

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

**November 26, 2012  
Buffalo Thunder Resort & Casino  
Pueblo of Pojoaque**

**November 27, 2012  
Room 307, State Capitol  
Santa Fe**

The sixth meeting of the Indian Affairs Committee (IAC) was called to order by Senator John Pinto, co-chair, on Monday, November 26, 2012, at 9:45 a.m. at Buffalo Thunder Resort & Casino at the Pueblo of Pojoaque.

**Present**

Rep. James Roger Madalena, Co-Chair  
Sen. John Pinto, Co-Chair  
Rep. Ray Begaye  
Rep. Sandra D. Jeff  
Sen. Lynda M. Lovejoy  
Rep. Patricia A. Lundstrom  
Sen. Richard C. Martinez  
Rep. Jane E. Powdrell-Culbert  
Sen. Nancy Rodriguez

**Absent**

Sen. Rod Adair  
Sen. George K. Munoz  
Sen. John C. Ryan  
Rep. James E. Smith

**Advisory Members**

Rep. Eliseo Lee Alcon  
Rep. Ernest H. Chavez  
Rep. Debbie A. Rodella  
Rep. Nick L. Salazar

Sen. Eric G. Griego  
Sen. Stuart Ingle  
Sen. Timothy Z. Jennings  
Rep. Ben Lujan  
Rep. Antonio "Moe" Maestas  
Sen. William E. Sharer

**Staff**

Damian Lara, Legislative Council Service (LCS)  
Peter Kovnat, LCS  
Theresa Rogers, LCS

**Guests**

The guest list is in the meeting file.

## **Handouts**

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

## **Monday, November 26 — Buffalo Thunder Resort & Casino, Pueblo of Pojoaque**

Senator Nancy Rodriguez chaired the first day of the meeting. Representative-Elect Sharon Clahchischilliage and Senator-Elect Benny Shendo, Jr., were in attendance. The invocation was offered by Senator-Elect Shendo. The committee members, staff and audience introduced themselves.

### **Welcome and Status Update — Pueblo of Pojoaque**

George Rivera, governor, Pueblo of Pojoaque, noted his appreciation for the committee's willingness to collaborate with the pueblos and the entire Native American community. Buffalo Thunder is the largest resort in the state and is an example of how collaboration among groups can create jobs. The Pueblo of Pojoaque employs 1,700 people, making it the largest employer in the area. Governor Rivera said that the boys' and girls' club, the wellness center and the senior center were created with the help of the state and are run almost 100% by the pueblo. He said that these entities have benefited the entire region, not just the pueblo. He said that more than just being proud of these accomplishments, completing projects such as these are the mission of leaders such as himself and the legislators.

Governor Rivera focused his comments on the critical issues of gaming and water. Regarding gaming, he said that compact negotiations are ongoing with the five groups that are parties to the compacts that are set to expire in 2015. Those five are the Pueblo of Acoma, the Jicarilla Apache Nation, the Mescalero Apache Tribe, the Navajo Nation and the Pueblo of Pojoaque. Eight months into the meetings, a stalemate has been reached. Despite the fact that the compact expires in 2015, the hope is to deal with it proactively. A central issue has been revenue sharing, and Governor Rivera mentioned the *Brown v. Rincon Band of Luiseno Mission Indians* case. According to Governor Rivera, the state cannot collect revenue from the tribes and put it in the general fund; that money has to go back to the tribes. He said that in New Mexico, the key to the relationship between the tribes and the state has always been collaboration.

Governor Rivera said that there is no exact time frame set out for finalizing the compact negotiations and that if there is something that comes together for the 2013 legislative session, the Pueblo of Pojoaque is willing to work with that.

The free play issue is a big sticking point between the Gaming Control Board (GCB) and the tribes. Governor Rivera explained that free play is not considered revenue under the current compact. In fact, nowhere in the current compact is free play mentioned, but the GCB thinks free play should be considered as revenue. If it is revenue as the GCB insists, it would mean millions of dollars owed by each tribe involved in the compact. The governor believes that this treatment of free play by the GCB is a violation of the agreement signed in the current compact. In Governor Rivera's estimation, the GCB has overstepped its authority and this could compromise revenue sharing in the first place. Governor Rivera asked for an LCS opinion on

free play, whether it should be considered revenue and whether revenue is owed.

