

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

**August 1-3, 2006
Albuquerque, New Mexico
Pueblo of Laguna**

The third meeting of the Indian Affairs Committee for the 2006 interim was called to order by Senator John Pinto, co-chair, on Tuesday, August 1, 2006, at 10:20 a.m. at the Hibben Center at the University of New Mexico in Albuquerque, New Mexico.

Present

Rep. James Roger Madalena, Co-chair (8/1, 8/3)
Sen. John Pinto, Co-chair
Sen. Rod Adair (8/2-3)
Rep. Ray Begaye
Sen. Dianna J. Duran (8/1-2)
Rep. Irvin Harrison (8/1-2)
Rep. Manuel G. Herrera
Rep. Patricia A. Lundstrom (8/2-3)
Sen. Lidio G. Rainaldi
Sen. Nancy Rodriguez
Sen. John C. Ryan
Sen. Leonard Tsosie
Rep. W. C. "Dub" Williams
Rep. Teresa A. Zanetti

Absent

Rep. Don L. Tripp

Advisory Members

Rep. Ben Lujan, Speaker of the House (8/2)
Sen. Richard C. Martinez (8/2-3)
Rep. Debbie A. Rodella (8/2-3)
Rep. Gloria C. Vaughn

Sen. Ben D. Altamirano, Senate
President Pro Tempore
Sen. Joseph J. Carraro
Rep. Nick L. Salazar
Sen. William E. Sharer

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

Staff

Charles H. Van Gorder
Jenny Lusk
Larry Matlock

Guests

The guest list is in the meeting file.

Handouts

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

Tuesday, August 1 — Hibben Center, University of New Mexico (UNM)

University of New Mexico — Status Update

Dr. Reed Dasenbrock, provost and executive vice president for academic affairs at the university, said that the university is doing a better job for its Native American students, although there is more to do. In the past year, the university has reached out to tribal entities to assist their educational efforts. The number of Native American students at the university has doubled over the past 10 years. Pamela Agoyo, special assistant to the president for American Indian affairs, shared plans that the university is undertaking for a new central on-campus facility for Native American students. Dr. Dasenbrock and Ms. Agoyo also reviewed a handout for committee members that shared information and data on the success of American Indian students at the university. In response to questioning and comments from committee members, the panel also discussed the relationship of the university with tribal colleges in New Mexico, scholarship aid for Native American students, efforts being made to assist Native American students overcome gaps in their preparatory education, recruitment and transfers of Native American students, the impact of lottery scholarships and efforts to be culturally sensitive.

Dr. Sherman Wilcox, chair of the Linguistics Department, and Roseann Willink, lecturer in the Navajo/Diné language program, briefed the committee on university programs related to teaching the Navajo language. The Navajo language has been taught at the university for 35 years, but only in 2002 was a minor in Navajo language established. The program has limited resources and only one full-time lecturer. The department's goal is to establish a bachelor of arts degree program in the Navajo language and the establishment of a Navajo language institute. The degree program will require additional recurring funding for a full-time faculty member, an additional lecturer, teaching assistants and staff and work-study aid for students. Several students at the university also expressed their interest in Navajo language courses and support for an expanded degree program. Senator Pinto moved that the committee endorse an appropriation in the amount of \$300,000 during the 2007 legislative session to support an expanded Navajo language program. The motion was seconded by Representative Williams and was passed without opposition. A motion was made by Senator Tsosie and seconded by Senator Rainaldi to write a letter to San Juan College to congratulate it on its achieving a high rate of retention for Native American students. The motion passed without objection.

Native American Health Care — UNM Health Sciences Center

Dr. Paul B. Roth, executive vice president of health sciences and dean of the UNM School of Medicine, briefed the committee on Native American health care at the health sciences center. Dr. Roth explained the role of the health sciences center in New Mexico and pointed out significant health improvement partnerships and initiatives, including the UNM Center for Native American Health, Project Echo (with the Santa Fe and Shiprock Indian Health Service centers), the New Mexico Geriatric Education Center (partner hospice care in the Pueblos of Laguna and Zuni), Research Involving Outpatient Settings (RIOS) Network, Navajo language interpreter services and UNM Health Sciences Center and Native American health information services at UNM. UNM is working with the All Indian Pueblo Council to fulfill the terms of the

