Capitol, House Chambers

*The State Capitol will be closed to the public, but meetings will be webcast. Committee members may attend meetings in Santa Fe or via a video conference platform.

AGENDAS AND MINUTES

Revised: August 3, 2020

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

**August 4, 2020
State Capitol, House Chambers
and Video Conference
Santa Fe**

Tuesday, August 4

- 10:00 a.m. **Call to Order and Introductions**
—Representative Georgene Louis, Co-Chair, Indian Affairs Committee
- 10:15 a.m. (1) **Update on Voting on Tribal Lands**
—Ahtza Dawn Chavez, Executive Director, Native American Voters Alliance (NAVA) Education Project
—Austin Weahkee, Political Director, NAVA Education Project
—Martin Aguilar, Liaison, Native American Elections Information Program, Office of the Secretary of State
- 11:45 a.m. (2) **Update on Census Collection on Tribal Lands**
—Ahtza Dawn Chavez, Executive Director, NAVA Education Project
- 1:15 p.m. **Lunch**
- 2:45 p.m. (3) **Update on COVID-19 Responses on Tribal Lands**
—Kathyleen Kunkel, Secretary, Department of Health (DOH)
—Brooke Doman, Tribal Epidemiologist, DOH
—Tierney Murphy, Medical Epidemiologist, DOH
—Miranda Durham, M.D., Medical Director, Northwest Region, Public Health Division, DOH
—Sandra Cole, Tribal Liaison, Bureau of Health Emergency Management, Department Operations Center, DOH
—Janet Johnson, Project Coordinator, Office of Tribal Liaison, DOH
—Aiko Allen, Tribal Liaison, Office of Tribal Liaison, DOH
- 4:15 p.m. **Public Comment***
- 4:45 p.m. **Adjourn**

*The State Capitol is closed to the public, but the meeting will be webcast and can be viewed by clicking the video icon beneath the meeting agenda on the Indian Affairs Committee [web page](#). Members of the public may make comments during the public comment portion of the meeting by following the instructions under the "Extra Information" portion of the [web page](#).

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

**August 4, 2020
House Chambers and Video Conference Meeting
Santa Fe**

The first meeting of the Indian Affairs Committee was called to order by Representative Georgene Louis, co-chair, on August 4, 2020 at 10:48 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 (In-Person)
Rep. Eliseo Lee Alcon (In-Person)
Rep. Kelly K. Fajardo (Online)
Rep. D. Wonda Johnson (In-Person)
Rep. Derrick J. Lente (Online)
Sen. Richard C. Martinez (In-Person)
Sen. Cliff R. Pirtle (In-Person)
Sen. Nancy Rodriguez (Online)
Sen. Benny Shendo, Jr. (In-Person)
Sen. William P. Soules (Online)

Absent

Rep. Anthony Allison
Rep. Zachary J. Cook
Sen. Mark Moores
Sen. William E. Sharer
Rep. Martin R. Zamora

Advisory Members

Rep. Abbas Akhil (In-Person)
Rep. Gail Chasey (Online)
Rep. Harry Garcia (In-Person)
Sen. Roberto "Bobby" J. Gonzales (In-Person)
Rep. Patricia A. Lundstrom (Online)
Sen. Gabriel Ramos (Online)
Rep. Patricia Roybal Caballero (Online)
Sen. Clemente "Memé" Sanchez (Online)
Rep. Melanie A. Stansbury (Online)
Rep. Elizabeth "Liz" Thomson (Online)

Rep. Doreen Y. Gallegos
Sen. Stuart Ingle
Sen. George K. Munoz

Guest Legislator

Rep. Susan K. Herrera (In-Person)

Staff

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

Guests

The guest list is in the meeting file.

Handouts

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

Tuesday, August 4

Call to Order and Introductions (10:48 a.m.)

Representative Louis called the meeting to order and introduced the 2020 proposed work plan and the presentations for the day.

Update on Voting on Tribal Lands (10:51 a.m.)

Ahtza Dawn Chavez, executive director, Native American Voters Alliance (NAVA) Education Project; Austin Weahkee, political director, NAVA Education Project; and Martin Aguilar, liaison, Native American Elections Information Program, Office of the Secretary of State, made presentations to the committee on the status of voting on tribal lands. The presentation materials can be found here:

<https://www.nmlegis.gov/handouts/IAC%20080420%20Item%201%20SOS%20NAEIP.pdf>;

<https://www.nmlegis.gov/handouts/IAC%20080420%20Item%201%20SOS%20Native%20American%20primary%20voting%20results.pdf>; and

<https://www.nmlegis.gov/handouts/IAC%20080420%20Item%201%20SOS%20Native%20American%20Voting%20Task%20Force%20Agenda.pdf>.