## Questions

A committee member noted that the GCB was invited to this meeting but requested not to be on the agenda because the free play issue was being negotiated and it did not want to endanger any advancements that were made. The tribes dealing with the free play issue have been negotiating over the past two years and they met last week, but the tribes did not have an update ready for this committee meeting. So, both the tribes and the GCB asked not to come before the committee during this meeting to discuss any agreements reached in private.

Governor Rivera said that the Pueblo of Pojoaque was involved in last week's meeting and the stalemate continues on the free play issue. Last week's meeting was supposed to be confidential, but the GCB shared information from the meeting and the *Albuquerque Journal* printed an article while the meeting was still ongoing.

A committee member noted that federal law does not allow for taxation of the tribes, but it does allow for revenue sharing, as long as there is exclusivity. Exclusivity was part of the agreement that the tribes got in exchange for the revenue-sharing agreements with the state. That exclusivity is at risk, so negotiations, though sadly at a stalemate, are critical to both sides.

According to the committee member, the state currently gets \$65 million from tribal gaming. In response to a question, Governor Rivera said that if free play is considered revenue, the revenue-sharing amount would go from 8% to 10.43%, which is a significant increase.

Another legislator commented that the GCB needed to be here, and, as a state agency, it needs to come before the IAC. The legislator said that the GCB needs to provide Mr. Lara with the GCB's position on the issue of free play, in writing, to provide to the committee. It was noted that the chair of the GCB was at the interim legislative Revenue Stabilization and Tax Policy Committee meeting. The legislator asked Mr. Lara to request another IAC meeting so the GCB can come before the committee.

A representative suggested that the IAC send a letter to the GCB in support of the tribes regarding free play as it is not in the 2001 compact. Another member said that the letter of support should wait until the IAC hears from the GCB on this issue, and to send the letter now would be premature and would indicate that the IAC is not listening to the GCB's position in good faith.

Eli Romero, member, Pueblo of Pojoaque, said that free play functions like a discount card at a retailer. The casino should be taxed on the price paid by the consumer, not the pre-coupon price. To clarify, Mr. Romero said that the free play amount cannot be cashed out.

Switching to the issue of water, a committee member said that \$80 million was allocated toward the Aamodt Water Settlement, which passed the United States (U.S.) Congress in 2009. The state responsibility is to fund non-native infrastructure within tribal lands, which amounts to

\$50 million, \$20 million of which was put in two years ago. Last year, the money was cut out of the state budget. So, to stay on schedule, the state would need to pay about \$30 million to make up for last year's missed funding. Without the settlement, there will be an inadequate amount of water for everyone. To be clear, a committee member said, the state is required by the agreement to come up with \$75 million by 2017, so it makes sense to phase those payments in and not wait until the very end. There is lag time between the time the legislature authorizes the severance tax bonds and from the time the State Board of Finance issues the bonds, they are sold and the money gets distributed. If the legislature does not stay on schedule, the state will be charged the increased costs in inflation and overrun costs.

In closing, Governor Rivera thanked the committee for the opportunity to present.

### **Statewide Tribal Education Status Report**

Dr. Ferlin Clark, assistant secretary for Indian education, Indian Education Division (IED), Public Education Department (PED), introduced Clarice Cadda Montoya, IED, and discussed the Statewide Tribal Education Status Report and said that, for the first time, this report was released by its statutory due date. However, he said the deadline presents a challenge because it does not give the schools much time to provide the data needed to put together this report.

Dr. Clark discussed the reading, math, science and social studies proficiency levels as measured by the New Mexico standards-based assessment, broken down by ethnicity and by grade level among American Indian students. Other aspects of the report highlighted by Dr. Clark were the student safety indicators, including truancy and emergency response, parent involvement and bilingual programs.

The 2011 four-year graduation rate shows that 60.5% of American Indian students graduated. Among school districts, the Magdalena Municipal School District showed the highest graduation rate at 91.5%, while the Jemez Valley Public School District had the second highest at 90.9%. The Gallup-McKinley County School District had the largest number of graduates at 989.