lease, including providing inpatient beds. Dr. Roth explained the relationship between the residence of Native American patients and the effect that may have on payment for services rendered. The total number of Native American inpatients in fiscal year 2006 was 2,168 and 47 percent were covered by Medicaid. The total number of Native American outpatients in fiscal year 2006 was 18,264 and 38 percent were covered by Medicaid with approximately 40 percent being covered equally by Medicare, commercial insurance and charity or self-pay. About 19 percent were covered by the Indian Health Service or other payors. Dr. Roth reviewed recent and future efforts to ensure the financial future of the health sciences center to improve access for all New Mexicans, including Native Americans. New initiatives will include a national center for health policy funded by the Robert Wood Johnson Foundation, the reauthorization of the federal Indian Health Care Act and the Center for Native American Health. Discussion by committee members included indigent care, increasing enrollment at the nursing school, treaty obligation, Navajo language interpreters, mental health services and wait time for emergency care. Senator Duran moved that the committee recommend to the New Mexico Legislative Council that Dr. Roth be included on the health care subcommittee being formed. The motion was seconded by Representative Williams and passed without opposition.

Native American Health Care — Indian Health Service

Patricia Y. Olson, assistant to the area director of the Navajo Area of the Indian Health Service (IHS), and Jim Toya, director of the Albuquerque Area of the IHS, addressed the committee regarding services provided by the IHS. Ms. Olson presented a health profile for 2006 for the Navajo Area IHS and specifically commented on new facilities that are in the planning stage, budgetary considerations, health care disparities for Native Americans and leading causes of death among the population served. Ms. Olson noted that it is important for Indian tribes to advocate for increased funding for the IHS, as IHS employees cannot lobby Congress. Mr. Toya presented the committee with information regarding services provided by the Albuquerque Area of the IHS. He explained how critical the funding shortfall is — the IHS is funded at approximately 60 percent of what is needed. One example of the financial problems faced is mandated pay increases for employees that are not included in annual budgets, so those funds are taken out of other programs. Over the past year, there have been two instances where IHS funding has been cut due to the requirements of the Iraq war. There was also a problem with the state requirement that Medicaid recipients must be recertified every six months; Mr. Toya estimated that 50 percent did not get recertified, which resulted in a further loss of funding.

Following the presentations regarding the status of Native American health care, Senator Pinto recessed the meeting at 5:20 p.m.

Wednesday, August 2 — Indian Pueblo Cultural Center

The third meeting of the Indian Affairs Committee for the 2006 interim was reconvened by Senator Pinto on Wednesday, August 2, 2006, at 9:25 a.m. at the Indian Pueblo Cultural Center in Albuquerque.

Welcome

Dwayne Virgint, chief operating officer of the Indian Pueblo Cultural Center, welcomed the committee and noted that the center has served for 30 years as the gateway to the 19 pueblos of New Mexico. The center receives more than 200,000 visitors a year and serves as the home of Koahnic Broadcasting Corporation, producers of Native America Calling and National Native News. Dr. Cynthia Chavez was recently appointed as museum director. She previously worked as a curator at the National Museum of the American Indian in Washington, D.C., and is a member of the Pueblo of San Felipe. Mr. Virgint noted recent upgrades to the facility and repairs and renovations totaling \$4.8 million that will be needed over the next few years.

University of New Mexico — Native Studies Proposal

Dr. Gregory A. Cajete, director of the Native American studies program at UNM, and Peter White, dean of University College, presented a proposal for UNM to institute a master's degree program in Native American studies. Dr. Cajete reviewed the history of Native American Studies (NAS) at UNM: 1970 — NAS founded in 1970 as an ethnic studies center and a support program for Native American students; 1998 — NAS became an interdisciplinary academic program housed in University College; 1999 — minor in Native American studies approved; and 2004 — approval of bachelor of arts program in Native American studies. There are currently two professors in the NAS program, both of whom hold joint appointments with other programs. The proposal is now to initiate a master's degree program in NAS. The cost of this program is estimated at \$285,000 for the first year. The undergraduate major program had the full support of the faculty; that may not be the case with the proposed master's program. Following discussion by committee members, Representative Lundstrom moved that the committee request the Legislative Finance Committee to undertake a study of what portion of UNM's funding is currently used for Native American studies and related services. The motion was seconded and it passed without opposition.

Aging and Long-Term Services Department — Status Update

The panel addressing issues related to the Aging and Long-Term Services Department (ALTSD) included Deputy Secretary Patsy Trujillo, Deputy Secretary Michael Spanier and ALTSD staff members John Aquino, Bernadine Salazar and Ray Espinoza. The department has recently added two positions to work with Mr. Espinoza in the Office of Indian Elder Affairs. The department is also undertaking an increased effort for cultural diversity training to facilitate working with Native American groups and clients. Patrick Lopez, a lawyer working within ALTSD, discussed problems the department is having in working with the Navajo Nation to expend capital outlay appropriations. The panel also discussed the new "Mi Via" Program that will permit participants to have greater choice and control over the types of services and supports that are purchased with the new self-directed Medicaid waiver, with funding designed to reach all eligible individuals. It is expected that 400 participants will be enrolled by the autumn of 2007. The panel also discussed outreach efforts to increase the awareness of Native Americans of programs and services available through the ALTSD. Following a discussion by committee members, Senator Tsosie moved that the committee write to the governor requesting that he designate 2007 as the Year of the Elder. Senator Ryan seconded the motion and it passed without objection.