Comments from committee members included the following:

- Native American Elections Information Program staff are preparing a report on why certain voting precincts were combined;
- Senate Bill 4 (2020, 1st S.S.) will help in an ongoing effort to establish more convenient voting sites for tribal members;
- voting for Native Americans is generally eight to nine points below the national average;
- the Navajo Nation has 51 chapters in New Mexico and 110 total chapters in New Mexico, Arizona and Utah;

- having voting information available only on the internet may not reach people in rural areas where broadband is not available;
- research by Common Cause New Mexico found that over 60% of absentee ballots and applications were discarded because the ballots and applications were turned in too late or were missing information;
- the United States Postal Service is not always very quick, and some rural areas have limited access to postal services;
- new voter registration on tribal land has been steadily increasing; and
- the original goal to increase voter turnout on tribal land was 5%, but because of the COVID-19 pandemic, the new goal is 2% to 3%.

Update on Census Data Collection on Tribal Lands (12:20 p.m.)

Ms. Chavez gave a presentation to the committee on census data collection on tribal lands. The presentation materials can be found here:

<https://www.nmlegis.gov/handouts/IAC%20080420%20Item%202%20NAVA%20census%20coloring%20book.pdf>;

<https://www.nmlegis.gov/handouts/IAC%20080420%20Item%202%20NAVA%20census%20presentation.pdf>; and

<https://www.nmlegis.gov/handouts/IAC%20080420%20Item%202%20NAVA%20Tribal%20Census%20Financial%20Impact.pdf>.

Comments from committee members included the following:

- self-response for the 2020 census on tribal land is currently at 33%; in the 2010 census, there was a 5% undercount reported; for the 2020 census, there is currently a 1% undercount, which would result in the loss of \$43 million in federal funding over a 10-year period;
- tribal members have better access to information than census workers, and not enough tribal members have been hired to work on the census;
- information received from the United States Census Bureau only contains self-response rate and internet self-response rate; there is no information on how many people mailed in their census information or responded by telephone;
- those who are able to reach large numbers of people through a public platform are encouraged to make public service announcements to encourage people to respond to the 2020 census and to vote, and they can contact the NAVA Education Project for more details and to get information and graphics; and
- those who have not received a form from the United States Census Bureau may contact the New Mexico Native Census Coalition or visit www.nmnativecensus.org to receive instructions and information.

Update on COVID-19 Responses on Tribal Lands (2:50 p.m.)

Kathleen Kunkel, secretary, Department of Health (DOH); Brooke Doman, tribal epidemiologist, DOH; Tierney Murphy, medical epidemiologist, DOH; Miranda Durham, M.D., medical director, Northwest Region, Public Health Division, DOH; Sandra Cole, tribal liaison, Bureau of Health Emergency Management, Department Operations Center, DOH; Janet Johnson, project coordinator, Office of Tribal Liaison, DOH; and Aiko Allen, tribal liaison, Office of Tribal Liaison, DOH, made a presentation to the committee on how people are dealing with the COVID-19 pandemic on tribal lands. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20080420%20Item%203%20DOH%20presentation.pdf>.

Comments from committee members included the following:

- while Indian Health Services has received funding for testing and some grants are available, there is still a need for more funding;
- the data from the DOH represents the number of unique individuals who have tested positive for COVID-19;
- the fluctuation that is seen in the number of people who test positive for COVID-19 is due to when the data is collected; for example, numbers are higher when testing clinics are conducted;
- N95 masks are decontaminated through a 24-hour process of applying heat and hydrogen peroxide;
- the "gold standard" of COVID-19 tests was considered to be the nasal swab test, but as of May 2020, the oral swab test and the mid-turbinate test are also considered accurate if performed correctly; and
- no one should have to pay to be tested for COVID-19; all types of health insurance cover the cost of the test, and the Department of Health will cover the cost of testing for people who do not have health insurance; some insurers may be compensated differently for COVID-19 testing.

Public Comment (4:15 p.m.)

There was no public comment.

Adjournment

There being no further business before the committee, the meeting adjourned at 4:20 p.m.

