



THE JICARILLA APACHE NATION

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**Jicarilla Apache Nation
Statement – HB 236
Indian Affairs Committee
November 2, 2015**

Good afternoon Madame Chair and members of the Committee. I am here on behalf of the Jicarilla Apache Nation. I appreciate the opportunity to address the Committee and share some of Jicarilla's concerns regarding this issue. My name is Wainwright Velarde and I am a member of the Jicarilla Apache Nation Legislative Council.

Let me begin by stating that I am disappointed that the state of New Mexico is asking the Tribes, Pueblos and Nations to simply roll over and accept what this new law is going to do to tribal communities. I can't accept that. And I hope that this Committee - the Indian Affairs Committee, doesn't accept that either.

I have spent 35 years in leadership positions in tribal government - as Vice President and as a member of the legislative council. I understand budgets and I understand what it's like to be in the position of having to make some difficult decisions, some difficult choices. But I also know that where there are problems, there are solutions. Where there are questions, there are usually answers. We just have to find them.

You have all heard what the Tribal Infrastructure Fund means to the tribes. You have heard how the funds have been used and what they have been used to accomplish in our tribal communities. I don't agree with reducing the TIF. The TIF fund is too important to tribes. The benefits coming from the TIF are also just as important. Bottom line, we need the TIF because the infrastructure need is so great and so visible on tribal lands.

Let me speak to the impact and effect of HB 236 - I am disappointed and bothered that this new law addresses and attempts to fix a state fiscal issue on the backs of poor, low income communities – folks in this state who can least absorb the financial hit that this new law is going to create. The amount doesn't matter – whether it's one dollar or a million dollars. The impact will be felt.

While I appreciate the efforts of Senator Benny Shendo to help reduce the impact with his amendment to the bill, tribes will have less to work with over the next 10 years. All 23 New Mexico tribes will be competing for less TIF dollars. All 23 tribes will be fighting over a smaller piece of the pie. And that's not good. But here's my biggest concern: the possibility of tribes being able to fully addressing the infrastructure need in our communities over the next 10 years will be reduced by this new law.

Tribes already have less to work with after \$2 million dollars was taken from the TIF during the special session in June to cover the non-Indian share of water rights



settlements. That water settlement – the \$2 million used for the Taos Water Settlement needs to have an inquiry done by the Attorney General because we don't know if it is legal. That action combined with this new law adds to the list of concerns tribes have about the choices the state has made regarding the TIF. In my opinion, they are not good choices because they create more problems than they solve.

Let me close Madame Chair by stating – there has to be a better legislative remedy, a more acceptable fix than robbing the TIF or reducing the fund. These are not fair or forthright solutions. The Jicarilla Apache Nation contributes millions of dollars in severance taxes to the state from oil and gas production on Jicarilla tribal lands. I'd like for this legislative group to find out if those funds or if revenue share from Indian gaming can be used to shore up the TIF. I would respectfully ask that you seriously look into that possibility. In fact, I would recommend that this Committee explore any and all possibilities to save the TIF.

I appreciate the Committee allowing me the time to share Jicarilla's thoughts on this issue. I hope you will let the tribes know what other possible solutions you've come up with before this law gets fully felt in Indian Country.

Thank you very much.