Native American Education Issues

Dr. Veronica C. Garcia, secretary of public education, Dr. Nancy Martine-Alonzo, assistant secretary for Indian education, Dr. Larry Emerson, chair of the Indian Education Advisory Council, and Dr. Maggie George, director of the Educational Equity and Access Division, Higher Education Department, participated in a panel discussion on Native American education issues. Dr. Garcia started off by introducing Dr. Martine-Alonzo as the new assistant secretary for Indian education. Dr. Martine-Alonzo has a bachelor's in elementary education, a master's in educational administration and a doctorate in educational leadership. She has been a principal and teacher at Pine Hill, was director of Indian education at the Albuquerque Public Schools and an adjunct teacher at Dine College. Dr. Garcia announced a six-month rollout for leadership in Indian education with an initial focus on the internal operations of the Public Education Department. She indicated that a priority is to integrate the Indian Education Act across all affected agencies. Dr. Garcia responded to the suggestion that the assistant secretary for Indian education be elevated to the level of deputy secretary by stating that Dr. Martine-Alonzo will report to the deputy secretary rather than to Dr. Garcia for the time being, but Dr. Garcia will re-evaluate the structure in a year. Finally, she noted that the department is receiving somewhat conflicting messages from different legislative entities, including the Legislative Finance Committee, the Legislative Education Study Committee and the Indian Affairs Committee, and suggested formation of a subcommittee of the Indian Affairs Committee, Legislative Finance Committee and Legislative Education Study Committee members to review needed changes in the Indian Education Act.

Assistant Secretary Martine-Alonzo introduced several people in attendance who are involved in Indian education. She reviewed written materials presented to the committee concerning the Indian Education Division of the Public Education Department, including the level of funding, the department's response to the report by Richard Nichols and Associates on the status of the Indian Education Division, a status report on the implementation of the Indian Education Act and the department's supplemental response to the audit conducted by the Legislative Finance Committee. Dr. Emerson outlined the plans and activities of the Indian Education Advisory Council for the coming year. He outlined the immediate tasks of the council, the recommended schedule of events through April 2007, a draft listing of the council's values and beliefs, including challenges and barriers, and a summary of the council's 2006 action plan goals. One of the council's concerns is that Native American language and culture are being marginalized in the educational system. Dr. George addressed the Indian Education Act as it relates to higher education. Funds provided pursuant to the act for teacher training and development have been funneled through the Public Education Department and not through the Higher Education Department. An appropriation of \$900,000 over three years was made to UNM to improve retention rates for Native American students, increase the number of Native American teachers, revitalize Native American languages and better train teachers who work with Native American students. Dr. George also discussed funding that has been made available to New Mexico Highlands University and to New Mexico State University. The panel concluded its presentation with Dr. Garcia commenting on allegations regarding alleged civil rights violations in the Gallup-McKinley County Public Schools.

Representative Lundstrom suggested having the Indian Education Advisory Council, chaired by Dr. Emerson, hear some complaints in order to avoid involvement of the Equal

Employment Opportunity Commission. Representative Begaye requested a complete assessment of what Indian education programs are available in various New Mexico areas and suggested moving from a grant-based, single-shot approach to a more systematic approach for improvements for Native American students. Following extensive comments and questioning by committee members on a variety of subjects related to the education of Native Americans, Representative Begaye moved that the committee write a letter to the co-chairs of the Legislative Council requesting that a subcommittee be appointed, consisting of members of the Legislative Finance Committee, the Legislative Education Study Committee and the Indian Affairs Committee, to discuss and make recommendations regarding the implementation of the Indian Education Act. The motion was seconded by Representative Lundstrom and passed without objection.

American Indian Education Reform Proposal

Norman Ration and Keith Franklin presented to the committee regarding a Native American education reform proposal that they have been working on. Their concern stems in part from the plight of Native American children living off-reservation in urban areas such as Albuquerque. The report includes statistical information regarding Native American student populations and academic progress. They hope to be able to present a reform package to the legislature for consideration during the 2007 legislative session.

Following the presentations regarding Native American education issues, Senator Pinto recessed the meeting at 4:35 p.m.