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

**September 1, 2020
State Capitol, House Chambers
and Video Conference
Santa Fe**

Tuesday, September 1

- 10:00 a.m. **Call to Order and Introductions**
—Representative Georgene Louis, Co-Chair, Indian Affairs Committee
- 10:15 a.m. (1) **[Update on School Reopenings and Tribal Communities](#)**
—Daniel Benavidez, Superintendent, Central Consolidated School District
- 11:45 a.m. (2) **[Broadband Access on Tribal Lands](#)**
—John Badal, Chief Executive Officer, Sacred Wind Communications
- 1:15 p.m. **Lunch**
- 2:15 p.m. (3) **[Overview of the Public School Funding Formula](#)**
—Joseph Simon, Principal Analyst, Legislative Education Study
Committee
- 3:45 p.m. **Public Comment***
- 4:15 p.m. **Adjourn**

*The State Capitol is closed to the public, but the meeting will be webcast and can be viewed by clicking the video icon beneath the meeting agenda on the Indian Affairs Committee [web page](#). Members of the public may make comments during the public comment portion of the meeting by following the instructions under the "Extra Information" portion of the [web page](#).

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

**September 1, 2020
House Chambers and Video Conference Meeting
Santa Fe**

The second meeting of the Indian Affairs Committee was called to order by Senator Shannon D. Pinto, co-chair, on September 1, 2020 at 10:20 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
(In-Person)
Rep. Eliseo Lee Alcon (In-Person)
Rep. Anthony Allison (In-Person)
Rep. Kelly K. Fajardo (Online)
Rep. Derrick J. Lente (Online)
Sen. Richard C. Martinez (In-Person)
Sen. Nancy Rodriguez (Online)
Sen. Benny Shendo, Jr. (Online)
Sen. William P. Soules (Online)
Rep. Martin R. Zamora (Online)

Advisory Members

Rep. Abbas Akhil (Online)
Rep. Gail Chasey (Online)
Sen. Roberto "Bobby" J. Gonzales (In-Person)
Rep. Patricia A. Lundstrom (Online)
Sen. Gabriel Ramos (Online)
Rep. Patricia Roybal Caballero (Online)
Sen. Clemente "Memé" Sanchez (Online)
Rep. Elizabeth "Liz" Thomson (Online)

Guest Legislator

Rep. Willie D. Madrid (Online)

Absent

Rep. Zachary J. Cook
Rep. D. Wonda Johnson
Sen. Mark Moores
Sen. Cliff R. Pirtle
Sen. William E. Sharer

Rep. Doreen Y. Gallegos
Rep. Harry Garcia
Sen. Stuart Ingle
Sen. George K. Munoz
Rep. Melanie A. Stansbury

Staff

Lenaya Montoya, Legislative Council Service (LCS)

Sara Wiedmaier, LCS

Tom Kricka, LCS

Handouts

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

Tuesday, September 1

Welcome and Introductions (10:20 a.m.)

Senator Pinto welcomed the committee and introduced the presentations for the day.

Update on School Reopenings and Tribal Communities (10:29 a.m.)

Daniel Benavidez, superintendent, Central Consolidated School District (CCSD); Kyle Archibeque, director of finance, CCSD; and Germaine Chappelle, general counsel, CCSD, updated the committee on the reopening of the CCSD and the challenges the school district has been facing. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20090120%20Item%201%20Presentation%20to%20Indian%20Affairs%209-1-20.pdf>

Comments from committee members included the following:

- some students attending schools in the CCSD have to spend more than four hours traveling to and from school in one day;
- children who have long commute times are being prioritized for remote learning;
- a challenge for the CCSD is that many of the students speak English as a second language;
- up to 40 percent of people living on the Navajo Nation do not have electricity or plumbing in their homes;
- in rural areas of New Mexico, many students do not have internet access or computers;
- between 80 and 90 percent of students in New Mexico are impacted by a lack of adequate internet access;
- it was suggested that the state have an office dedicated to internet access, especially addressing the lack of internet access in rural areas of the state; the state could subsidize internet service for people in need, create more wireless hotspots and plan to set up more hotspots;
- the federal government is giving New Mexico only eight percent of the impact aid money to which the state is entitled;
- the goal is to have one gigabyte for each school;

- an obstacle to leveraging federal funding is the lack of a dedicated department or hub that would potentially create economies of scale in the grant funding process;
- the biggest challenge is the need for housing for teachers;
- there are issues for schools near the New Mexico-Arizona border because of the differences in the way the two states deal with federal impact aid funding;
- the CCSD is working with internet service providers that serve the area; and
- the largest drop in employment occurred with the partial closure of oil and gas operations.

Broadband Access on Tribal Lands (12:04 p.m.)

John Badal, chief executive officer, Sacred Wind Communications, discussed issues with broadband access on tribal lands. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20090120%20Item%202%20Sacred%20Winds%20Covid-19%20response%20&%20Initiatives.pdf>.

