

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

**August 3, 2004 - Pueblo of Isleta
August 4, 2004 - Southwestern Indian Polytechnic Institute
August 5, 2004 - Pueblo of Jemez**

Representative James Roger Madalena, co-chair, called the third meeting of the Indian Affairs Committee to order on Tuesday, August 3, 2004, at 10:24 a.m. in the Elderly Center at the Pueblo of Isleta.

PRESENT

Rep. James Roger Madalena, co-chair
Sen. Leonard Tsosie, co-chair
Sen. Rod Adair
Rep. Ray Begaye
Rep. Irvin Harrison (8/4 & 8/5)
Rep. Patricia A. Lundstrom
Sen. John Pinto
Sen. Lidio G. Rainaldi
Sen. Nancy Rodriguez
Rep. Teresa A. Zanetti

ABSENT

Sen. Raymond Kysar
Rep. Don Tripp
Rep. Avon W. Wilson

Advisory Members

Sen. Joseph J. Carraro (8/4)
Rep. Fred Luna (8/3 & 8/5)
Sen. Richard C. Martinez (8/3 & 8/4)
Rep. Debbie A. Rodella (8/5)
Rep. W.C. "Dub" Williams

Sen. Ben D. Altamirano
Rep. Ben Lujan
Rep. Nick L. Salazar
Sen. William E. Sharer
Sen. James G. Taylor

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

Staff

Leslie Schaar
Charles H. Van Gorder

Guests

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

Tuesday, August 3 - Pueblo of Isleta

Alvino Lucero, governor of the Pueblo of Isleta, opened the meeting with an invocation.

PUEBLO OF ISLETA — STATUS UPDATE

Governor Lucero told committee members that the people of Isleta elected him governor in 1970. At that time, Isleta saw few economic development opportunities. According to Governor Lucero, Isleta's decision to participate in high-stakes bingo turned the tide. Gaming proceeds allowed Isleta to build a convenience store in 1994 and a recreation center in 1995. In 1999, Isleta built a health center. Isleta paid cash for all three buildings. Isleta is about to break ground on a new Head Start building and hopes to build a new elementary school within two years. Gasoline tax proceeds from its operation of the convenience store enabled Isleta to establish its own road department and purchase the necessary road equipment. Governor Lucero also indicated an interest in having all of the pueblo's land consolidated into Valencia County instead of being in three separate counties.

APPROVAL OF MINUTES

Representative Madalena called for approval of the July Indian Affairs Committee minutes at 11:50 a.m. Representative Lundstrom moved the approval, and Senator Rainaldi seconded the motion. The motion passed unanimously.

NATIVE NATIONS, NATIVE VOICES — UPDATE

Gordon Bronitsky, Ph.D., is working with the Indian Pueblo Cultural Center on a festival to honor native language authors at a week-long festival. Authors will read from their works in their own languages; English translations will be available at the option of each author. Festival dates are July 24 through 30, 2005. Dr. Bronitsky requested an appropriation to cover a portion of festival costs. Representative Madalena told Dr. Bronitsky to speak with staff about drafting an appropriation.

NEW MEXICO VOICES FOR CHILDREN — REPORT ON IMPACT OF STATE TAX AND BUDGET POLICIES

Kelly O'Donnell, Ph.D., research director, New Mexico Voices for Children, explained New Mexico's tax system. According to Ms. O'Donnell, beginning in January 2002, the legislature made a series of changes to New Mexico's tax system, including a:

- dramatic reduction in the income tax for the top tax brackets;
- 50 percent reduction in the capital gains tax;
- higher gross receipts tax rate; and
- nursing home bed tax.

Ms. O'Donnell explained that a good tax system should provide adequate, stable revenue to

consistently fund state services in a manner that is fair, administrable and efficient, accountable and balanced. In addition, Ms. O'Donnell believes that tax burden should be based on equity, which means that people in similar circumstances should be taxed similarly, and taxes on low-income households should be minimized. According to Ms. O'Donnell, income taxes are typically the most equitable major state revenue source.