To fully evaluate state tribal education, Dr. Clark said that one must look for trends among student achievement, or the lack thereof, and consider curriculum for culturally relevant aspects. As for funding, two teacher support programs won competitive bids.

### **Questions**

A committee member requested that if there is another IAC meeting this interim, Dr. Clark speak on the possibility of creating a multistate charter school on the Navajo Nation. The member is working with Dr. Clark on the charter school idea and extended an invitation to these talks to the other IAC members. The member thanked legislative colleagues for orchestrating the Indian Education Act, but questioned its effectiveness, and said that it needs to be tweaked to be made more effective. The member asked how useful the Indian Education Act is if it is not aligned with tribal law. The question was raised of why memoranda of understanding (MOUs)

and memoranda of agreement are being entered into when they are not legally binding.

Another committee member said that the Navajo community must come together on the charter school issue and that the funding and facilities need to be ironed out first before the state gets involved.

In response to the question of whether state standards-based assessment assesses student growth, Stan Holder, acting associate deputy director, Division of Performance and Accountability, Bureau of Indian Education (BIE), said that he is working with the Legislative Education Study Committee to figure out how curriculums can be aligned so that if students transfer between the BIE and state schools, or whatever type of school, they can be assessed in the same manner.

Ms. Montoya said that community-based programs are important, but that it is difficult for language programs to have consistency, because they are all different. Programs lump all English-language learners together, despite all of them not being in bilingual programs. When asked about the authority to provide a language program to non-natives, Dr. Clark said that is up to the particular school district, and if the district is okay with it, so is the PED. However, issues of where the funding comes from and how its use is limited must be worked out.

A committee member expressed frustration that grants were given to the Los Alamos Public School District, but not to the Zuni Public School District, and that seems wrong. Native American schools still lag behind in achievement and to remedy that, money needs to go to those schools. The member hopes for an increase in funding in the next fiscal year for the Indian Education Act. Dr. Clark said that in 2012, Governor Susana Martinez did not want any increase, but with strong advocacy, more money, at least \$10 million more, could be requested.

Dr. Clark said he knows the students are failing, but the question is how to deal with it. The different tribes and pueblos are in different places, and the attempts to help out must be done in a sensitive way to maintain respect for the tribes and pueblos. For years, legislators have tried to reach out to the BIE, and it finally seems to be coming around.

### **State-Tribal Collaboration: Improving the Working Relationship and Addressing the Concerns of the All Indian Pueblo Council (AIPC)**

Chandler Sanchez, chair, AIPC, and Charlie Dorame, vice chair, AIPC, said that Governor Martinez has not met with the AIPC. The governor has directed the agencies to work directly with the tribes, but not with the AIPC. The AIPC cannot be left out of the loop. It is not being notified of decisions being made. This is problematic because the tribes look to the AIPC to know what the relationship is with the state.

Mr. Dorame said that he wants to make it clear that it is critical that the state continue to fund the Water Trust Fund. He said that the funding goes to help non-Indian communities and does not go to the tribes. Without the money, the federal government will not provide the funding needed to build the Navajo-Gallup water pipeline.

It is troubling, Mr. Dorame said, that he has not heard anything about the compact negotiations, especially because he is a member of the Native American Gaming Association.

Mr. Sanchez said that the common thread of the problems identified is the lack of communication with Governor Martinez. The AIPC wants a closed-door meeting with tribal leadership and the governor. The AIPC also wants to work with Secretary of Indian Affairs Arthur P. Allison on a number of issues before going into the 2013 legislative session.

The AIPC has sent letters to the Office of the Governor, but the only response was two years ago, and it did not even mention the AIPC. The issues concerning the AIPC were put forward to the cabinet secretaries at the Mescalero State-Tribal Summit in 2012, but no responses regarding these issues have been received.

### **Questions**

Upon a motion by Representative Lundstrom, seconded by Representative Rodella and without objection, a special meeting was requested, on behalf of the tribes and pueblos, that the AIPC meet with legislative leadership in early January, before the session starts. The hope is that the meeting may get Governor Martinez and the executive branch to understand that the tribes are working with the legislature. Native American leaders should choose who from the Native American community should be at the meeting. On the legislative side, it should include leadership from both the house and the senate. Also, the new Native American legislators should be involved in this discussion. One suggestion was to hold this meeting in February on Indian Day. Mr. Sanchez said that most of January is dedicated for traditional activities and the blessing of new tribal leadership, but the AIPC would love to find a date to have this meeting.