Comments from committee members included the following:

- Sacred Wind Communications is working on a cell-to-sky effort and has a memorandum of understanding with Navajo Technical University that could turn into a public-private partnership;
- fiber-optic broadband cable can be funded through the federal E-Rate Program; and
- the cost of a fully loaded communication tower plus installation is \$150,000 to \$170,000.

Overview of the Public School Funding Formula (2:02 p.m.)

Joseph Simon, principal analyst, Legislative Education Study Committee, presented an overview of the public school funding formula. The presentation can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=9/1/2020&ItemNumber=3>.

Comments from committee members included the following:

- the state was eligible for impact aid in fiscal year (FY) 2019 pursuant to a decision by the United States Department of Education, but it is not known whether this decision could be used retroactively; it may be possible for the state to consider impact aid in FY 2021 and future years;
- the dispute over impact aid in FY 2020 has raised concerns for impact aid in FY 2021;
- in general, when a state applies to take credit for impact aid, the state must make assurances that if a decision is made against issuing the funding, the state will repay the funds at a future date;

- it is important to consider the level of funding per student;
- the Public Education Department (PED) must follow the Public School Finance Act but has some discretion over the methodology used within the federal regulations;
- regarding calculations for FY 2021 submitted by the PED, the PED can look at the different options within federal law and use some discretion; and
- if there is a need among students to have assistance for any language other than English, the school district must provide services for those students; however, it is up to a school district to decide whether to meet the need through bilingual programs or other programs.

Public Comment (2:52 p.m.)

There was no public comment.

Adjournment

There being no further business before the committee, the meeting adjourned at 2:53 p.m.

Revised: September 28, 2020

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

**September 29, 2020
State Capitol, House Chambers and
Video Conference
Santa Fe**

Tuesday, September 29

- 10:00 a.m. **Call to Order and Introductions**
—Representative Georgene Louis, Co-Chair, Indian Affairs Committee
- 10:05 a.m. **Approval of Minutes**
- 10:15 a.m. (1) **Update from the Indian Affairs Department**
—Lynn Trujillo, Secretary, Indian Affairs Department
- 12:00 noon **Lunch**
- 1:00 p.m. (2) **Update from the Burrell College of Osteopathic Medicine (BCOM):
Working with Tribal Communities to Build Health Care; Sustainability
and Planning for the Future**
—Dr. Bill Pieratt, Dean and Chief Academic Officer, BCOM
—Justin McHorse, Assistant Vice President of Diversity and Inclusion,
BCOM
—Dr. Adela Lente, Associate Dean of Clinical Education and Associate
Professor of Clinical Medicine, BCOM
- 2:30 p.m. (3) **Veterans' Issues in Tohatchi During COVID-19**
—Laris Manuelito, Commander-Elect, Tohatchi Veterans Organization
- 4:00 p.m. **Public Comment***
- 4:30 p.m. **Adjourn**

*The State Capitol is closed to the public, but the meeting will be webcast and can be viewed by clicking the video icon beneath the meeting agenda on the Indian Affairs Committee [web page](#). Members of the public may make comments during the public comment portion of the meeting by following the instructions under the "Extra Information" portion of the [web page](#).

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

**September 29, 2020
House Chambers and Video Conference
Santa Fe**

The third meeting of the Indian Affairs Committee was called to order by Senator Shannon D. Pinto, co-chair, on September 29, 2020 at 10:18 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 (In-Person)
Rep. Eliseo Lee Alcon (In-Person)
Rep. Anthony Allison (In-Person)
Rep. Kelly K. Fajardo (In-Person)
Rep. D. Wonda Johnson (In-Person)
Sen. Richard C. Martinez (Online)
Sen. Cliff R. Pirtle (In-Person)
Sen. Nancy Rodriguez (Online)
Sen. Benny Shendo, Jr. (Online)
Sen. William P. Soules (Online)

Absent

Rep. Zachary J. Cook
Rep. Derrick J. Lente
Sen. Mark Moores
Sen. William E. Sharer
Rep. Martin R. Zamora

Advisory Members

Rep. Gail Chasey (Online)
Rep. Harry Garcia (In-Person)
Sen. Roberto "Bobby" J. Gonzales (Online)
Sen. Gabriel Ramos (Online)
Rep. Patricia Roybal Caballero (Online)
Rep. Melanie A. Stansbury (Online)
Rep. Elizabeth "Liz" Thomson (Online)

Rep. Abbas Akhil
Rep. Doreen Y. Gallegos
Sen. Stuart Ingle
Rep. Patricia A. Lundstrom
Sen. George K. Munoz
Sen. Clemente "Memé" Sanchez

Guest Legislator

Sen. Linda M. Lopez (Online)

Staff

Lenaya Montoya, Staff Attorney, Legislative Council Service (LCS)
Sabina Gaynor, Bill Drafter, LCS
Sara Wiedmaier, Research Assistant, LCS

Handouts

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

Tuesday, September 29

Welcome and Introductions (10:18 a.m.)