A heated discussion ensued, and Bill Jordan, deputy director, New Mexico Voices for Children, clarified that while New Mexico taxpayers do receive benefits from paying taxes, including roads and police protection, 65 percent of the taxpayers did not receive a benefit from the tax cut.

Lynn Wilson, director, Native American School-Based Health Care Initiative, explained that the initiative is a collaborative effort of New Mexico Voices for Children, the Northwest New Mexico Champions for School-Based Health Care, the Northern Navajo Medical Center and the Acoma-Canoncito-Laguna Teen Centers. The purpose of the initiative is to improve the quality of health care services to Native American communities in New Mexico and to strengthen school-based health care serving Native American communities.

According to Ms. Wilson and Dee Apache of New Mexico Voices for Children, the New Mexico School-Based Health Care Initiative is needed because New Mexico has the nation's highest rate of uninsured children. One-fifth of the state's children do not have health insurance, and 40 percent of Native American children lack health insurance. Even though Native American children are only 12 percent of the state's child population, 35 percent of all uninsured children in New Mexico are Native American.

Committee Request:

Representative Lundstrom requested that Ms. O'Donnell provide her with the percentage of people at the bottom of the income distribution chart in McKinley County.

JUVENILE CORRECTIONS INSTITUTIONS — CULTURAL SENSITIVITY

Ada Pecos Melton, president, American Indian Development Associates, helped committee members understand the problems of Native American incarcerated youth. According to Ms. Melton, Native American youth in the juvenile justice system experience substantially higher rates of mental health disorders than do youth in the general population. In addition, youth from tribal communities are disconnected from their families and from local service providers, and detained Native American youth rarely receive or have access to culturally relevant care.

Yolanda Toya, M.D., University of New Mexico School of Medicine, discussed the study she conducted concerning New Mexico's incarcerated Native American youth. According to Dr. Toya, youth from all ethnic groups in the juvenile justice system experience substantially higher rates of mental health disorders than do youth in the general population. In addition, many of the youth in the juvenile justice system with mental illness also have a co-occurring substance abuse

disorder.

The University of New Mexico Center for Native American Health held three community-based meetings with Native American urban groups, tribes and people. The group, named "reclaiming our native youth", addressed three major issues related to adjudicated Native American youth, including the:

- lack of basic information about who the youth are and where they are from;
- need for local Native American mentors and advocates due to the lack of visits from family; and
- need for culturally competent mental health services for incarcerated Native American youth.

Dr. Toya's study yielded the following results, including that:

- the most common reasons for male incarceration were aggravated battery and battery, and the most common reasons for female incarceration were possession of alcohol or drugs by a minor and driving under the influence of alcohol or drugs;
- 62 percent of Native American incarcerated youth came from San Juan County, and 12 percent came from Bernalillo County, the most populous county in New Mexico;
- the average age of the first use of marijuana and alcohol was age 11, and the average age of the first use of crack, cocaine and methamphetamine was age 13; and
- 82 percent of Native American incarcerated youth had diagnosable mental health disorders.

Ken Martinez, Ph.D., director, Children's Behavioral Health Division, Children, Youth and Families Department (CYFD), told committee members that eight percent of incarcerated youth are Native American. Dr. Martinez discussed existing cultural programming within CYFD-operated juvenile justice facilities, including that CYFD:

- maintains a Native American liaison position to coordinate policy and programming between CYFD and tribal governments to establish culturally appropriate programs in each CYFD service area, including juvenile justice facilities. Bernie Teba, former Indian Affairs Department secretary, currently holds this position;
- provides an 80-hour new employee orientation in juvenile justice facilities, including several training modules that emphasize cultural issues and a two-hour segment exclusively focused on diversity;
- provides a sweat lodge ceremony in juvenile justice facilities for Native American clients interested in such services;
- offers religion services for juvenile justice clients and uses community resources to acquire services for youth with individual needs; and
- provides English as a second language classes for clients attending school within juvenile justice facilities.

Dr. Martinez also discussed developing cultural programming within CYFD-operated juvenile justice facilities, including that CYFD is working on:

- establishing mentoring programs within facilities to provide Native American clients

- with the opportunity to learn a Native American language and traditional customs;
- recruiting facility staff that reflect the cultural diversity of the facility client population;
- establishing substance abuse programming that is specific to Native American clients; and
- developing pilot intergovernmental agreements with three tribes to access juvenile justice services and programming.