A committee member said that perhaps the agenda for the annual state-tribal summit is based on common issues for all the tribes, such as water, gaming, education and health care, and that it may be by design not to include issues such as free play.

Another member said that the IAC should speak for the tribes and that it has fought for years so that tribes can sit at the table and collaborate with the state. Good laws have been made to give tribes opportunities, which do not exist in other states. The member said that New Mexico has become a model for laws to include Native Americans in decision-making.

Upon a motion by Representative Lundstrom, seconded by Representative Rodella and without objection, the committee urged that federal Indian law be included as part of the legislator orientation on December 13, 2012.

Mr. Sanchez and Mr. Dorame thanked the committee, and Mr. Dorame invited IAC members to the next state-tribal summit as guests of the Pueblo of Tesuque.

### **State-Tribal Collaboration Act: 2012 Agency Reports**

Duane Duffy, deputy secretary, IAD, provided an update on the tribal liaison survey. There were 20 responses, which reveal that different agencies treat the role of tribal liaison quite

differently. In some cases, it is the liaison's primary job, whereas for twice as many liaisons, that aspect is merely an additional duty. There is general agreement among the liaisons that responded that their agencies have effectively implemented tribal collaboration and communication policies. However, it is notable that, as often as not, the same respondents were not the contact person responsible for maintaining communication between the agency and Indian nations, tribes and pueblos.

Next, Mr. Duffy provided highlights from fiscal year 2012 agency annual reports. Agencies discussed included the Children, Youth and Families Department; Department of Health; Energy, Minerals and Natural Resources Department; Human Services Department; Corrections Department; Department of Environment; PED; and Tourism Department.

### **Questions**

A committee member said that the reports are based on ongoing work that different agencies are involved in, and was particularly impressed by the Corrections Department conducting sweat lodges at the maximum security prison in Santa Fe.

Another member encouraged the IAD to work with the Workforce Solutions Department and the Department of Military Affairs and said that New Mexico has one of the highest percentages of Native Americans who enlist in the armed forces.

A member asked about water issues and the recent New Mexico Supreme Court decision to give the state engineer authority over water decisions. Mr. Duffy said that, as of yet, no requests have been fielded by the IAD regarding the New Mexico Supreme Court decision, although it is recognized as an important decision.

The sentiment arose that it is good to see collaboration, but the question remains of how this is improving people's quality of life. When asked what kind of progress has been made in terms of economic development, Mr. Duffy said that projects exist, but he currently does not know what information is public and, therefore, what he can reveal.

Autumn Monteau, general counsel, IAD, answered some questions that arose at the IAC Gallup meeting. Regarding the state-tribal summit, a decision was made not to hold it while the legislature is in session. Also, Governor Martinez did ask the AIPC to join the Summit Planning Committee. Regarding the issues covered at the summit, the summit agenda is based on survey results. Ms. Monteau said that this is the most efficient way to discuss tribal issues, and because there is only one meeting day, hard decisions must be made because every concern cannot be covered.

As far as the complaint that the AIPC is not consulted enough about Native American issues, Ms. Monteau said that it is difficult to figure out if the best thing to do is to work with the AIPC or with tribal leaders.

### **Jicarilla Power Project — Status Update**

Nann Winter, counsel to the Jicarilla Apache Nation, provided a status update for the committee. The Bureau of Indian Affairs has issued and approved the right of way for the 115-kilovolt distribution line between Chama and Dulce. Currently, the issue is in tribal court, and an agreement to build power lines on a particular plot of land has yet to be reached.

At 3:40 p.m., the IAC stood in recess.

### **Tuesday, November 27 — Room 307, State Capitol, Santa Fe**

The second day of the sixth meeting of the IAC was called to order by Senator Pinto on Tuesday, November 27, 2012, at 9:50 a.m. in Room 307 of the State Capitol in Santa Fe. The committee members, staff and audience introduced themselves. The invocation was offered by Representative Madalena. Representative Jeff chaired the second day of the meeting.