Thursday, August 3 — Pueblo of Laguna

The third meeting of the Indian Affairs Committee for the 2006 interim was reconvened by Senator Pinto on Wednesday, August 2, 2006, at 9:10 a.m. at the tribal offices of the Pueblo of Laguna. Representative Zanetti was asked to chair the meeting.

Pueblo of Laguna — Status Update

Roland Johnson, governor of the Pueblo of Laguna, welcomed the committee to the pueblo. The pueblo encompasses 560,000 acres over four counties. There are 8,027 members of the pueblo, of which 4,500 reside in six separate communities. The pueblo adopted a constitution in 1906, and the pueblo is run by a tribal council, including three members elected from each community. In 1952, the pueblo signed an agreement with Anaconda for the development of a uranium mine. The mine, the largest open pit mine in the world, operated for 35 years and was the primary source of employment. The mine shut down in 1982, and the pueblo developed its own manufacturing company, Laguna Industries. Laguna Construction Company was started in an effort to reclaim the mining site. The Laguna Development Corporation was started in 1998, and it presently operates three casinos, two convenience stores and a processing plant. There is also the Laguna Rainbow Corporation, which operates a 54-bed residential nursing facility; the Laguna Utility Authority; and the Laguna Housing Development and Management Enterprise. Issues facing the pueblo now include state taxes on retail sales, the cost of emergency services for travelers on Interstate 40, joint powers agreements for public safety issues, homeland security, procedures for expending capital outlay appropriations, renegotiation of the gaming compact with the state and road improvements.

Domestic Violence Programs — Status Update

Dorian Dodson, secretary of children, youth and families, updated the committee on Native American domestic violence services provided through the department. The total budget for domestic violence-related programs increased by almost one-third from \$9.5 million for fiscal year 2006 to \$12.5 million for fiscal year 2007; \$200,000 remains to be awarded for fiscal year 2007. Domestic violence program funding serving Native Americans increased from \$830,527 in fiscal year 2005 to \$1,335,824 in fiscal year 2007. Secretary Dodson explained how TANF (Temporary Assistance for Needy Families) funds were distributed for domestic violence programs and how Native American entities were included in the process. She also discussed domestic violence performance measures that would be used by the department in the future.

Sandra Gardner, the state domestic violence coordinator, reviewed with the committee statistics related to the frequency and types of domestic abuse occurring in New Mexico. She also commented upon how important cross-deputization is for the enforcement of protection orders. Agnes Maldonado, executive director of the New Mexico Coalition Against Domestic Violence, reviewed the services provided by coalition members and their sources of funding. She expressed concern with the number of programs, including the coalition, that have not gotten funding from the state for fiscal year 2007 programming and services. Programs serving rural areas have been particularly hard hit by reduced funding from the state. Peggy Bird, a member of the Council of Peace of the Coalition to Stop Violence Against Native Women, briefed the committee on the nature of the organization and its objectives. This coalition focuses on Native American women and seeks to address the domestic violence issue using traditional approaches and with cultural sensitivity. She expressed concern with the way in which the Children, Youth and Families Department has been handling funding for domestic violence programs serving Native Americans and expressed a preference for appropriating those funds through the Indian Affairs Department.

Election Issues

Election issues were addressed by a panel that included Martin Aguilar, coordinator of the Native American information program with the Bureau of Elections of the Office of the Secretary of State, Lucille Hooper, tribal secretary of the Pueblo of Laguna, Cyndie Arrossa, Cibola County chief deputy clerk, Adrienne Lucio, Cibola County election clerk, and George Trujillo, Cibola County election coordinator. Mr. Aguilar reviewed the voting records for the 2006 primary election with emphasis on precincts with a significant Native American population. The average voter turnout statewide was 22 percent; the tribal turnout was slightly more than that at 25 percent (48,527 voters). The tribal turnout in McKinley County was particularly high, in part, because there were 18 Native American candidates on the ballot. Ms. Hooper reviewed the problems that the pueblo had with the county clerk's office in the 2004 general election, including irregularities in the voter registration list, inadequate poll worker training and inadequate instructions on the use of provisional ballots. The pueblo had convened the Laguna Voter Project Team and progress had been made with the county on these issues. Issues that still need to be worked on include the use of physical versus mailing addresses on voter registration forms, precinct boundary lines not being the same as village boundary lines, poll worker compensation, paper ballot training and inadequate funding by the county of the County Clerk's Office. Representatives from the Cibola County Clerk's Office addressed the steps that the office had taken and are taking to address the concerns of the pueblo.

Adjournment

There being no further business before the committee, the third meeting of the Indian Affairs Committee for the 2006 interim was adjourned at 2:10 p.m.