Committee Request:

Senator Tsosie requested that staff ask Dave Schmidt to testify at the November Indian Affairs Committee meeting regarding the New Mexico Children's Code.

Senator Tsosie recessed the meeting at 4:42 p.m.

Wednesday, August 4 - Southwestern Indian Polytechnic Institute

Senator Tsosie reconvened the meeting at 9:15 a.m. Members of the interim Legislative Health and Human Services Committee were invited to attend the meeting. Senators Sue Wilson Beffort and Linda M. Lopez attended the meeting.

PASEO DEL NORTE EXTENSION, ALBUQUERQUE — UPDATE

Senator Tsosie turned the floor over to Senator Carraro for the discussion on the Paseo del Norte extension. Michael Cadigan, president of Albuquerque's city council, gave committee members a brief history of the Paseo del Norte extension to Unser Boulevard. According to Mr. Cadigan, the extension is necessary because Paradise Hills Road, which is two lanes, is the only way that westside residents can cross the Rio Grande. Mr. Cadigan told committee members that the proposed extension will not go through the Petroglyph Monument but will run between the northern and southern sections of the monument.

Laurie Weahkee, who represents spiritual leaders, is concerned that extending Paseo del Norte will uproot prayers. She feels that it is an injustice that she must defend sacred sites. Ms. Weahkee also told committee members that the proposed Paseo del Norte extension is simply a short-term fix for congestion.

Larry Weaver, president of the Paradise Hills Civic Association, spoke in support of the proposed project and presented background information on the planning process that has resulted in the current proposal for the extension of Paseo Del Norte.

NATIVE AMERICAN HEALTH CARE DISPARITIES

Both Gale Dine-Chacon, M.D., director, Center for Native American Health, and Mike Trujillo, M.D., University of New Mexico School of Medicine, discussed the lack of adequate health care in Indian country. They told committee members that Native Americans are dying of diabetes, alcoholism, tuberculosis, suicide, unintentional injuries and other health conditions at rates higher than those in the general population. According to Dr. Dine-Chacon, the flu is one of five leading causes of death of Native Americans in New Mexico. Dr. Trujillo suggested that the state find a way to use some casino proceeds to supplement Indian Health Service funding.

Ron Lujan, M.D., told committee members that the continuity of health care in tribal communities is the main concern of tribal members. Patients in rural areas are hampered by a lack of available transportation and telephone service. Health care is adversely affected by turnover of health care providers and an outmoded system of personnel management. He expressed concern that in the future patients may need to pay for services because of Indian Health Service funding problems.

Linda Son-Stone is executive director of First Nations Community Health Source, the only urban Indian health care organization in New Mexico. The clinic serves approximately 35,000 urban Indians, many of whom do not have the resources to pay for health care and less than 10 percent of whom are covered by health insurance. Ms. Son-Stone told committee members that transportation is a major problem and that the clinic books appointments about two months ahead of time.

Committee Request:

Senator Tsosie requested that staff draft a letter to Senator John Kerry telling him about the health care disparities in Indian country.

Senator Tsosie requested that staff draft a letter to New Mexico's congressional delegation inviting them to attend future Indian Affairs Committee meetings.

Senator Tsosie requested that staff draft a letter to tribal councils and governors inviting them to attend future Indian Affairs Committee meetings.

INDIAN HEALTH SERVICE FUNDING AND 638 CONTRACTS

James L. Toya, area director, Albuquerque Area Indian Health Service, told committee members about Indian Health Service funding issues. According to Mr. Toya, the Albuquerque area is responsible for the provision of health services to Native American tribes in New Mexico, southern Colorado and Texas. In New Mexico, the tribes served are the 20 pueblos, the Jicarilla and Mescalero Apaches and the Alamo, Canoncito and Ramah chapters of the Navajo Nation. In addition, tribal members from throughout the United States who live, work or attend school in the urban centers of the Albuquerque area are provided health services.