#### **Economic Development in Indian Country**

Jon Barela, secretary, Economic Development Department (EDD), discussed the EDD's five tribal liaisons. Each liaison has a region and is actively working on projects with Native American communities.

Also, Secretary Barela said that the EDD's Office of Business Advocacy is available to help small businesses and tribal governments throughout the state. Another resource offered by the EDD is a data center to assist local or tribal governments in finding market opportunities. The data center can be used from everything to finding available commercial sites to assisting in the grant-writing process to seek financing.

The MainStreet Program is a key component of the EDD outreach and, to date, has created 592 jobs and seen over \$9 million in private sector reinvestment. MainStreet is primarily a rural program, with 97% of its funding going to rural areas. Notable is the Zuni MainStreet, which is the first Native American MainStreet in the country.

Another bright spot of the New Mexico economy has been the doubling of exports in the last two years. Secretary Barela said that tribal governments with products for export should work with the EDD to galvanize this economic development opportunity.

One of the best tools for business recruitment and expansion on tribal or pueblo land is the Job Training Incentive Program (JTIP), for which \$4.75 million will be requested in the upcoming legislative session. For a Native American enterprise or one that is located on Native American land, 75% of the work force training costs for the first six months will be reimbursed.

Secretary Barela concluded by saying there is still an infrastructure gap, and he is committed to working with tribal governments to figure out how to bridge that gap.

#### **Questions**

The issue of duplication by agencies was something that the committee wants to discuss

with Secretary Allison, who at a previous IAC meeting showed the committee a chart illustrating that all the work the IAD does is dedicated to economic development. However, Secretary Allison had yet to arrive, and Secretary Barela said that he cannot speak about how the IAD sets up this effort. Secretary Barela did emphasize that there is collaboration with other departments to promote economic development and growth in the state.

Secretary Barela said that he does not presume that tribal governments need help from the EDD, but said that if asked, the EDD is ready to provide assistance.

A comment was made about the EDD having five tribal liaisons working with tribes and how that seems to duplicate the efforts of the economic development role in the IAD. In response, Jerry Sandoval, economic development and tourism director, IAD, discussed the role of the tribal liaisons and how they develop programs to help build capacity in tribal communities.

A committee member said that it is critical to delineate the roles of the departments so that there is not duplication. Secretary Barela said communication is critical to avoid mission creep; luckily, that communication exists. Having tribal liaisons in various departments may lead to agency creep, and perhaps, as suggested, the communication needs to be formalized in MOUs to prevent duplication of efforts.

The committee's concern is that money is being spent unnecessarily. For example, the EDD has contracts with grant writers, but the IAC hired a grant writer, too. Can both departments use one grant writer? A committee member said it is best not to reinvent the wheel, but rather to use the expertise that already exists.

Another committee member extended a welcome on behalf of the IAC to the IAD lead tribal liaison Steve Gonzalez.

### **Native American Suicide Prevention and Data Clearinghouse**

Robert M. Apodaca, consultant, Motiva Corporation, read and discussed the AIPC Resolution Number 2012-11, Support for the Five Sandoval Indian Pueblos, Inc., Suicide Prevention Community Programs and Technical Assistance Centers.

Steven Adelsheim, M.D., director, University of New Mexico (UNM) Center for Rural and Community Behavioral Health (CRCBH), introduced Sheri Lesansee, program manager, UNM CRCBH, and gave a history of legislation regarding this issue. Senate Bill 417 (2011) passed without funding. In 2012, a senate bill approved \$100,000 for the Native American Suicide Prevention Clearinghouse but not the additional \$300,000 that was requested.

Ms. Lesansee discussed the clearinghouse web site and how it is used to disseminate information about resources, programs, initiatives, research data, coalition building information and contacts for tribes. She talked about bringing awareness about suicide to communities, which needs to be done in a sensitive manner. Building strength in communities is about

resiliency, mental health access and substance abuse counseling, all the time keeping a deep sense of cultural awareness.