Senator Pinto welcomed the committee and introduced the presentations of the day.

Update from the Indian Affairs Department (IAD) (10:27 a.m.)

Lynn Trujillo, secretary, IAD, provided updates from the IAD. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=9/29/2020&ItemNumber=1>.

Questions and comments from committee members included the following:

- what is the amount of funding that has been expended, how was the funding expended and what is the balance of the funding;
- what is being done to address the lack of internet service for education in tribal communities;
- mobile hotspots for wireless service that are provided for education are not sufficient and often do not function;
- a request was made for data on the number of children lacking internet access who are failing or being marked absent from school;
- a request was made for a detailed list of capital outlay funds to determine how those funds are being distributed within tribal communities;
- educational requirements should be reevaluated by the Santa Fe Public School District, and lack of infrastructure is causing students to fail in both private and public schools;
- students, particularly young ones, should be back in class;
- what public safety initiatives will the committee be reporting on during the interim;
- it is important to ensure that those who intentionally leave are not reported as missing through missing person text messaging, and this issue should be reported to the Courts, Corrections and Justice Committee;
- there are concerns regarding the *Yazzie v. Martinez* lawsuit and how the ruling will continue to be implemented to incorporate culturally relevant information and close all gaps in education;
- does the IAD have the ability to identify resources and funding to allow tribes to publish their own educational material;
- coordination of tribal communities in crisis needs to be considered;

- how is COVID-19 reporting being disseminated to tribes when so many members lack internet access;
- is follow-up action being taken to ensure that tribes lacking internet access are receiving notices and reports from the IAD;
- is the IAD considering legislation to expand broadband services to ensure that there is no lapse in service in tribal communities;
- are the census extension and federal government efforts helping those conducting the census to gather information;
- a report to the governor is due November 1, 2020;
- has the suicide rate increased within tribes;
- how is the Albuquerque Public School District planning to incorporate cultural outreach programs; and
- a request was made that data on how COVID-19 has impacted film funding grantees' work be provided to the committee.

Updates from the Burrell College of Osteopathic Medicine (BCOM): Working with Tribal Communities to Build Health Care; Sustainability and Planning for the Future (1:12 p.m.)

Dr. Bill Pieratt, dean and chief academic officer, BCOM; Justin McHorse, assistant vice president of diversity and inclusion, BCOM; and Dr. Adela Lente, associate dean of clinical education and associate professor of clinical medicine, BCOM, presented on legislation that the BCOM will support for the 2021 legislative session.

Questions and comments from committee members included the following:

- would the proposed legislation create a board of advisors or expand the size of an existing board;
- would in-state students take priority over out-of-state students under this legislation;
- would this legislation create a compact;
- how will this legislation address rural areas of the state needing practitioners and keep medical students who graduate in this state practicing here;
- how are the voices of Indian nations, tribes and pueblos integrated; and
- there is concern over the lack of Indian nation, tribe and pueblo representation on advisory boards.

Approval of Minutes

On a motion made by Senator Pinto, the minutes of the August 4, 2020 and September 1, 2020 meetings were approved without objection.

Veterans' Issues in Tohatchi During COVID-19 (2:04 p.m.)

Laris Manuelito, commander-elect, Tohatchi Veterans Organization, gave a presentation regarding veterans' issues in Tohatchi during the COVID-19 pandemic. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20092920%20Item%203%20Veterans%20issues%20presentation.pdf>.

Questions and comments from committee members included the following:

- how is the mobile unit funded;
- does the Navajo Nation recognize veterans organizations for funding purposes;
- what kind of outreach efforts are being made to veterans;
- there is emphasis on interagency communication under the current administration;
- what are the differing outcomes of Arizona Native American veterans compared to New Mexico Native American veterans;
- all avenues for reimbursement and funding for commuting veterans seeking medical care must be explored; and
- a request was made for additional veteran cemeteries or a focus on maintaining existing veteran cemeteries.

Public Comment (2:57 p.m.)

There were no public comments.

Adjournment

There being no further business, the meeting adjourned at 2:58 p.m.