The Albuquerque area offices are located in Albuquerque. The Albuquerque area is divided into nine service units that deliver services at the community level. Most health facilities are strategically located near population centers and include five hospitals, 11 health centers and 12 field clinics. Mr. Toya estimated that Indian Health Service funding for the Albuquerque area is about \$106 million less than what is needed to fulfill its mandate.

Richard Bowman, vice chairperson, Navajo Area Health Board, told committee members that currently the Navajo Area Health Board has only 55 percent of the amount estimated to support the costs of health care for Navajos and others in the service population.

Mary Ann O'Neill, executive officer at the Indian Health Service Crownpoint health care facility, estimated that 62 percent of those certified for Medicare or Medicaid will fall off the rolls when re-certification is required every six months.

DEPARTMENT OF HEALTH — UPDATE ON NATIVE AMERICAN HEALTH ISSUES

Patricia T. Montoya, secretary, Department of Health, and Joyce Naseyowma-Chalan, director, Public Health Division, Department of Health, discussed the health status indicators of New Mexico's Native American population. In 2002, the leading cause of death for Native Americans in New Mexico was unintentional injury. Secretary Montoya recommended improved communication, coordination and collaboration among the Department of Health, tribal programs and the Indian Health Service. She also recommended improving coordination within the Department of Health of programs serving tribes and providing cultural competency training. Secretary Montoya also proposed health initiatives, including:

- establishing a Native American liaison position within the Department of Health's Office of the Secretary;
- instituting a Native American advisory health committee;
- developing strategies for recruiting and retaining more Native Americans to work for the Department of Health;
- implementing ongoing cultural competency training for all Department of Health employees; and
- developing a strategy for working collaboratively with the Indian Affairs Department.

INDIAN PARTICIPATION IN MEDICAID/HEALTH MAINTENANCE ORGANIZATIONS

Senator Tsosie rescheduled this presentation until a later date because some committee members wanted to attend the funeral of Secretary of Aging and Long-Term Care Michelle Lujan Grisham's husband.

Senator Tsosie recessed the meeting at 3:00 p.m.

Thursday, August 5 - Pueblo of Jemez

Representative Madalena reconvened the meeting at 10:15 a.m in the Pueblo of Jemez's

Walatowa Visitor Center. Paul Chinana, governor of the Pueblo of Jemez, opened the meeting with an invocation.

PUEBLO OF JEMEZ — STATUS UPDATE

Governor Chinana welcomed committee members to the Pueblo of Jemez and introduced his two lieutenants, Mathew Gachupin, first lieutenant governor, and Joshua Madalena, second lieutenant governor. Governor Chinana thanked the state for funding the sewer improvement project, the Walatowa Visitor Center and the Inter-Agency Law Enforcement Center.

Vincent Toya, tribal administrator, Pueblo of Jemez, then presented the local infrastructure capital improvement plan project summary and priority projects, including:

- water system pipe replacement;
- water well and storage tank;
- sewer treatment plant at Red Rocks;
- State Highway 4 bypass;
- community services building;
- Walatowa Charter High School;
- public works warehouse upgrade;
- transfer station upgrade; and
- fire substation and fire truck upgrade.

USDA TRIBAL EXTENSION INITIATIVE

Sam Suina, project director, Tribal Extension Initiative, requested an appropriation of \$3.055 million in recurring funding to develop nine strategically located offices to serve New Mexico's tribal communities. The initiative developed out of a tribal need to address:

- agricultural and economic development;
- issues of family instability;
- health problems of tribal members; and
- youth needs.

Representative Rodella presented a motion to endorse the Tribal Extension Initiative, and Representative Williams seconded the motion. All committee members agreed.

JEMEZ STATE MONUMENT

Rick Raycraft, superintendent, Jemez State Monument, Cultural Affairs Department, explained that the Jemez State Monument shows the history of the Jemez people. Currently, the Jemez State Monument employs three park rangers and three seasonal cashier positions. According to Mr. Raycraft, the ruins are in need of stabilization, and in July 2001, the monument began closing on Tuesdays because of funding problems. Mr. Raycraft requested funds for ranger and cashier positions.

Senator Tsosie adjourned the meeting at 3:00 p.m.

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