Doreen Margaret Bird, community-based research specialist, UNM Health Sciences Center, spoke about suicide research and said that it has been posited that tribes that are really closely connected and have a high level of cohesion are less likely to have suicides. But, just two days ago, there was a suicide within a tribe considered to be closely connected. Therefore, it is still critical to work to address all the contributing factors in suicides.

### **Questions**

A committee member asked about getting the additional \$300,000 to have the Native American Suicide Prevention Clearinghouse program fully funded. Another member said the clearinghouse was very fortunate to get the funds it did with the budget deficit that has existed for the past few years.

The committee discussed the huge role that the UNM Psychiatry Department plays in the effort to prevent suicide by offering its expertise and clinical experience. One criticism, however, was the focus on Albuquerque, as Thoreau and other more rural communities are suffering from a rash of suicides.

Upon a motion by Representative Madalena, seconded by Senator Lovejoy and without objection, a motion was made to support the legislature approving \$300,000 for culturally based youth suicide prevention initiatives.

### **Questions for Secretary Allison**

Secretary Allison arrived and discussed duplication of efforts by agencies. He said he used to work as a director for a Fortune 500 company, and then became the economic development director of the Navajo Nation. So, that is what he felt was his strength that he brought to the table when he was made the secretary of Indian affairs.

The state can play a major part in economic development, but often there is simply not enough staff to do so. It is important to leverage the expertise of both Secretaries Barela and Allison to generate real economic development, especially now when serious job cuts threaten the economic health of the region. Even San Juan County, which has always been an area of consistently low unemployment, will lose jobs because of less energy production in the area.

Secretary Allison said he wants to have someone on his staff that he can consult every day to address the needs of the state's Native American communities.

A committee member said that the AIPC wants to collaborate with the Office of the Governor and asked if Secretary Allison can help make that meeting happen. Secretary Allison said that he hears that at every monthly AIPC meeting and has brought this issue before the Office of the Governor's staff, and he will continue to take that message to her. Governor Martinez has said that she has an open door policy, but she has not been able to go to the AIPC

meetings.

Secretary Allison asked that the committee request a meeting with Governor Martinez's Chief of Staff Keith Gardner or Governor Martinez to address the issues raised by the AIPC regarding free play, water settlements and taxation. In response, a committee member said that the AIPC does not want to meet with the second or third in command. Secretary Allison said that he would do his best to make this concern known to the governor.

Another legislator said that although Governor Martinez has an open door policy, many times tribal leaders have traveled to her office and the governor has not been there. Unfortunately, the State-Tribal Collaboration Act does not have any mandate to force meetings between the executive and tribes. All meetings are discretionary. The committee expressed that the governor must fulfill her agreements to meet with tribal leaders and that it will be working hard to get tribal leaders meetings with the governor.

### **Minutes**

Upon a motion by Representative Lundstrom, seconded by Representative Rodella and without objection, the committee moved to approve the minutes as amended for the 9/24-9/26 IAC meeting. Upon a motion by Representative Rodella, seconded by Representative Madalena and without objection, the committee moved to approve the minutes for the 10/25-10/26 IAC meeting.

### **Navajo Nation and State Land Office Land Exchange**

Senator Pinto introduced members of the Navajo Division of Transportation and Ray Powell, M.S., D.V.M., commissioner of public lands. Commissioner Powell said that this is a highlight of his term as commissioner and thanked Senator Pinto for facilitating this land transfer, which is a win for all parties involved.

Ben Shelly, president, Navajo Nation, introduced his staff and thanked Commissioner Powell, Senator Pinto, the Navajo-Hopi Land Commission Office and the IAC for all the help to resolve this critical land issue in the eastern Navajo Nation.

Senator Pinto said that based on the land in question, the Navajo Nation has to pay \$200,000 a year in property tax, which it cannot afford. The memorial to transfer the land will help alleviate that cost.

A committee member said that Senator Pinto did great work in ushering this land transfer through the legislature and gave kudos to him. The member also thanked Paulson Chaco, director of the Navajo Division of Transportation, who also worked hard to make this transfer happen.

The committee noted how it truly supports this land transfer, which means a lot to a lot of people. The members noted that they are grateful to Commissioner Powell, and that this is a great example of governments working together for the benefit to all.

President Shelly said that there is a long way to go before the state of Navajo transportation is perfect, but that this is a great win-win for all parties.