Revised: October 13, 2020

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

**October 16, 2020
State Capitol, House Chambers
and Video Conference
Santa Fe**

Friday, October 16

- 10:00 a.m. **Call to Order and Introductions**
—Representative Georgene Louis, Co-Chair, Indian Affairs Committee
- 10:05 a.m. **Approval of Minutes**
- 10:15 a.m. (1) **[Update on Federal Coronavirus Aid, Relief, and Economic Security Act Funding for Tribal Communities](#)**
—Debbie Romero, Acting Secretary, Department of Finance and Administration
- 11:15 a.m. (2) **[Report on Uranium Workforce Study](#)**
—Susan Gordon, Multicultural Alliance for a Safe Environment
—Jeff Mitchell, Director, Bureau of Business and Economic Research, University of New Mexico
- 12:15 p.m. **Lunch**
- 1:15 p.m. (3) **[Report from the Office of the State Engineer and the Interstate Stream Commission](#)**
—John R. D'Antonio, Jr., P.E., State Engineer
—Rolf Schmidt-Petersen, Director, Interstate Stream Commission
- 2:15 p.m. (4) **[Report on the Senator John Pinto Native Filmmakers Memorial Fund](#)**
—Amber Dodson, Director, New Mexico Film Office
- 3:15 p.m. (5) **[Update on Community Solar](#)**
—Senator Elizabeth "Liz" Stefanics
—Representative Patricia Roybal Caballero
—Pilar Thomas, Partner, Quarles and Brady LLP
—Beth Beloff, Executive Director, Coalition of Sustainable Communities New Mexico
—Paul Biderman, Community Solar Facilitator
—Mayane Barudin, Interior West Manager and Tribal Liaison for Kewa Pueblo, Vote Solar

4:15 p.m. **Public Comment***

4:45 p.m. **Adjourn**

*The State Capitol is closed to the public, but the meeting will be webcast and can be viewed by clicking the video icon beneath the meeting agenda on the Indian Affairs Committee [web page](#). Members of the public may make comments during the public comment portion of the meeting by following the instructions under the "Extra Information" portion of the [web page](#).

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

**October 16, 2020
House Chambers and Video Conference
Santa Fe**

The fourth meeting of the Indian Affairs Committee was called to order by Senator Shannon D. Pinto, co-chair, on October 16, 2020 at 10:09 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 (In-Person)
Rep. Eliseo Lee Alcon (In-Person)
Rep. Anthony Allison (In-Person)
Rep. Kelly K. Fajardo (Online)
Rep. D. Wonda Johnson (Online)
Sen. Richard C. Martinez (In-Person)
Sen. Cliff R. Pirtle (In-Person)
Sen. Nancy Rodriguez (Online)
Sen. Benny Shendo, Jr. (Online)
Sen. William P. Soules (Online)
Rep. Martin R. Zamora (Online)

Advisory Members

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

Guest Legislators

Rep. Willie D. Madrid (Online)
Rep. Joseph L. Sanchez (In-Person)

Absent

Rep. Zachary J. Cook
Rep. Derrick J. Lente
Sen. Mark Moores
Sen. William E. Sharer

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

Staff

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

Tom Kricka, Staff Attorney, LCS

Sara Wiedmaier, Research Assistant, LCS

Handouts

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

Friday, October 16

Welcome and Introductions (10:09 a.m.)

Senator Pinto welcomed the committee and introduced the presentations of the day.

Approval of Minutes

On a motion made and seconded, the minutes of the September 29, 2020 meeting were approved without objection.

Update on Federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Funding for Tribal Communities (10:15 a.m.)

Debbie Romero, acting secretary, Department of Finance and Administration (DFA), updated the committee on federal CARES Act funding for tribal communities. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101620%20Item%201%20DFA%20CARES%20Act%20Presentation.pdf>

Questions and comments from committee members included the following:

- distribution of state funds was similar for large and small tribal communities; the Pueblo of Pojoaque needed more funding because a hotel in Pojoaque was being used to isolate COVID-19 patients and family members who needed to be quarantined; most tribal governments requested the maximum amount of funds;
- CARES Act funds were distributed per capita using specific criteria rather than evenly per capita or at a flat rate;
- criteria and guidelines for the distribution of CARES Act funds were developed by the DFA and the Indian Affairs Department;
- the DFA website will provide up-to-date statements about the spending of tribal funds;
- the state is responsible for ensuring that CARES Act funds are being used for purposes related to the COVID-19 pandemic;
- receipts and records detailing how the funds are being used are being kept by tribal governments in case of an audit; and

- funding from the state for the Navajo Nation applies only to chapters located in the state.

Report on Uranium Workforce Study (10:57 a.m.)

Susan Gordon, Multicultural Alliance for a Safe Environment; Jeff Mitchell, director, Bureau of Business and Economic Research, University of New Mexico; and Rose Rohrer, research scientist, Bureau of Business and Economic Research, University of New Mexico, presented a report on the uranium workforce study. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101620%20Item%202%20BBER%20Presentation.pdf>.