The land transfer document was signed by President Shelly, Senator Pinto and Commissioner Powell.

### **Endorsement of Legislation**

Mr. Lara explained .190655.1, a bill regarding the youth suicide prevention initiatives that appropriates \$300,000, \$100,000 for each of the three initiatives. Upon a motion by Representative Rodella, seconded by Representative Begaye and without objection, the committee moved to endorse the bill, which will be carried by Representative Madalena.

Next, Mr. Lara discussed .190683.1, a bill appropriating \$172,000 to New Mexico State University (NMSU) for the statutorily created Indian Resources Development Program. Mr. Lara introduced Dr. Joe Graham, director, NMSU Indian Resources Development Program. Dr. Graham said that while the program is being funded at 56% and by being frugal, until now, the program was able to function. However, all the money is now spent, and the program needs more money to continue. By statute, the program must work with NMSU, UNM and the New Mexico Institute of Mining and Technology. Without new money, the program will no longer be able to fund the highly successful DreamMakers two-week summer youth program.

A committee member said that in the 1970s, he provided some support to the program, and it has been very successful.

Ricardo Rel, director, NMSU government affairs, spoke in support of the DreamMakers program. Mr. Rel said the plan is to get IAC support and then add it to House Bill 2.

Upon a motion by Representative Rodella, seconded by Representative Chavez and without objection, the committee moved to endorse the bill, which will be carried by Representative Madalena.

The committee then considered .190656.1, a bill expanding the eligibility of the lottery tuition scholarship to students attending tribal colleges. Upon a motion by Representative Rodella, seconded by Representative Powdrell-Culbert and without objection, the committee moved to endorse the bill, which will be carried by Representative Alcon.

The next bill up for potential IAC endorsement was .190754.1, an appropriation of \$203,900 to UNM for the Southwest Indian Law Clinic at the UNM School of Law. The current funding for the clinic is \$174,000, and the request is for an additional \$30,000. Upon a motion by Representative Chavez, seconded by Representative Rodella and without objection, the committee moved to endorse the bill, which will be carried by Representative Rodella.

Mr. Lara then explained .190654.1, a joint memorial requesting that the U.S. Congress continue to pay its share of the costs associated with the benefits received by tribes and the U.S.,

as trustee, for settling Indian water rights disputes. The joint memorial provides clauses that set out that the U.S. is a trustee for tribes and the Winters Doctrine, which states that when the U.S. sets aside money for Indian reservations, the U.S. also impliedly sets aside water rights for those reservations at that time and into the future.

A committee member noted that it is important to be careful with the language, and that it could come back to haunt the same people it is supposed to help due to unintended consequences.

Another committee member asked how this relates to the Taos and Aamodt settlements, specifically, if the water settlements have yet to be signed, how will this affect the settlements? While the settlements have not been signed by some parties, Congress has authorized and appropriated the money for them. There is about an 18-month lag time that exists with issuing bonds and selling them, so, to remain on schedule and to not incur inflation and increased construction costs, this is an important memorial.

In response to a request from one committee member citing the need to be more specific, another committee member agreed to work with Mr. Lara to specifically name certain tribes and pueblos in the memorial. Upon a motion by Senator Pinto, seconded by Representative Madalena and without objection, the committee moved to endorse the bill, which will be carried by Representative Madalena.

The final bill the IAC considered for endorsement was .190755.1, which enacts the Refund Anticipation Loan (RAL) Act, which would require the licensing, bonding and regulation of businesses offering RALs. The act would require certain disclosures, and oversight would be the responsibility of the Regulation and Licensing Department. The bill also provides remedies for violation of the provisions of the act. This act would bring RALs, which are not currently regulated, into line with payday loan regulation. Upon a motion by Senator Pinto, seconded by Senator Lovejoy and without objection, the committee moved to endorse the bill, which will be carried by Representative Powdrell-Culbert.

There being no more business before the committee, the chair thanked the committee for its hard work this interim and thanked Senator Lovejoy for her years of hard work for the state, the people of New Mexico and Native Americans.

### **Adjournment**

There being no further business before the committee, the sixth meeting of the IAC for the 2012 interim adjourned at 2:10 p.m.