Questions and comments from committee members included the following:

- people have talked about cleaning up uranium mine sites in the state for a long time, but nothing has actually been done;
- the state is seeking funding for cleanup of uranium mine sites;
- since the United States Department of Defense initiated uranium mining in New Mexico to produce nuclear weapons and nuclear power generation, the United States Department of Defense should fund the cleanup;
- Utah has directly funded some cleanup efforts and has also created the capacity to perform the work once funds are available;
- like Utah, New Mexico could try to fund some cleanup efforts and create capacity to start the work once funds are available;
- there is potential for economic losses from contamination left in abandoned uranium mines; and
- a centralized depository of all information related to uranium mines could be created.

Report from the Office of the State Engineer and the Interstate Stream Commission (1:15 p.m.)

John R. D'Antonio, Jr., P.E., state engineer, and Rolf Schmidt-Petersen, director, Interstate Stream Commission, presented a report from the Office of the State Engineer and the Interstate Stream Commission. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/16/2020&ItemNumber=3>.

Questions and comments from committee members included the following:

- the extension of the Indian Water Rights Settlement has taken 60 years to finalize and will hopefully be fully funded soon;
- the state has tried to contribute \$9 million per year toward the settlement;

- money contributed to the settlement includes \$278 million from the federal government (\$157 million left to pay), \$104 million from the state (\$47.5 million left to pay) and \$38.4 million from Santa Fe County;
- the settlement agreements set forth the involvement of the state, and the state engineer will be the water master; and
- there are still right-of-way issues with the pipeline initiative.

Report on the Senator John Pinto Native Filmmakers Memorial Fund (2:15 p.m.)

Amber Dodson, director, New Mexico Film Office, discussed a report on the Senator John Pinto Native Filmmakers Memorial Fund. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101620%20Item%204%20Senator%20John%20Pinto%20Memorial%20Fund%20information%20for%20committee.pdf>.

There were no questions or comments from committee members.

Update on Community Solar (3:10 p.m.)

Senator Elizabeth "Liz" Stefanics; Representative Roybal Caballero; Pilar Thomas, partner, Quarles and Brady LLP; Beth Beloff, executive director, Coalition of Sustainable Communities New Mexico; Paul Biderman, community solar facilitator; and Mayane Barudin, interior west manager and tribal liaison for Kewa Pueblo, Vote Solar, presented the committee with an update on community solar efforts. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101620%20Item%205%20Community%20Solar%20Presentation%20final.pdf>.

Questions and comments from committee members included the following:

- the 2020 legislation on community solar has proposed amendments pending over concerns about the opt-out provision and the provision for investor-owned utilities;
- the legislation is designed so that the costs of community solar fall to the subscribers;
- the goal is to have statewide legislation so that utilities treat each community equally without complicated negotiations;
- there are costs involved in switching to community solar;
- if a cooperative were to opt into the agreement, the cooperative would still be responsible to its membership but would not need to justify why it could not provide community solar;
- if a cooperative were to opt out of the agreement, the cooperative would have to justify why it could not provide community solar;
- there is concern about community ratepayers being impacted by the community solar cooperatives;
- an Indian nation, tribe or pueblo could develop community solar on its own, but it is easier with a state mandate for a uniform process and requirements; and

- there are ways to attract investment and developers, and the New Mexico Finance Authority has access to funding.

Public Comment (4:39 p.m.)

There were no public comments.

Adjournment

There being no further business before the committee, the meeting adjourned at 4:39 p.m.

Revised: November 10, 2020

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

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

Friday, November 13

- 10:00 a.m. **Call to Order and Introductions**
—Representative Georgene Louis, Co-Chair, Indian Affairs Committee
- 10:05 a.m. **Approval of Minutes**
- 10:15 a.m. (1) **Update on *Yazzie/Martinez v. State of New Mexico***
—Lashawna Tso, Assistant Secretary of Indian Education, Public Education
Department (PED)
- 11:30 a.m. (2) **Update on the *Zuni Lawsuit***
—Lashawna Tso, Assistant Secretary of Indian Education, PED
- 12:45 p.m. **Lunch**
- 2:15 p.m. (3) **Public Bank Presentation**
—Dan Mayfield, President, Leverage Point Incorporated
—Angela Merkert, Executive Director, Alliance for Local Economic
Prosperity
—Reilly White, Associate Professor, Anderson School of Management,
University of New Mexico
- 3:00 p.m. (4) **CROWN Act Presentation**
—Senator Linda M. Lopez
—Representative Sheryl 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
—Devont'e Watson, President, Watson & Associates International LLC

3:30 p.m. **Consideration for Endorsement**
 (5) [Letter: Capital Outlay Venue for the Santa Fe Indian School](#)
 (6) [Bill: Medical School Licensure Requirements](#)

4:15 p.m. **Public Comment***

4:45 p.m. **Adjourn**

*The State Capitol is closed to the public, but the meeting will be webcast and can be viewed by clicking the video icon beneath the meeting agenda on the Indian Affairs Committee [web page](#). Members of the public may make comments during the public comment portion of the meeting by following the instructions under the "Extra Information" portion of the [web page](#).

**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)

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

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)

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.

ENDORSED LEGISLATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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

AN ACT

RELATING TO HIGHER EDUCATION; ADDING REQUIREMENTS FOR THE
LICENSURE OF MEDICAL SCHOOLS.

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

SECTION 1. A new section of Chapter 21 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] MEDICAL SCHOOL LICENSURE REQUIREMENTS.--

A. Prior to issuing or renewing a license to
operate a medical school in New Mexico, the higher education
department shall require a medical school to:

(1) obtain executed agreements from at least
five different clinical affiliates in New Mexico that have
inpatient bed capacity of one hundred fifty or more licensed
beds;

(2) obtain the required number of executed

1 agreements and faculty credentialed appointments from New
2 Mexico-based preceptors as defined by the medical school
3 applicant's programmatic accreditor; and

4 (3) demonstrate the medical school's ability
5 to facilitate the creation of new graduate medical education
6 programs within New Mexico. At a minimum, the medical school
7 applicant shall demonstrate and provide documentation that the
8 medical school applicant is the procuring cause for the
9 creation of at least one first-year resident position in New
10 Mexico for every ten students in the medical school applicant's
11 initial approved class size. The documentation shall include
12 evidence that the graduate medical education program submitted
13 its application to the accreditation council for graduate
14 medical education for approval.

15 B. The higher education department shall maintain
16 an appeals process for medical schools in New Mexico that have
17 had a license denied by the higher education department.

18 C. As used in this section:

19 (1) "clinical affiliate" means a hospital,
20 physician office, ambulatory care center, surgical center or
21 health department;

22 (2) "executed agreement" means an agreement
23 signed by the designated medical school official and designated
24 official of the institution providing access for medical
25 students to clinical rotations and education;

1 (3) "faculty credentialed" means the process
2 by which the medical school ensures that the physicians
3 providing clinical education have the required education,
4 training and licensure to practice medicine;

5 (4) "graduate medical education" means any
6 type of formal medical education pursued after receipt of an
7 allopathic or osteopathic physician degree. Graduate medical
8 education includes internship, residency, subspecialty and
9 fellowship programs, in all fields of medicine and surgery,
10 recognized by and enabling state licensure in New Mexico;

11 (5) "medical school" means a tertiary
12 educational institution, or part of such an institution, that
13 teaches medicine and awards a professional degree for
14 physicians and surgeons, including a bachelor of medicine,
15 bachelor of surgery, doctor of medicine or doctor of
16 osteopathic medicine;

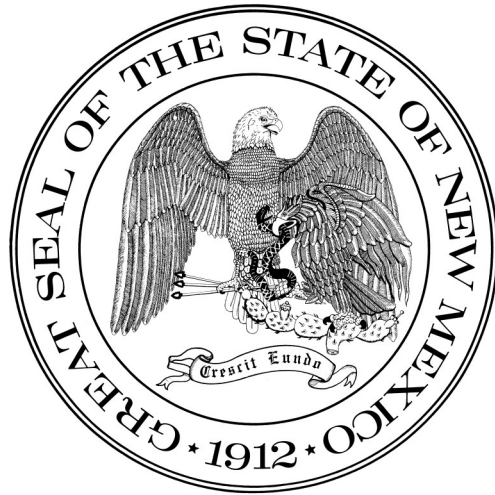
17 (6) "preceptors" means licensed, practicing
18 allopathic or osteopathic physicians who, under a faculty
19 appointment with a medical school, mentor medical students and
20 provide clinical education for core and elective clerkship
21 rotations;

22 (7) "procuring cause" means the verification
23 that the medical school initiated and facilitated a third-party
24 health care organization to develop, fund and implement a new
25 graduate medical education residency program; and

1 (8) "programmatic accreditor" means, for
2 allopathic physicians, the liaison committee on medical
3 education and for osteopathic physicians, the commission on
4 osteopathic college accreditation."

5 - 4 -
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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



LEGISLATIVE COUNCIL SERVICE
SANTA FE, NEW MEXICO